

ORDINANCE NO. 131, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING PORTIONS OF SECTION 1-15 OF THE CODE OF
THE CITY OF FORT COLLINS CONCERNING GENERAL
PENALTIES TO ALLOW RESTITUTION FOR VICTIMS OF
MISDEMEANORS, PETTY OFFENSES, AND CIVIL
INFRACTIONS, TO CLARIFY WHAT CAN BE REQUESTED AS
RESTITUTION, AND TO CORRECT CROSS REFERENCES TO
SECTION 1-15

A. Penalties for violations of several chapters of the City Code were updated on June 2, 2026, and August 18, 2026. Provisions of the Code related to restitution must be amended to align with the City's new penalty framework.

B. The Code currently expressly allows for restitution for victims of misdemeanor offenses. This has been the language in the Code since 2005. Since the recent sentencing Code updates have reclassified many prior misdemeanor offenses as civil infractions or petty offenses, the Code must be amended to provide clarity of the intention to allow for restitution on offenses now classified as infractions and petty offenses.

C. The proposed amendments ensure that restitution can be made to victims of all non-traffic offenses.

D. The amendments also clarify what sort of expenses can be compensated through restitution.

E. There are also errors in the lettering of the subsections of Section 1-15, and incorrect cross references in the Code to subsections of Section 1-15. This amendment corrects the subsection lettering in Section 1-15 and directs the Codifier to correct cross references in the Code to Section 1-15.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 1-15 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 1-15. General penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions.

...

(gf) Restitution: A law enforcement officer, code enforcement officer, the City Attorney or their designees may request that the Municipal Judge order restitution of direct out-of-pocket costs incurred by any victim of a misdemeanor, except for those involved in a traffic infraction or traffic misdemeanor. By way of illustration, such direct out-of-pocket costs may include, but need not be limited to, costs to repair or replace damaged property, medical insurance deductibles, or medical costs directly paid and unreimbursed by any entity other than the victim or the victim's parent or guardian. "Restitution" means any pecuniary loss suffered by a victim and includes, but is not limited to, all out-of-pocket expenses, interest, loss of use of money, anticipated future expenses, rewards paid by victims, money advanced by law enforcement agencies, money advanced by a governmental agency for a service animal, adjustment expenses, and other losses or injuries proximately caused by an offender's conduct and that can be reasonably calculated and recompensed in money. "Restitution" does not include losses for which a victim may be compensated through a private insurance policy, damages for physical or mental pain and suffering, loss of consortium, loss of enjoyment of life, loss of future earnings, or punitive damages. Restitution through Municipal Court shall not be available for victims of traffic infractions or traffic misdemeanors.

...

(hg) Penalty: For offenses committed on or after December 22, 2025 misdemeanors are divided into three (3) classes, and petty offenses are divided into two (2) classes that are distinguished from one another. The penalties in this section apply to all open, pending, and active cases, and all suspended sentences or revocations on or after that date. Unless otherwise specified, the following penalty ranges apply:

...

Section 2. The Codifier of the Code of the City of Fort Collins is hereby directed to amend the following sections of the City Code to remove references to specific subsections of Section 1-15 and replace such references with general references to Section 1-15:

- Paragraph 16 of Section 5-27;
- Paragraph 17 of Section 5-30;
- Paragraphs 9 and 72 of Section 5-31;
- Paragraph 8 of Section 5-33;
- Paragraph 12 of Section 5-35;
- Paragraphs 12 and 13 of Section 5-47;
- Paragraph 10 of Section 5-107;
- Paragraph 8 of Section 5-112;
- Paragraph 8 of Section 5-126;
- Section 5-306(b);
- Paragraph 19 of Section 5-371; and

Sections 12-20(c), 12-27, 12-33, 12-67(c), 12-98(c), 12-159, 12-207, 12-308, 12-317, 17-129(e), 18-31, 19-41(a), 20-1(h), 20-34, 20-45, 20-96, 20-100, 20-103, 20-108, 20-137, 22-157(e) and (f), 26-168(d), and 27-62.

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026

Approving Attorney: Alyssa Bamonti

Exhibit: None