

ORDINANCE NO. 114, 2011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLES VII AND VIII OF CHAPTER 17 OF THE CODE OF
THE CITY OF FORT COLLINS PERTAINING TO DISORDERLY CONDUCT,
HARASSMENT AND PUBLIC INDECENCY

WHEREAS, the Colorado General Assembly has amended the state statutes regarding disorderly conduct, harassment, and public indecency; and

WHEREAS, Fort Collins Police Services recommends amending the misdemeanor crimes of disorderly conduct, harassment, and public indecency contained in the City Code to conform with state law; and

WHEREAS, the City Council believes that it would be in the best interests of the City to approve the changes to the City Code that have been recommended by Fort Collins Police Services.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 17-124 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-124. Disorderly conduct.

- (a) It is unlawful for any person to intentionally, knowingly or recklessly:
 - (1) Make a coarse and obviously offensive utterance, gesture or display in a public place when such utterance, gesture or display tends to incite an immediate breach of the peace; or
 - (2) Fight with another in a public place except in an amateur or professional contest of athletic skill; or
 - (3) Not being a peace officer, display a deadly weapon in a public place in a manner calculated to alarm.

Section 2. That Section 17-126 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-126. Harassment.

- (a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

- (1) Strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact; or
- (2) In a public place directs obscene language or makes an obscene gesture to or at another person; or
- (3) Follows a person in or about a public place; or
- (4) Initiates communication with a person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone, computer, computer network, or computer system which is obscene; or
- (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or
- (6) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property; or
- (7) Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

(b) As used in this Section, unless the context otherwise requires, *obscene* means a blatantly offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

(c) Any act prohibited by Paragraph (a)(4) of this Section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.

Section 3. That Section 17-142 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-142. Public indecency.

No person shall knowingly appear in any public place in a nude state or state of undress such that the genitals or buttocks of either sex or the breast or breasts of a female are exposed.

Introduced, considered favorably on first reading, and ordered published this 6th day of September, A.D. 2011, and to be presented for final passage on the 20th day of September, A.D. 2011.

ATTEST:

Kanda H. Peacock
City Clerk

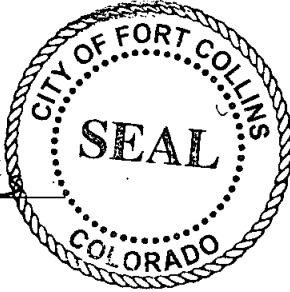


Karen Weikumat
Mayor

Passed and adopted on final reading on the 20th day of September, A.D. 2011.

ATTEST:

Rita Knoll Harris
Chief Deputy City Clerk



Karen Weikumat
Mayor