

ORDINANCE NO. 072, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 19 OF THE CODE OF THE CITY
OF FORT COLLINS REGARDING CIVIL INFRACTIONS

WHEREAS, on December 19, 2006, the City Council adopted Ordinance No. 198, 2006, (the "Original Ordinance") amending City Code to establish a civil infraction for many violations of City Code previously considered misdemeanors; and

WHEREAS, the Original Ordinance made mandatory the issuance of a notice of violation before a civil citation could be issued, with a single exception that allowed for the immediate issuance of a citation for "a threat to the public health, safety, or welfare"; and

WHEREAS, since the adoption of the Original Ordinance, many exceptions have been added to the Code, permitting Code Enforcement Officers to immediately issue civil citations for various offenses; and

WHEREAS, those exceptions have provided flexibility and have proven effective for Code Enforcement Officers; and

WHEREAS, changing the requirement will provide consistency in enforcement procedures; and

WHEREAS, removing the Code requirement to provide a notice of violation before a civil citation is issued will give more flexibility to Code Enforcement Officers when dealing with properties within the City; and

WHEREAS, the City Council has determined that the proposed amendments are in the best interests of the City and are necessary for the health, safety, and welfare of the City's citizens.

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

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Chapter 19 Article V's heading is hereby amended as follows:

ARTICLE V. – CIVIL INFRACTIONS

Section 3. That Section 19-63 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 19-63. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Charging document shall mean the document initiating the civil infraction matter, whether denoted as a complaint, summons and complaint, citation, penalty assessment notice, removal assessment, civil citation, or other document charging the person with the commission of a civil infraction or infractions.

...

Section 4. That Section 19-65 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 19-65. Commencement of action; citation procedure.

(a) Officers shall have the authority to initiate enforcement proceedings as provided below.

(1) An officer who has reasonable grounds to believe that a responsible party has committed a civil infraction under this Code is authorized to serve a notice of violation or a civil citation to the responsible party. If a notice of violation has been issued instead of a civil citation, the officer shall set a reasonable time period within which the responsible party must correct the violation. This determination shall be based on considerations of fairness, practicality, ease of correction, the nature, extent and probability of danger or damage to the public or property, and any other relevant factor relating to the reasonableness of the time period prescribed. An officer may, when issuing a civil citation, also set a time within which the responsible party must correct the violation, using the considerations above.

(2) The citation form shall include, but need not be limited to, the following:

- a. Date and time of issuance.
- b. Name and signature of officer.
- c. Name and address of the responsible party.
- d. Code section for violation charged.
- e. Brief description of the nature of the violation, including location, date and time of violation and, if applicable, description of the actions required to correct the violation.
- f. Procedure for the defendant to follow in paying the civil penalty, costs, assessments and fees or contesting the citation.
- g. Notice that additional citations may be served for each day that the applicable violation is found to exist.

(3) The officer may require that a responsible party or any person receiving a citation provide proof of identity and residential or work address.

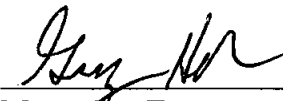
(4) The officer shall attempt to serve the citation to a responsible party at the site of the violation. If no responsible party can be located at the site of the violation,

a copy of the citation shall be served by mail to the responsible party via first-class mail at any last known address of said party in the records of the City or County and a copy shall, also be left with any adult person residing or working at the site of the violation. If no adult person is found at the site and the violation occurred on private property or on property for which a responsible party has responsibility under any other ordinance or the violation involves a vehicle or trailer as the nuisance, then a copy of the citation shall be posted in a conspicuous place on the property or attached to the vehicle or trailer, whichever is applicable.

(5) The officer shall attempt to obtain the signature of the person to whom he or she served the citation; however, if the citation is mailed or posted or if the person fails or refuses to sign the citation, such failure or refusal shall not affect the validity of the citation or any subsequent proceedings.

(6) Proper notice shall be deemed served on the date of receipt by the responsible party if personally served, or upon the fifth day after mailing, attaching or posting of the citation.

Introduced, considered favorably on first reading, and ordered published this 5th day of June, A.D. 2018, and to be presented for final passage on the 19th day of June, A.D. 2018.



Mayor Pro Tem


ATTEST:



City Clerk




Passed and adopted on final reading on the 19th day of June, A.D. 2018.



Mayor

ATTEST:



City Clerk

