

ORDINANCE NO. 113, 2011
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADDING A NEW SECTION TO ARTICLE IV OF CHAPTER 17
OF THE CODE OF THE CITY OF FORT COLLINS
PERTAINING TO THE VIOLATION OF COURT ORDERS

WHEREAS, the Municipal Court has adopted the use of a sentencing provision for misdemeanor criminal violations that prohibits violators from frequenting the site of the commission of the crime (“Location Diversion”); and

WHEREAS, Fort Collins Police Services peace officers (“Peace Officers”) often find defendants in violation of a Location Diversion court order; and

WHEREAS, the Peace Officers have sometimes been challenged by violators when enforcing the Location Diversion Program; and

WHEREAS, the City Code currently has no provision dealing with violations of Municipal Court orders; and

WHEREAS, City staff has recommended adding a new section to the City Code that would provide for criminal enforcement of a valid court order; and

WHEREAS, this section will provide Peace Officers with the power to issue a citation for a violation of a court order, and will support the Location Diversion Program; and

WHEREAS, the City Council believes that it would be in the best interests of the City to approve this recommended amendment to the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Code of the City of Fort Collins is hereby amended by the addition of a new Section 17-69 which reads in its entirety as follows:

Sec. 17-69. Violation of court orders.

(a) It shall be unlawful for any person to violate a valid written order issued by any court of record within the United States of America, including Indian tribal courts, which requires a person to refrain from entering or remaining on certain premises or within any specified area after such person has been personally served with such order or has otherwise acquired from the court actual knowledge of the contents of any such order.

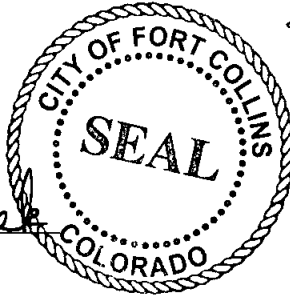
(b) Nothing in this Section shall be construed to alter or diminish the inherent authority of the Municipal Court to enforce its orders through civil or criminal contempt proceedings.

(c) No person charged with violation of an order pursuant to this Section shall be permitted, in the criminal action resulting from such charges, to collaterally attack the validity of the order which such person is accused of violating.

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:

Wanda H. Prajica
City Clerk



Karen Weideman
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 Weideman
Mayor