

ORDINANCE NO. 083, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLES III, IV, VI, AND VII OF CHAPTER 17 OF THE
CODE OF THE CITY OF FORT COLLINS PERTAINING TO TRESPASS,
THEFT, LITTERING, CRIMINAL MISCHIEF, RESISTING ARREST,
THROWING OF MISSILES AND DISORDERLY CONDUCT

WHEREAS, the Colorado General Assembly has amended the state statutes regarding trespass, theft, littering, criminal mischief, resisting arrest, throwing of missiles, and disorderly conduct; and

WHEREAS, Fort Collins Police Services recommends amending City Code provisions regarding these offenses to conform with state law; and

WHEREAS, the City Council finds it is 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 the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 17-1 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-1. Definitions.

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

Enter or remain unlawfully shall mean:

- (1) To enter or remain in or upon privately owned property when not licensed, invited, privileged or otherwise authorized to do so;
- (2) To enter or remain in or upon publicly owned property that is not open to the public;
- (3) To fail to leave property, whether privately or publicly owned, after being directed to do so by a person lawfully in control of the property; or
- (4) To conduct oneself in a public place in violation of any rule or regulation issued by any officer or agency having the power of control, management, or supervision thereof, which limits or prohibits the use, activities or conduct in such public place, provided that the rule or regulation is: (i) prominently posted at all

public entrances to the property; (ii) posted in such a way as to be clearly visible from the site of the infraction; or (iii) actually known to the offender.

...

Litter shall mean all rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind, and description.

Section 3. That Section 17-36 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-36. Theft.

No person shall knowingly obtain, retain, or exercise control over anything of value of less than one thousand dollars (\$1,000.) of another without authorization or by threat or deception when such person:

- (1) Intends to deprive the other person permanently of the use or benefit of the thing of value; or
- (2) Knowingly uses, conceals or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit; or
- (3) Uses, conceals or abandons the thing of value intending that such use, concealment or abandonment will deprive the other person permanently of its use or benefit; or
- (4) Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person; or
- (5) Knowingly retains the thing of value more than seventy-two hours after the agreed-upon time of return in any lease or hire agreement.

Section 4. That Section 17-37 of the Code of the City of Fort Collins is hereby deleted in its entirety and this Section number shall become reserved.

Section 5. That Section 17-39 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-39. Criminal mischief.

No person shall knowingly injure, damage or destroy the real or personal property of one (1) or more other persons, including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or

proprietary interest, in the course of a single criminal episode where the aggregate damage to the real or personal property is less than one thousand dollars (\$1,000.).

Section 6. That Section 17-41 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-41. Littering.

(a) No person shall throw, deposit, scatter or leave any litter upon any sidewalk, alley, street or other public place, in any waters, or on any private property, nor shall any person owning or occupying any lot or ground allow or permit any litter to be blown or scattered by the wind or otherwise to remain upon such lot or grounds.

(b) For the purposes of this Section, the distribution of advertising circulars or handbills in such manner so that they are securely placed or deposited upon real property so as to prevent the same from being blown or scattered by the wind does not constitute littering.

(c) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle in violation of this section, the operator of said motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped, or dumped therefrom.

Section 7. That Section 17-64 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-64. - Resisting arrest.

(a) No person shall prevent or attempt to prevent a peace officer, acting under color of official authority, from effecting an arrest of any person by:

(1) Using or threatening to use physical force or violence against the peace officer or another; or

(2) Using any other means which creates substantial risk of causing bodily injury to the peace officer or another.

(b) A peace officer is acting under color of official authority when, in the course of his or her duties, the peace officer is called upon to make or does in fact make a good faith judgment based on surrounding facts and circumstances that an arrest should be made. It is no defense to a prosecution under this Section that the arrest was unlawful if the peace officer was acting under color of official authority and did not use unreasonable or excessive force in effecting the arrest. A peace officer acts "under color of official authority" when, in the regular course of assigned duties, such officer is called upon to make, and does make, a judgment in good faith based upon facts and circumstances that an arrest should be made.

(c) The term "peace officer" as used in this Section means a peace officer in uniform or, if out of uniform, one who has identified himself or herself by exhibiting credentials as such peace officer to the person who arrest is attempted.

Section 8. That Section 17-102 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-102. - Throwing of missiles.

(a) No person shall throw any stones, snowballs or missiles upon or at any vehicle, building or other public or private property or upon or at any person in any public place.

(b) As used in this section, *missile* means any object or substance.

Section 9. 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.

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

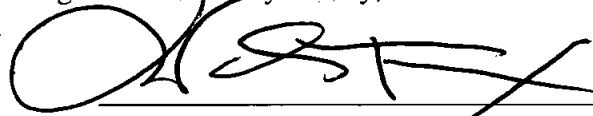
(3) Not being a peace officer, display a deadly weapon in a public place in a manner calculated to alarm; or

(4) Make unreasonable noise in a public place or near a private residence that such person has no right to occupy; or

(5) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting or the ritual discharge of blank ammunition cartridges as an attendee at a funeral for a deceased person who was a veteran of the armed forces of the United states; or

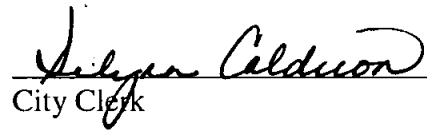
(6) An offense under subsection (1) or (4) of this section is a petty offense; except that, if the offense is committed with intent to disrupt, impair, or interfere with a funeral, or with intent to cause severe emotional distress to a person attending a funeral, it is a misdemeanor.

Introduced, considered favorably on first reading, and ordered published this 19th day of June, A.D. 2018, and to be presented for final passage on the 3rd day of July, A.D. 2018.



Mayor

ATTEST:



City Clerk

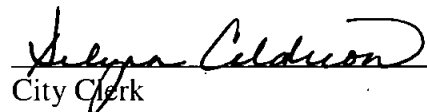


Passed and adopted on final reading on the 3rd day of July, A.D. 2018.



Mayor

ATTEST:



City Clerk

