

**AGENDA ITEM SUMMARY**  
**FORT COLLINS CITY COUNCIL**

**ITEM NUMBER: 13**  
**DATE: April 21, 2009**  
**STAFF: Teresa Ablao**

**SUBJECT**

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First Reading of Ordinance No. 037, 2009, Amending Chapter 5 of the City Code Regarding Violations and Penalties to the International Property Maintenance Code.

**RECOMMENDATION**

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Staff recommends adoption of the Ordinance on First Reading.

**EXECUTIVE SUMMARY**

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The Ordinance would amend the violation and penalty section of the International Property Maintenance Code (IPMC) in order to clarify that certain violations of the IPMC are civil infractions while others are criminal misdemeanors. It would also delete Section 5-48 of the City Code as it is no longer necessary.

**BACKGROUND**

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On October 21, 2008, Council adopted the International Property Maintenance Code, which contains a "violations and penalties" section. However, the IPMC does not clearly delineate which sections of the IPMC are to be considered civil infractions. The recommended amendment will provide better clarity for Code enforcement and the citizenry of the City. The Ordinance will also repeal Section 5-48 of the City Code pertaining to violation and penalties related to the Uniform Code for the Abatement of Dangerous Buildings, which is a Code that is no longer utilized by the City.

ORDINANCE NO. 037, 2009  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF FORT COLLINS  
REGARDING VIOLATIONS AND PENALTIES TO THE INTERNATIONAL  
PROPERTY MAINTENANCE CODE

WHEREAS, in 2008, the City Council adopted the International Property Maintenance Code (IPMC), with local revisions in 2008, updating the health and safety standards pertaining to property; and

WHEREAS, although the IPMC contains a “violations and penalties” section, it does not clearly state which violations of the IPMC are to be considered civil infractions rather than criminal misdemeanors; and

WHEREAS, amending the violation and penalty section of the IPMC will provide clarity for code enforcement and the citizenry of the City; and

WHEREAS, City Code Section 5-48 contains violation and penalty provisions related to a Code that is no longer in effect and that section of the Code should have been deleted in its entirety when the IPMC was adopted in 2008.

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

Section 1. That subsection 106.4 contained in Section 5-47 of the Code of the City of Fort Collins is hereby amended to read as follows:

**“106.4 Violation penalties.** Any person who violates Section 108.1.5, or any notices or orders issued for a violation of Section 108.1.5, 108.4.1, 108.5 or any provision of Section 109 commits a misdemeanor and is subject to a fine, imprisonment, costs and fees and any other orders imposed in accordance with City Code Section 1-15. Any person who violates any other provision of this Code **commits a civil infraction and** is subject to the **penalty** provisions of City Code Section 1-15(f). In addition, the code official may revoke or suspend any permit or certificate issued by the City with respect to the building, structure, premises or equipment.”

Section 2. That Section 5-48 of the Code of the City of Fort Collins is hereby deleted in its entirety as follows:

**~~Section 5-48. Violations and penalties.~~**

~~The Uniform Code for the Abatement of Dangerous Buildings, adopted in § 5-46, does not contain any separate penalty provision. Section 1-15 of the Code shall be applicable to violations of the provisions of this Division.~~

Introduced, considered favorably on first reading, and ordered published this 21st day of April, A.D. 2009, and to be presented for final passage on the 5th day of May, A.D. 2009.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 5th day of May, A.D. 2009.

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Mayor

ATTEST:

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City Clerk