

AGENDA ITEM SUMMARY

July 18, 2017

City Council

STAFF

Delynn Coldiron, Neighborhood Services Manager
Mark Jackson, PDT Deputy Director

SUBJECT

First Reading of Ordinance No. 095, 2017 Amending Section 19-65 of the Code of the City of Fort Collins Regarding the Citation Procedure for Civil Infractions to Include an Exception for Parking on Yards.

EXECUTIVE SUMMARY

The purpose of this item is to consider an Ordinance that allows for immediate ticketing for parking on yards during Colorado State University (CSU) game days and major stadium events.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

This item is intended to help protect neighborhoods through enabling Compliance Inspectors to immediately issue citations for parking on yards during CSU game days and major stadium events.

Section 19-65 of the Municipal Code requires an officer who has reasonable grounds to believe a party has committed a civil infraction to provide a reasonable time period within which the responsible party must correct the violation unless there is a specific Code requirement set forth for such offense. Currently, the reasonable time period for this is set at seven days per department policy.

There is a list of exceptions that permit *immediate* issuance of a citation without any notice. That list includes many animal infractions, violations of the Social Host Ordinance, and occupancy violations. The proposed change would give Compliance Inspectors the discretion to immediately write a citation for parking on yards during stadium events while still maintaining the ability to provide a seven day notice for violations at other times.

CITY FINANCIAL IMPACTS

Costs to enforce this item are expected to be approximately \$1,500 per game. This would be an added cost to the City unless it is considered an operational cost related to the stadium. If an operational cost, consistent with the Intergovernmental Agreement with CSU, Colorado State University would be billed for these costs.

BOARD / COMMISSION RECOMMENDATION

No outreach to boards or commissions has been done on this item. Limited outreach could occur between First and Second Reading if requested.

PUBLIC OUTREACH

No public outreach has been done on this item. Limited outreach could occur between First and Second Reading if requested. Staff received direction to move this code change forward as soon as possible to have it completed prior to the first game.

ORDINANCE NO. 095, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 19-65 OF THE CODE OF THE CITY OF FORT COLLINS
REGARDING THE CITATION PROCEDURE FOR CIVIL INFRACTIONS
TO INCLUDE AN EXCEPTION FOR PARKING ON YARDS

WHEREAS, on October 1, 2002, the City Council adopted Ordinance No. 140, 2002, regulating parking on yards; and

WHEREAS, on December 19, 2006, by Ordinance No. 198, 2002, the City Council changed the penalty for parking on yards from a misdemeanor offense to a civil infraction; and

WHEREAS, City staff desires to enforce the parking on yards restrictions, found at Section 20-105 of the City Code, during major events at the new CSU on-campus stadium (“Stadium Events”); and

WHEREAS, Section 19-65 of the City Code currently requires the City’s Code enforcement officers to serve a notice of violation upon any party who is suspected of committing a civil infraction and provide a reasonable period of time to correct the violation before issuing a citation to the violator; and

WHEREAS, the exceptions to the notice requirement are if: (1) there is reason to believe the violation presents a threat to the public health, safety or welfare; (2) the damage done by the violation is unrepairable or irreversible; (3) the violation is a second or subsequent violation by the responsible party in twelve months; or (4) a delineated Code Section is specifically excepted; and

WHEREAS, if the City wants to enforce the parking on yards provisions during Stadium Events, an exception needs to be made, under (4), above, to allow Code enforcement officers to serve tickets immediately, rather than provide time to correct the violation; and

WHEREAS, the City Council believes it is necessary for the preservation of the health, safety, and welfare of the City’s citizens to amend the City Code to permit enforcement personnel to immediately cite violators of this Ordinance.

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 19-65 of the Code of the City of Fort Collins is hereby amended to read 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 to the responsible party. Except as otherwise provided in this Code, 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 immediately serve a civil citation to a responsible party, without prior notice for a civil infraction in the following circumstances:

a. The violation of City Code Sections 4-70, 4-74, 4-95, 4-96, 4-97, 4-119, 4-157, or 4-177.

b. The violation of City Code Section 17-168;

c. If there is a reason to believe that the violation presents a threat to the public health, safety or welfare or the damage done by the violation is irreparable or irreversible;

d. If the violation is a second or subsequent violation by the responsible party that occurred within the twelve (12) months immediately following a previous violation; ~~or~~

e. The violation of Land Use Code Section 3.8.16 pertaining to occupancy limits; **or**

f. The violation of City Code Section 20-105 during a stadium event or within four (4) hours before the official start time of a stadium event, as defined in Section 1214.5(6) of the Fort Collins Traffic Code.

...

Introduced, considered favorably on first reading, and ordered published this 18th day of July, A.D. 2017, and to be presented for final passage on the 15th day of August, A.D. 2017.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 15th day of August, A.D. 2017.

Mayor

ATTEST:

City Clerk