

ORDINANCE NO. 033, 2016  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 17 OF THE CODE OF THE CITY OF  
FORT COLLINS TO UPDATE THE NUISANCE GATHERING PROVISION

WHEREAS, on March 1, 2005, City Council adopted Ordinance No. 019, 2005, which created a new misdemeanor criminal offense nuisance gathering provision directed at social gatherings or parties that occurred on residential premises and resulted in unlawful behaviors occurring on neighboring properties; and

WHEREAS, over the years, law enforcement has been unable to cite the nuisance gathering provision in nonresidential neighborhoods, and in situations in which disruptive unlawful behaviors occurred only on the property where the party or social gathering took place; and

WHEREAS, with these limitations, a private party or social gathering occurring on a commercial property, public property, in a neighborhood clubhouse, or in another nonresidential location would not be subject to the nuisance gathering provision, even if the gathering resulted in illegal and disruptive behaviors on neighboring public or private property; and

WHEREAS, additionally, with these limitations, unlawful behaviors such as fighting, underage consumption of alcohol and destruction of property occurring only on the property where the party is occurring, even if proving to be disruptive to the peace and enjoyment of neighboring properties, would not violate the nuisance gathering provision; and

WHEREAS, City staff recommends making minor modifications to the nuisance gathering provision to include social gatherings or parties that take place at non-residential properties as well as residential premises; and

WHEREAS, staff also recommends expanding the nuisance gathering provision to include unlawful behaviors that occur on the property where the social gathering or party is occurring so that it is not limited to unlawful behaviors occurring on neighboring properties; and

WHEREAS, staff recommends updating the unlawful behaviors to include marijuana offenses; and

WHEREAS, for these reasons, the City Council believes that these amendments to the City Code are in the best interests of the citizens of Fort Collins.

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 17-130 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition "*Private place*" which reads in its entirety as follows:

*Private place* shall mean a property, building or structure, owned, occupied or in use for private purposes, including, but not limited to, a home, apartment, condominium, place of business or employment, outdoor patio or yard, including any common areas or other dwelling units, or a hall or meeting space or privately reserved area within a public facility or property, whether occupied on a temporary or permanent basis, and whether occupied as a dwelling, or for a social function or other use, and whether owned, leased, rented or used with or without compensation. Private place does not include a liquor-licensed establishment when in operation pursuant to said liquor license.

Section 3. That Section 17-131 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 17-131. - Nuisance gatherings.**

A social gathering or party which is conducted at a private place within the City and which, by reason of the conduct of those persons in attendance would:

(1) In the judgment of a reasonable person, interfere with the enjoyment of life or property or disturb the peace of, a resident in the vicinity of the private place or a person passing by on the public streets, sidewalks and rights-of-way in the vicinity of the private place, and;

(2) results in the occurrence of any one (1) or more of the following conditions or events at such private place where the gathering occurs or on any neighboring public or private property:

- (a) rioting;
- (b) the unlawful carrying or possessing of an open container of alcohol or fermented malt beverage in public;
- (c) the unlawful sale, furnishing, possession or consumption of alcohol or fermented malt beverages;
- (d) the unlawful consumption or possession of marijuana;
- (e) the unlawful transfer or display of marijuana;
- (f) public urination or defecation;
- (g) the unlawful deposit of trash or litter;

- (h) the unlawful destruction of property;
- (i) the generation of pedestrian or vehicular traffic, standing or parking which obstructs the flow of traffic or interferes with the ability to render emergency services;
- (j) excessive, unnecessary or unreasonable noise which disturbs the comfort, quiet or repose of the neighborhood, including public disturbances, brawls, fights or quarrels; or
- (k) conduct or condition which injures or endangers the safety or health of the neighborhood, or results in any indecent or obscene conduct, or results in any public nudity by persons attending the social gathering or party.

Section 4. That Section 17-132 of the Code of the City of Fort Collins is hereby amended to read as follows:


**Sec. 17-132. - Prohibited; penalty.**

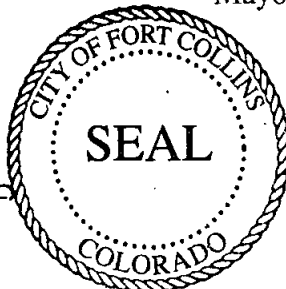
(a) Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others, of any private place who either sponsors, conducts or hosts a social gathering or party and knowingly permits such social gathering or party to become a nuisance gathering as defined by § 17-131 is hereby deemed to have committed a misdemeanor and, upon conviction, shall be subject to the penalties as provided by § 1-15 of this Code, and may further be ordered, as a condition of any sentence, to pay the costs of abatement pursuant to § 17-133. In any prosecution for a violation of this Section, proof that the owner or tenant of the private place upon which the nuisance gathering occurred was present at the time of the violation shall constitute prima facie evidence that such person was in control of the private place and sponsored, conducted or hosted the social gathering or party and knowingly permitted the violation to occur.

Introduced, considered favorably on first reading, and ordered published this 15th day of March, A.D. 2016, and to be presented for final passage on the 5th day of April, A.D. 2016.


  
Mayor

ATTEST:

  
City Clerk



Passed and adopted on final reading on the 5th day of April, A.D. 2016.

  
Mayor

ATTEST:

WWinkelmann  
City Clerk

