

ORDINANCE NO. 140, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE IV OF CHAPTER 15 OF THE CODE OF
THE CITY OF FORT COLLINS TO UPDATE THE DOOR-TO-
DOOR SOLICITATION PERMITTING PROCESSES

A. In 1938, the City Council adopted Ordinance No. 002, 1938, prohibiting solicitors from going in or upon private residences, public buildings and offices in the City, and declaring such practice to be a nuisance.

B. In 1972, the City Council adopted regulations relating to solicitation at a private premises for the purpose of immediate or future sale of goods, services, or anything of value in Chapter 15, Article IV, Division I, of the City Code (the "Code").

C. In 1994, in response to survey results and input from citizens, City Council approved by adoption of Ordinance No. 041, 1994 the repeal and reenactment Sections 15-106 through 15-108 of Article IV, Division 1 of the Code, with revised language that was intended to better protect the privacy and safety interests of the citizens of the City.

D. In 2002, the City Council further amended Section 15-106, by adoption of Ordinance No. 098, 2002, to clarify that the prohibition of door-to-door solicitation applied only to residential premises, unless a "no trespassing" or "no solicitation" sign was posted at or near the entrance of a business premises.

E. On May 27, 2011, the City's prohibition on commercial door-to-door residential solicitation was updated and replaced with the current permit system to regulate such solicitation by City Council adoption of Ordinance No. 060, 2011, reflecting evolving First Amendment jurisprudence.

F. The current door-to-door solicitation permit system remains an effective regulatory scheme; however, the permits pursuant to Code are issued to individual solicitors, which is inconsistent with other types of City licensing or permitting processes which require a business owner to be responsible for the regulatory compliance of its employees, representatives, or agents.

G. A review of the current door-to-door solicitation permit system also demonstrates opportunities to create administrative efficiencies and savings by shifting primary responsibility for compliance on business owners.

H. Council concludes that amendments to align the requirements of Article IV, Division 1 of the Code with other City licenses and permits will consistency in City regulation, efficient use of public resources, and continuation of the program to serve the privacy and safety interests of City residents.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF

FORT COLLINS that Chapter 15, Article IV, Division 1 of the Code of the City of Fort Collins is hereby amended to read as follows:

ARTICLE IV.
AUCTIONS, SPECIAL SALES AND
SOLICITATIONS

Division 1

Door-to-Door Solicitation

Sec. 15-106. Title; purpose.

...

(b) The provisions of this Division are intended to balance the First Amendment rights of residential solicitors in the City with the privacy, safety, health and welfare, of the City residents by:

(1) Requiring all commercial solicitors to conduct any door-to-door residential solicitation within the City pursuant to a permit **and in compliance with this Division** and identification badge issued by the City;

...

Sec. 15-107. Definitions.

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

...

Door-to-door commercial solicitation means attempting to make personal contact with a resident at ~~his or her~~ **their** residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

...

Door-to-door noncommercial solicitation means attempting to make personal contact with a resident at ~~his or her~~ **their** residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

...

Sec. 15-109. No-solicitation list for commercial solicitations.

(a) Any owner or lawful occupant of any residence within the City who wishes to prohibit door-to-door commercial solicitation at ~~his or her~~ **their** residence may register the address of such residence with the City by completing a form prepared by the Financial Officer, which form may be submitted to the City either in person, by mail, or on the City's website. Such registration shall take effect thirty (30) calendar days after the date of the City's receipt of the registration form.

...

Sec. 15-110. Permit and ~~identification badge~~ required for all commercial solicitors.

...

(b) All permits shall be issued in the name of the applicant. ~~Upon issuance of each permit, the Financial Officer shall create and maintain a list of all persons authorized to engage in door-to-door commercial solicitation under the permit. It shall be the sole responsibility of the permit holder to:~~

(1) Provide a copy of the permit to each person authorized to engage in solicitation under the permit;

(2) **Ensure that each person authorized to solicit under the permit is wearing a visible identification badge with the name of the employer, permit holder, or commercial business represented; and**

~~(2)~~ (3) Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this Division;

~~(3) Notify the Financial Officer in writing of any persons to be added to or deleted from the list of authorized solicitors; and~~

~~(4) Submit to the Financial Officer, for each person to be added to such list, the information required under Paragraph 15-111(a)(4), together with payment of the identification badge fee required under Subsection 15-111(c).~~

(c) The Financial Officer shall, within ten (10) business days of the City's receipt, via mail or in person, of a complete application for a permit under this Division, issue such permit, ~~together with identification badges for all persons authorized to engage in door-to-door commercial solicitation under the permit,~~ unless the Financial Officer determines that the permit application is denied under the criteria stated in § 15-115.

~~(d) Subsequent to the issuance of any permit, and upon receipt of the information and fee required under § 15-115 below, the Financial Officer shall, within five (5) business days, issue an identification badge to any new or additional person to be authorized to solicit under the permit as long as such person is not prohibited under § 15-114. The Financial Officer shall also, within five (5) business days, issue a replacement~~

~~identification badge to any solicitor who, by affidavit, notifies the Financial Officer that his or her identification badge has been lost or stolen, and who pays an additional identification badge fee as established under Subsection 15-111(c).~~

~~(e) If an employer applies for and is granted a permit under this Division, the employer shall be entitled to obtain identification badges from the Financial Officer for each employee or agent authorized to solicit under the permit. The identification badges shall contain a photograph of the solicitor, bear the words "Permitted Solicitor," include the names of the employer and solicitor, and the expiration date of the permit.~~

Sec. 15-111. Application contents; fees.

(a) Each person applying for a door-to-door commercial solicitation permit shall file with the Financial Officer an affidavit on a form supplied by the Financial Officer stating:

(1) The full name, business address and business telephone number of the applicant;

(2) Information regarding the business as required by the Financial Officer, including, without limitation, its legal status and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State;

~~(3) A complete list of all persons to be authorized to solicit under the permit and all supervising staff;~~

~~(4) For each person authorized to solicit under a permit and all supervising staff, the following information:~~

~~a. Names, address, telephone number and date of birth;~~

~~b. A current copy of the persons' criminal background check, as maintained by the Colorado Bureau of Investigation, dated no more than sixty (60) days prior to the date of the application;~~

~~c. A description of the individual including height, weight, color of eyes and color of hair; and~~

~~d. The number and state of issuance of the individual's motor vehicle operator's license or chauffeur's license, if any, or other state-issued photo identification.~~

~~(5)~~ **(3)** A brief explanation of the nature of the solicitation activity that requires a permit under this Division;

~~(6)~~ **(4)** If the applicant is a foreign corporation or an employee of such corporation, the name, address and telephone number of an agent for process residing in the state;

~~(7)~~(5) Proof that the applicant has obtained a valid City sales and use tax license;

~~(8)~~(6) Any other information determined to be relevant by the Financial Officer.

~~(b) At the time of application, the applicant shall also submit a photograph of each person to be authorized to solicit under the permit, taken no more than six (6) months prior to the date of application, which photograph fairly depicts the appearance of the proposed solicitor as of the date of application and which, in the judgment of the Financial Officer, is suitable for reproduction on the identification badge to be issued by the City.~~

~~(c)~~(b) At the time of application, each applicant shall pay a **nonrefundable** fee in an amount determined by the Financial Officer to be sufficient to defray the costs incurred by the City in processing the application, ~~plus an additional fee to defray the costs of preparing and issuing an identification badge for each person to be authorized to solicit under the permit, including the applicant. Said fees shall be nonrefundable.~~

~~(d) At the time of application, the applicant shall pay a fifty-dollar deposit for each badge, to be refunded to the permit holder at the expiration of the term of the badge or upon revocation or voluntary relinquishment.~~

Sec. 15-112. Duration of permit; renewal.

...

(b) Any ~~permittee~~ **permit holder** wishing to renew a permit issued under this Division must apply for the renewal of the permit no less than thirty (30) days prior to the expiration of its term. ~~Said application shall be accompanied by a criminal background check as required under § 15-111(a)(4)b for each person who is to be authorized to solicit under the permit during the renewal term of the permit. If a permittee~~ **permit holder** fails to apply for such renewal within said thirty-day period of time, the permit will expire. The **nonrefundable** renewal fee for each ~~permittee~~ **permit holder** shall be determined by the Financial Officer in an amount sufficient to defray the costs incurred by the City in processing the renewal application. ~~Said fee shall be nonrefundable.~~

...

Sec. 15-114. Persons prohibited. Reserved

~~A person shall not be eligible for issuance of a permit or identification badge under this Division if:~~

~~(1) Such person has been released within the ten (10) years immediately preceding the application from any form of incarceration or court-ordered supervision, including a deferred sentence, resulting from a conviction of any~~

~~felony or Class 1 misdemeanor under the laws of the State of Colorado or an equivalent offense under any federal, state, county or municipal law; or~~

~~(2) A permit or an identification badge previously issued to such person by the Financial Officer under § 15-110 has been revoked by the Financial Officer under § 15-120 or § 15-121 below.~~

Sec. 15-115. Denial of permit.

The Financial Officer shall deny an application for a permit or any renewal of a permit under this Division if the Financial Officer determines that the applicant has:

~~(1) Made any material misrepresentation or false statement in the application for the permit; or~~

~~(2) Failed to obtain a sales and use tax license as required by the City or to remit any sales tax due the City; or~~

~~(3) Been convicted of a felony or Class 1 misdemeanor under the laws of the State of Colorado or an equivalent offense under any federal, state, county or municipal law.~~

...

Sec. 15-117. ~~Duty to display identification badge and to exhibit permit.~~ Reserved

~~(a) Any commercial solicitor engaging in door-to-door commercial solicitation under a permit issued pursuant to this Division shall conspicuously display his or her identification badge.~~

~~(b) Whenever requested by any police officer or by any customer or prospective customer, any commercial solicitor engaged in door-to-door commercial solicitation under a permit issued pursuant to this Division shall exhibit his or her identification badge and permit.~~

...

Sec. 15-120. ~~Suspension or revocation of identification badge.~~ Reserved

~~After written notice of no less than ten (10) calendar days and a hearing, if requested in writing by the badge holder within twenty (20) calendar days after the date of mailing of such notice, the Financial Officer may suspend or revoke the identification badge of any solicitor that has engaged in any unlawful solicitation. The grounds for such suspension or revocation may include, but shall not be limited to, the following:~~

~~(1) Failure to solicit in a manner that is in compliance with the permit and the provisions of this Division;~~

- (2) ~~Soliciting in such a manner as to constitute a menace to the health, safety or general welfare of the public.~~

~~In the event the alleged conduct that is the basis for the suspension or revocation of the identification badge is the subject of a pending criminal or non-traffic civil citation, the Financial Officer may either defer his or her decision regarding suspension or revocation until such citation has been resolved or immediately proceed with the foregoing administrative action prior to the resolution of such citation.~~

Sec. 15-121. Suspension, revocation or nonrenewal of permit.

After written notice of no less than ten (10) calendar days and a hearing if requested in writing by the ~~badge~~ permit holder within twenty (20) calendar days after the date of the mailing of such notice, the Financial Officer may suspend and revoke the ~~identification badge~~ permit of any permit holder or if the permit holder or its commercial solicitors that has have engaged in any unlawful solicitation. The grounds for such suspension or revocation may include, but shall not be limited to, the following:

- (1) Fraud, misrepresentation or false statement in the application for the permit or any renewal application, including, without limitation, representations made as to the criminal history of any person to be authorized to solicit under the permit;
- (2) Failure to obtain a sales and use tax license as required by the City or to remit any sales tax due the City;
- (3) Failure to supervise solicitation conducted under the permit so as to reasonably ensure that such solicitation is in compliance with the terms and conditions of the permit and with the provisions of this Division; or
- (4) Authorizing, condoning or knowingly tolerating any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety or general welfare of the public.

~~In the event the alleged conduct that is the basis for the suspension or revocation of the identification badge~~ permit is the subject of a pending criminal or non-traffic civil citation, the Financial Officer may either defer his or her their decision regarding suspension or revocation until such citation has been resolved or immediately proceed with the foregoing administrative action prior to the resolution of such citation.

Sec. 15-122. Emergency summary suspension of ~~identification badge or~~ permit.

- (a) If reasonable grounds exist to believe that the permit holder or its commercial solicitors a permittee and/or badge holder has have engaged in illegal activity such that the public health, safety or welfare imperatively requires emergency action, the Financial Officer may summarily suspend the permit issued under this Division and/or badge

pending the outcome of the proceedings set forth in § 15-120 or § 15-121 above, as applicable.

(b) The temporary suspension of a permit ~~or badge~~ without notice pending a hearing shall be for a period not to exceed fifteen (15) days.

Sec. 15-123. ~~Displaying a badge after suspension, revocation or nonrenewal.~~ Reserved

~~No person shall display an identification badge after it has been invalidated by suspension, revocation or nonrenewal.~~

Sec. 15-124. ~~Promulgation of rules and regulations.~~ Reserved

~~The Financial Officer may promulgate administrative rules and regulations to effectuate the purposes of this Article.~~

Sec. 15-125. ~~Records.~~ Reserved

~~The Financial Officer shall maintain records showing each permit issued and the alleged violations of this Division.~~

Sec. 15-126. Appeal.

An applicant may appeal any decision relating to his or her **the applicant's** permit by the Financial Officer or hearing officer to the City Manager in accordance with Chapter 2, Article VI of the City Code. The City Manager's decision ~~shall be~~ **is final and not subject to further appeal.**

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Sec. 15-128. Violations and penalties.

In addition to the revocation, suspension or denial of a permit ~~or identification badge~~ issued under this Division, any applicant, ~~permittee~~ **permit holder**, or solicitor who violates any of the provisions of this Division, and any person who violates §§ 15-108, 15-109, 15-115 or 15-117, shall be guilty of a misdemeanor punishable in accordance with § 1-15.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: September 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: None