

CITY OF LAFAYETTE

ORDINANCE NO. 22, Series 2022

INTRODUCED BY: Mayor Pro Tem Brian Wong

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE,
COLORADO, AMENDING CHAPTER 75, ARTICLE IX, OF THE
LAFAYETTE CODE OF ORDINANCES TO PROHIBIT THE OPEN
CARRYING OF FIREARMS IN PUBLIC PLACES,
AS AMENDED ON SECOND READING**

WHEREAS, the City Council of the City of Lafayette finds the open carrying of firearms in public places is a dangerous activity that leads to confusion amongst the public and makes law enforcement's job more difficult; and

WHEREAS, the open carrying of firearms has been used to usurp the role of law enforcement or participate in unsanctioned and illegal militias. Open carrying has also been used to intimidate and infringe on the First Amendment rights and political participation of others; and

WHEREAS, the open carrying of firearms has enabled gun rampages in Colorado and elsewhere. In Colorado Springs, a resident reported to police that a suspicious person was open carrying a rifle, but because state law does not prohibit open carry, police were unable to take action until the gun carrier shot and killed three people; and

WHEREAS, even when open-carry incidents do not end in shootouts as in Colorado Springs, the confusion they cause threatens public safety by diverting law enforcement resources and interfering with police responses to true emergencies; and

WHEREAS, a visible gun has been found to make people more aggressive; therefore, open carry makes it more likely that ordinary disagreements will turn into violent or lethal conflicts; and

WHEREAS, Colorado state law is currently silent regarding the open carrying of handguns and rifles and shotguns; and

WHEREAS, Colorado respects the ability of law-abiding citizens to carry firearms in public by allowing them to carry a concealed handgun in places where they are licensed and permitted to do so; and

WHEREAS, the City Council finds it necessary to prohibit the open carrying of firearms in order to protect the safety of Lafayette residents, conserve law enforcement resources and deter illegal violence, and ensure that people are able to vote and exercise First Amendment rights without fear of intimidation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AS FOLLOWS:

Section 1. That the Code of Ordinances, City of Lafayette, Colorado, is hereby amended by adding a section to be numbered 75-262.5, which section reads as follows:

Sec. 75-262.5. Open carrying of firearms in public places prohibited.

(a) No person shall openly carry a firearm on or about their person in a public place. As is used in this section, “public place” shall have the meaning in section 75-100 of the code.

(b) This subsection shall not apply to:

- (1) Any federal, state, or local law enforcement officer when engaged in official duties.
- (2) Any member of the United States Armed Forces or Colorado National Guard when engaged in official duties.
- (3) A person carrying a firearm when engaged in target shooting or when engaged in lawful hunting activity.
- (4) A person with or upon their own property, business, or dwelling place or on property owned or under their control at the time of the act of carrying, or on the property of another with permission to carry from the property owner.
- (5) The carrying or possession of a firearm in a private motor vehicle or other private means of conveyance.
- (6) The carrying of an unloaded firearm in a locked or enclosed case. A holster satisfies the requirement of a carrying case for a handgun.
- (7) The carrying of a concealed handgun by a person with a valid permit to carry issued or recognized pursuant to Title 18, Article 12, Part 2 of the Colorado Revised Statutes, or the otherwise lawful use of a handgun by a person with a valid permit to carry.
- (8) Private security guards.

(c) Any violation of the provisions of this section by a person who knew or reasonably should have known that their conduct was prohibited shall be punished by a fine of not more than \$500 for a first offense. Any violation of the provisions of this section by a person who did not know or could not reasonably have known that their conduct was prohibited shall be treated as a civil infraction and punished by a fine of not more than \$250

for a first offense. For a second and subsequent offense, a person shall be punished by a fine or imprisonment or both in accordance with section 1-10(a)(2) of the code.

(d) Nothing herein shall be deemed to affect or impair in any way the authority of any private or public property owner to prohibit the carrying of firearms into or upon other public or private property.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Code of Ordinances, City of Lafayette, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Code of Ordinances, City of Lafayette, Colorado.

Section _____ 7. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED AND PASSED ON FIRST READING THE 7TH DAY OF JUNE, 2022.

PASSED ON SECOND AND FINAL READING, WITH AMENDMENTS, AND
PUBLIC NOTICE ORDERED THE 21ST DAY OF JUNE, 2022.

CITY OF LAFAYETTE, COLORADO

Jaideep Mangat, Mayor

ATTEST:

Lynnette Beck, City Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, City Attorney