

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER STITES
COUNCIL BILL NO. 05
ORDINANCE NO. 1712
Series of 2021

**TITLE: AN ORDINANCE PROHIBITING DEADLY WEAPONS ON
CITY PROPERTY AND MAKING OTHER AMENDMENTS
CONSISTENT WITH STATE WEAPONS LAWS**

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a political subdivision of the State of Colorado organized and existing as a home rule municipality pursuant to Article XX of the Colorado Constitution and the home rule charter for the City (the "Charter"); and

WHEREAS, pursuant to section 1.3 of the Charter, the City has all the power of local self-government and home rule and all the power possible for a municipality to have under the Constitution of the State of Colorado, including the power to proscribe and punish criminal conduct within the City; and

WHEREAS, pursuant to this authority, the Wheat Ridge City Council ("City Council") previously adopted ordinances regulating the sale, purchase, possession and use of certain weapons within the City; and

WHEREAS, over the past several years, state weapons laws have changed in ways that render certain City ordinances inconsistent, such as differing definitions of "deadly weapon"; and

WHEREAS, additionally, the State has enacted legislation that prohibits local governments from regulating concealed carrying of handguns (Part 2, Article 12, Title 18, C.R.S.), that forbids local firearm regulation that is more restrictive than state or federal law and that requires local governments to adopt a law and post signs to prohibit the open carrying of firearms in public areas and buildings (Article 11.7, Title 29, C.R.S.); and

WHEREAS, the City Council finds that City-owned buildings and property should be considered safe, available, and open, and a lack of deadly weapons in these settings contributes to the sense of safety of visitors, guests and City employees; and

WHEREAS, the City Council desires to prohibit the carrying of deadly weapons upon City-owned property and make other amendments conforming to state weapons laws, without acknowledging that the regulation of firearms within municipal boundaries is a matter of statewide concern.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 16-81 of the Code of Laws, concerning weapons definitions, is hereby amended by the addition of the following definition:

DEADLY WEAPON MEANS: (I) A FIREARM, WHETHER LOADED OR UNLOADED; OR (II) A KNIFE, BLUDGEON, OR ANY OTHER WEAPON, DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE, WHETHER ANIMATE OR INANIMATE, THAT, IN THE MANNER IT IS USED OR INTENDED TO BE USED, IS CAPABLE OF PRODUCING DEATH OR SERIOUS BODILY INJURY.

Section 2. Subsection 16-83(a) of the Code of Laws, **Carrying concealed deadly weapons**, is hereby amended as follows:

Sec. 16-83. - Carrying concealed deadly weapons.

(a) It is unlawful for any person to knowingly carry a DEADLY WEAPON ~~knife or firearm~~ concealed on or about his person; provided, that this chapter shall not apply to persons in their own domiciles or places of business or on property owned or under their control at the time of the act of carrying, or to persons in private automobiles or other private means of conveyance who are carrying such a weapon for the lawful protection of their or another's person or property or for any other legal purpose.

Section 3. Subsection 16-87(b) of the Code of Laws, **Carrying, etc., where intoxicants are sold**, is hereby amended as follows:

(b) The provisions of this section shall not apply to peace officers or any other person duly licensed or authorized under applicable state or federal law to carry such weapon ~~concealed~~, nor to persons carrying such weapons in their place of business or having control of the premises at the time of the act of carrying.

Section 4. Chapter 16 of the Code of Laws is amended by the addition of a new Section 16-89, to read in its entirety as follows:

SECTION 16-89. DEADLY WEAPONS ON CITY PROPERTY PROHIBITED.

(A) IT IS UNLAWFUL FOR ANY PERSON OTHER THAN A PEACE OFFICER TO CARRY, BRING OR POSSESS A DEADLY WEAPON UPON CITY PROPERTY.

(B) FOR PURPOSES OF THIS SECTION "CITY PROPERTY" MEANS ALL BUILDINGS, FACILITIES, REAL PROPERTY AND PORTIONS THEREOF:

- (1) OWNED IN WHOLE OR IN PART BY THE CITY OR IN WHICH THE CITY HAS A LEASEHOLD INTEREST, WHETHER AS LESSOR OR LESSEE; AND

- (2) POSTED BY THE CITY WITH A SIGN AT THE PUBLIC ENTRANCES NOTIFYING THE PUBLIC THAT THE CARRYING OF DEADLY WEAPONS IS PROHIBITED ON THE PROPERTY.

(C) THE CHIEF OF POLICE OR HIS OR HER DESIGNEE IS AUTHORIZED AND DIRECTED TO POST THE PUBLIC ENTRANCES OF ALL CITY PROPERTY WITH SIGNS NOTIFYING THE PUBLIC THAT THE CARRYING OF DEADLY WEAPONS IS PROHIBITED, UNLESS OTHERWISE DIRECTED BY FORMAL ACTION OF THE CITY COUNCIL.

(D) UNTIL SUCH TIME AS C.R.S. § 18-12-201 *ET SEQ.* IS REPEALED OR AMENDED, THIS SECTION SHALL NOT APPLY TO PERSONS CARRYING CONCEALED DEADLY WEAPONS ON CITY PROPERTY AS AUTHORIZED BY A VALID CONCEALED CARRY PERMIT EXCEPT AS OTHERWISE PROVIDED UNDER SUBSECTION (E).

(E) IT IS UNLAWFUL FOR ANY PERSON TO CARRY, BRING OR POSSESS A CONCEALED DEADLY WEAPON, CARRIED IN ACCORDANCE WITH A VALID CONCEALED CARRY PERMIT, INTO ANY CITY BUILDING AT WHICH THE CITY HAS INSTALLED PERMANENT ELECTRONIC WEAPONS SCREENING DEVICES AND SECURITY PERSONNEL IN ACCORDANCE WITH C.R.S. § 18-12-214(4).

Section 5. Section 17-53 of the Code of Laws, concerning the Park Rule on Weapons, is hereby amended as follows:

Section 17-53. Weapons.

(A) IT SHALL BE UNLAWFUL TO CARRY A DEADLY WEAPON UPON OR WITHIN ANY PARK OR RECREATION AREA WITHIN THE CITY IN ACCORDANCE WITH SECTION 16-89 OF THIS CODE.

(B) It shall be unlawful ~~to bring upon or~~ to discharge within any park or recreation area within the city any weapon however described, including merely as means of description and not by way of limitation, guns of any caliber or description, including firearms, BB guns, pellet guns, and air guns, bows and arrows, slingshots, etc., or any explosive device or substance including fireworks.

Section 6. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect fifteen days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 10th day of May 2021, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for May 24, 2021, at 7:00 p.m. as a virtual meeting, and that it take effect fifteen days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 24th day of May 2021.

SIGNED by the Mayor on this 24th day of May 2021




Bud Starker, Mayor

ATTEST:



Steve Kirkpatrick, City Clerk

Approved As To Form:



Gerald E. Dahl, City Attorney

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