

ORDINANCE NO. 25
(Series of 2019)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING CHAPTER 15.04 OF THE ASPEN MUNICIPAL CODE, MISCELLANEOUS OFFENSES AND PENALTIES, BY THE ADDITION OF SECTION 15.04.740. DEADLY WEAPONS IN CITY BUILDINGS PROHIBITED.

WHEREAS, the City of Aspen (the “City”) is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the home rule charter of the City (the “Charter”); and

WHEREAS, Chapter 15.04 sets forth Miscellaneous Offenses and Penalties that apply to all land lying and being within the City and all other land outside the City limits over which the City has jurisdiction and control; and

WHEREAS, in order to provide appropriate levels of security for its visitors, employees, and City officials, and given recent events throughout the nation involving the random use of deadly weapons, the City Council has determined that the prohibition of the possession of deadly weapons within City Buildings is an appropriate action to take for the safety of all its citizens, while in no way affecting a citizen’s right to possess or own a firearm; and

WHEREAS, consequently, the City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, THAT:

Section 1: The City Council hereby amends Chapter 15.04 by the addition of the following Section 15.04.740:

Sec. 15.04.740. Deadly Weapons in City Buildings Prohibited.

(a) No person, other than a peace officer, shall carry, bring, or possess a deadly weapon in the City Council chambers while the Council is in session.

(b) No person, other than a peace officer, shall carry, bring or possess a deadly weapon in any public building owned by the City and open to the public if the city manager has posted a sign to that effect at every public entrance to the building.

(c) “Deadly weapon” as used herein 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.

(d) Until such time as C.R.S Section 18-12-201, et seq., is repealed or amended or until the City installs such devices and personnel that restricts entry to City Buildings pursuant to C.R.S. Section 18-12-214(4), this Section shall not apply to an individual carrying a concealed handgun and who possesses a concealed carry permit issued pursuant to C.R.S Section 18-12-201. Notwithstanding the possession of a concealed carry permit, this Section shall apply to anyone who openly carries a dangerous weapon, including a handgun.

Section 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date.

Pursuant to the Aspen Municipal Charter, this ordinance shall become effective thirty (30) days following its passage.

Section 4. Existing Litigation.

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances amended as herein provided, and the same shall be construed and concluded under such prior ordinances.

Section 5. Notice

A public hearing on the ordinance was held on October 22, 2019, in the City Council Chambers, Aspen, Colorado, fifteen (15) days prior to which hearing a public notice of the same was published pursuant to Aspen's Municipal Code.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Aspen on the 23rd day of September 2019.

ATTEST:

Torre, Mayor

Linda Manning, City Clerk

FINALLY, adopted, passed and approved this ____ day of _____, 2019.

Torre, Mayor

ATTEST:

Linda Manning, City Clerk

APPROVED AS TO FORM:

James R. True, City Attorney