

**CITY OF EVANS, COLORADO**

**ORDINANCE NO. 832-24**

**AN ORDINANCE OPTING OUT OF SB24-131'S RESTRICTIONS TO ALLOW THE  
LAWFUL CARRYING OF FIREARMS IN THE EVANS MUNICIPAL COMPLEX AND  
ADJACENT PARKING LOTS**

**WHEREAS**, the Second Amendment of the U.S. Constitution protects the right to bear arms, and the U.S. Supreme Court has held that states may, consistent with the second amendment, regulate the carrying of firearms in sensitive spaces, including certain government buildings, schools and public transportation facilities; and

**WHEREAS**, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

**WHEREAS**, in 2024, the Colorado General Assembly adopted SB24-131, which prohibits the carrying of firearms in certain sensitive spaces; and

**WHEREAS**, the City Council desires to "opt out" of SB24-131 to allow the carrying of firearms in the following locations:

- spaces used by the City Council for meetings.
- offices of the Mayor or Council Members.
- the office of the City Manager.
- parking areas adjacent to such areas.

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

**Section 1.** For this ordinance, underlined text is added. Section 9.32.010 of the Evans Municipal Code is hereby amended as follows:

**9.32.010 Definitions.**

A. As used in this Chapter, unless the context otherwise requires:

*Blackjack* includes any billy, sand club, sandbag or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or spring shaft which increases the force of impact.

**City Council Chamber means the portion of the Evans Community Complex designated for City Council meetings.**

*Deadly weapon* means any of the following which in the manner it is used or intended to be used is capable of producing death or serious bodily injury:

- a. A firearm, whether loaded or unloaded;
- b. A knife;
- c. A bludgeon; or
- d. Any other weapon, device, instrument, material or substance, whether animate or inanimate.

*Deface* means to alter the appearance of something by removing, distorting, adding to or covering all or part of the thing.

*Dwelling* means a building which is used, intended to be used, or usually used by a person for habitation.

**Evans Community Complex means the premises, including the building and adjacent parking lots, located at 1100 37<sup>th</sup> Street, Evans, Colorado.**

*Firearm* means any handgun, automatic, revolver, pistol, rifle, shotgun or other instrument or device capable or intended to be capable of discharging bullets, cartridges or other explosive charges.

*Gas gun* means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.

*Gravity knife* means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of centrifugal force, that when released is locked in place by means of a button, spring, lever or other device.

*Knife* means any dagger, dirk, knife or stiletto with a blade over three and one-half (3½) inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.

*Switchblade knife* means any knife, the blade of which opens automatically by hand pressure applied to a button, spring or other device in its handle.

**Section 2.** Section 9.32.160 of the Evans Municipal Code is hereby established as follows:

**9.32.160 - Firearms Permitted.**

- A. **Notwithstanding Section 18-12-105.3, C.R.S., a person may carry a firearm in the Evans Community Complex, including the City Council Chamber, and adjacent parking lots except as provided under Subsections B and C below.**
- B. **Unless otherwise permitted by law, it shall be unlawful for a person to knowingly carry a firearm, whether loaded or unloaded, openly or in a concealed manner within the City Council Chamber when the City Council Chamber is being used for municipal court proceedings. For this subsection, the City Council Chamber is in use as a courtroom when metal detectors are in place on the outside of the courtroom for the screening of court attendees.**



**C. It shall be unlawful for a person to openly carry a firearm within any polling location or central count facility, or within 100 feet of a ballot drop box or any building in which a polling location or central count facility is located, while an election or any related ongoing election administration activity is in progress.**


**Section 3. Publication and Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published, and posted as required by the City Charter and the adoption, posting, and publication shall be authenticated by the signature of the Mayor and City Clerk, and by the Certificate of Publication. This Ordinance shall become effective upon final passage.

**Section 4. Severability.** 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 thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 5. Repeal.** Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.


**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 1st DAY OF OCTOBER, 2024.**

**ATTEST:**

  
Julie Barnett, City Clerk  
CITY OF EVANS, COLORADO  
BY: Mark C. Clark, Mayor

**PASSED AND ADOPTED ON A SECOND READING THIS 15th DAY OF OCTOBER, 2024.**

**ATTEST:**

  
Julie Barnett, City Clerk  
CITY OF EVANS, COLORADO  
BY: Mark C. Clark, Mayor