

**ORDINANCE NO. 6
SERIES 2024**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO REPEALING AND REENACTING SECTION 5.10.260, WEAPONS OFFENSES, OF THE CITY OF GUNNISON MUNICIPAL CODE.

WHEREAS, the City of Gunnison is a Colorado home-rule municipality; and

WHEREAS, the City Council constitutes the governing body of the City and is empowered to adopt laws, ordinances, and resolutions consistent with the authority of the City Charter and Colorado Revised Statutes; and

WHEREAS, On May 7, 2024, the Colorado General Assembly passed Senate Bill 24-131, which prohibits the carrying of firearms in certain “sensitive places.” Senate Bill 24-131 was signed by the Governor and became effective July 1, 2024; and

WHEREAS, Section 2 of Senate Bill 24-131 creates C.R.S. §18-12-105.3, which provides in pertinent part that a person shall not knowingly carry a firearm, whether loaded or not loaded, in any of the following locations, including their adjacent parking areas: On the property of or within any building in which the chambers or galleries of a local government’s governing body are located, a meeting of the local government’s governing body is being conducted; or the official office of any elected member of a local government’s governing body or of the chief executive officer of a local government is located, or a courthouse or any other building or portion of a building used for court proceedings; and

WHEREAS, even though Senate Bill 24-131 prohibits possession of firearms in the above places on a statewide basis, it does provide that local governments may opt out of such prohibition and enact their own regulations concerning the possession of firearms in the listed locations, except for buildings or portions of buildings used as courthouses. C.R.S. §18-12-105.3 (4)(b); and

WHEREAS, the Gunnison County Board of Commissioners adopted Resolution No. 2024-25 on June 25, 2024, opting out of the prohibition within the Gunnison County Court House, 200 East Virginia Avenue, Gunnison, Colorado with the exception of that portion of the building identified as the Judicial Section of such building; and

WHEREAS, the City of Gunnison Municipal Code Section 5.10.260 Weapons Offenses, currently allows the possession of firearms within municipal buildings unless posted otherwise but must be updated to be consistent with C.R.S. §18-12-105.3.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Section 5.10.260, Weapons Offenses, of the City of Gunnison Municipal Code, is repealed and reenacted to read as follows:

5.10.260 Weapon offenses.

- A. No person shall discharge any firearm, airgun, BB gun, slingshot, bow, or any toy gun projecting lead or any missiles recklessly or with criminal negligence.
- B. No person shall carry any firearm, whether loaded or not, while the person is under the influence of intoxicating liquor or of a controlled substance as defined in section 18-18-102(5). Exceptions stated in subsections D.3 and F are not defenses to violation of this subsection.
- C. No person shall carry any firearm, dangerous or illegal weapon, as defined in C.R.S. §18-12-102, or knife with a blade 3.5 inches or longer into any building housing government offices and having a sign posted prohibiting firearms, dangerous or illegal weapons or knives with a blade 3.5 inches or longer near the entrance.
- D. Carry of firearms in Gunnison City Hall.

1. Pursuant to C.R.S. §18-12-105.3(4)(b), it shall not be a violation of C.R.S. §18-12-105.3(1)(b) or any successor section of the Colorado Revised Statutes for an individual to carry a firearm, open or concealed in any Municipal building or its adjacent property including parking lot, except that nothing herein shall permit the carrying of a firearm in violation of C.R.S. §18-12-105.3(1)(c) within the City of Gunnison City Hall Council Chambers or adjoining conference room, or any successor building, or portion thereof, used for Gunnison Municipal Court sessions, while areas are being used for court proceedings.

(a) During times when this prohibition is in effect, a sign stating the following will be conspicuously posted on the entryways of such building and Council Chambers with a size font that is clearly legible:

PROCEEDINGS OF THE CITY OF GUNNISON MUNICIPAL COURT ARE
CURRENTLY IN SESSION.

PURSUANT TO 18-12-105.3(1)(c), COLORADO REVISED STATUTES, ALL
FIREARMS ARE CURRENTLY PROHIBITED WITHIN COUNCIL CHAMBERS.

THIS PROHIBITION APPLIES TO ALL FIREARMS, EVEN THOSE CARRIED
PURSUANT TO A CONCEALED FIREARM CARRY PERMIT.

2. Nothing herein shall permit the carrying of a firearm in violation of C.R.S. §18-12-105.3(1)(c) within the judicial section of the Gunnison County Court House, as defined by Gunnison County Board of Commissioners Resolution No. 2024-25.

3. Court personnel, including judicial staff or an attorney involved in a case on the docket who are legally authorized to carry a concealed handgun and are acting in accordance with state law pertaining to permitted carry and the handgun is concealed, are permitted to carry a concealed handgun in City Hall Council Chambers and adjoining conference room and the Judicial Section of the Gunnison County Courthouse.

E. It shall not be an offense under subsection C. of this section if:

1. The weapon is brought into a building housing a law enforcement agency for the purpose of turning the item in to that agency or while in the process of leaving the building after claiming an item. In all cases the item will be unloaded, cased or by some other means made safe to handle.

2. The weapon is being brought into the facility for a scheduled event or activity where the item is allowed and the person responsible for the facility is aware of the event.

3. The person is legally authorized to carry a concealed handgun and acting in accordance with state law pertaining to permitted carry and the handgun is concealed.

F. It shall not be an offense under this Section if:

1. The person is a law enforcement officer carrying a weapon or firearm, or who discharges a weapon or firearm, in the lawful performance of their duties.

2. The person is a member of the United States Armed Forces or Colorado National Guard who is engaged in the lawful discharge of the member's official duties.

3. The person is security personnel employed or retained by an entity that controls or operates a place described in C.R.S. 18-12-105.3(1)(c) and security personnel described in Section 24-33.5-216.7(5) while engaged in the security personnel's official duties.

4. The person holds a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to Part 2 of SB24-131 who is carrying a concealed handgun in an adjacent parking area.

G. Weapons offenses are misdemeanors.

Section 2. If any section of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or the constitutionality of the remaining portions of the ordinance. The City Council of the City of Gunnison hereby declares that it would have passed this ordinance, and each section thereof, irrespective of the fact that any one or more sections be declared unconstitutional.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 8th day of October, 2024, on first reading, and introduced, read, and adopted on second and final reading this 22nd day of October, 2024.



Signed:

ATTEST

A handwritten signature in blue ink, appearing to read "E. Baucher", is written over a horizontal line.

City Clerk

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to be "T. Affeltz".

Mayor

Published by Title in the
Gunnison Country Times Newspaper
October 17th, 2024

