

**NOTICE OF PUBLIC HEARING
ORDINANCE No. 1832, SERIES 2022**

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, to be held on June 7, 2022 at the hour of 6:00 p.m., at Louisville City Hall, 749 Main Street, Louisville, Colorado 80027 or in an electronic meeting, the City Council will hold a Public Hearing on the final passage and adoption of a proposed **ORDINANCE AMENDING TITLE 9, ARTICLE VIII OF THE LOUISVILLE MUNICIPAL CODE PROHIBITING THE CARRYING OF FIREARMS IN CERTAIN PUBLIC PLACES.**

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Full copies available in the City Clerk's Office, 749 Main Street, Louisville CO 80027.

**ORDINANCE NO. 1832
SERIES 2022**

**AN ORDINANCE AMENDING TITLE 9, ARTICLE VIII OF THE LOUISVILLE
MUNICIPAL CODE PROHIBITING THE CARRYING OF FIREARMS IN CERTAIN
PUBLIC PLACES**

WHEREAS, the City of Louisville respects the rights of law-abiding citizens to carry concealed handguns in public places where it is safe and lawful to do so; and

WHEREAS, there are certain areas where firearms pose an acute risk to the health and well-being of children, office workers, and members of the public; and

WHEREAS, the presence of firearms at government buildings and offices, polling places, ballot counting facilities, and public demonstrations poses a serious threat to First Amendment rights, voting rights, and the functioning of our democracy; and

WHEREAS, people carrying handguns in public buildings and at crowded public events – including financial institutions, sporting venues, courthouses, hospitals and medical or mental health facilities, theaters, houses of worship, and similar locations – create unnecessary risks of intentional or accidental shootings, increase the risk of lethal disputes between members of the public, and increase the risk that a law-abiding citizen's weapon will be stolen and used by someone else to harm or threaten employees or the public; and

WHEREAS, courthouses and hospitals in particular are the site of high-stakes, emotional events and may be frequented by people in crisis who do not have a choice other than to be there. Allowing the carry of concealed firearms in such locations increases the risk of intentional or reckless violence or violence fueled by mental health crises and raises the possibility that everyday disagreements will escalate into shootouts; and

WHEREAS, the presence of firearms in places frequented by children and families – including parks, playgrounds, community and recreation centers, and daycare centers – poses

unreasonable risks to children, particularly of unintentional shootings and firearm misuse, as well as trauma that can result from mishandled firearms or gun violence; and

WHEREAS, firearms pose a substantial danger in the vicinity of intoxicated people at facilities that serve alcohol, as research demonstrates a strong link between alcohol use and domestic violence, gun crimes, and self-inflicted firearm injuries; and

WHEREAS, the City Council finds it necessary to prohibit the open or concealed carrying of firearms in certain designated public places in order to protect the safety of its residents.

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

Section 1. Chapter 9.82 of the Louisville Municipal Code (Firearms) is hereby amended by a new Section 9.82.100 to read as follows:

Sec. 9.82.100 Possession of firearms in sensitive areas and buildings and areas under the control of the City prohibited.

(a) No person shall knowingly carry any firearm, whether in an open or concealed manner, in any of the following locations:

- (1) Any building or real property owned or operated by the City of Louisville, or an entity created or controlled by the City of Louisville.
- (2) The portion of any building that is being used for governmental purposes by the City of Louisville or an entity created or controlled by the City of Louisville.
- (3) Any public parks, playgrounds, or open space.
- (4) Any recreation or community center facility owned, operated, or managed by the City of Louisville.
- (5) At any demonstration as described in this section held on public property.
- (6) Within 500 feet of any polling location within the City of Louisville on the day of an election or at a place within the City of Louisville officially designated by the Boulder County Clerk and Recorder for the counting of ballots on any day when ballots are being counted or conducting activities related to a federal, state, or municipal election.
- (7) The area of any facility licensed to serve alcohol pursuant to Title 44, Article 3, Colorado Revised Statutes.
- (8) A hospital.
- (9) A facility or office that has medical, mental health, or substance abuse professionals to provide screening, evaluation, or treatment for mental health or substance abuse disorders.

- (10) Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship without explicit permission from the operating authority.
- (11) A stadium or arena.
- (12) A courthouse.
- (13) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
- (14) A theater.
- (15) A day care center or preschool.

(b) Notice of the prohibitions on the concealed and open carry of firearms shall be posted conspicuously at all public entrances to the locations identified in subsection A as required by C.R.S. 29-11.7-104 and C.R.S. 18-12-214(c)(2).

- (1) No later than sixty days after the enactment of this ordinance, the City of Louisville shall make compliant signs available for download on a publicly accessible website.
- (2) No person shall be determined to violate this section if signs are not posted as required by this subsection.

(c) The provisions of this section do 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) Private security guards.
- (4) The carrying or possession of a firearm in a motor vehicle or other private means of conveyance.

(d) As used in this Section:

- (1) “Demonstration” means demonstrating, picketing, speechmaking or marching, holding of vigils and all other like forms of conduct occurring in a public place which involve the communication or expression of views or grievances engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. Such term shall not include casual use of property by visitors or tourists which does not have an intent or propensity to attract a crowd or onlookers.
- (2) “Firearm” has the same meaning as set forth in 18 U.S.C. sec. 921 (a)(3), as amended.

(e) Anyone violating the provisions of this subsection shall be subject to immediate removal from the premises. Anyone violating the provisions of this subsection who knew or reasonably should have known that their conduct was

prohibited, including because notice of the firearm prohibition was posted conspicuously as required by this section, shall be punished as follows:

- (1) For a first offense, by a fine not to exceed fifty dollars.
- (2) For a second or subsequent offense, by a fine not to exceed five hundred dollars.
- (3) For any violation where the person refuses to leave the premises after receiving oral notice from the property owner or authorized representative, the person shall be subject to the fines as provided in subparagraphs (1) or (2) or to a period of imprisonment not to exceed thirty days or both.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares it would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Municipal Code of the City of Louisville 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, and 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 the 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 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Except as otherwise provided herein, any person convicted of violating this ordinance may be punished as set forth in 1.28.010 of the Louisville Municipal Code, as may be amended but which currently provides violations shall be punished by a fine of not more than \$2,650.00, as shall be adjusted for inflation on January 1, 2014 and on January 1 of each year thereafter, or by imprisonment not to exceed 364 days, or by both such fine and imprisonment.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED** this ____ day of _____, 2022.

Ashley Stolzmann, Mayor

ATTEST:
Meredyth Muth, City Clerk

APPROVED AS TO FORM:
Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this ____ day of _____, 2022.

Ashley Stolzmann, Mayor

ATTEST:
Meredyth Muth, City Clerk