

**NOTICE OF PUBLIC HEARING
ORDINANCE No. 1833, 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 OPEN CARRYING OF FIREARMS IN PUBLIC PLACES.**

Published in the *Daily Camera* on May 22, 2022 with full ordinance.

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

**ORDINANCE NO. 1833
SERIES 2022**

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

WHEREAS, the City Council finds the open carrying of firearms in public places is a dangerous activity that leads to confusion amongst the public and makes law enforcement's job more difficult; and

WHEREAS, the open carrying of firearms has been used to usurp the role of law enforcement or participate in unsanctioned and illegal militias. Open carrying has also been used to intimidate and infringe on the First Amendment rights and political participation of others; and

WHEREAS, the open carrying of firearms has enabled gun rampages in Colorado and elsewhere. In Colorado Springs, a resident reported to police that a suspicious person was open carrying a rifle, but because state law does not prohibit open carry, police were unable to take action until the gun carrier shot and killed three people; and

WHEREAS, even when open-carry incidents do not end in shootouts as in Colorado Springs, the confusion they cause threatens public safety by diverting law enforcement resources and interfering with police responses to true emergencies; and

WHEREAS, a visible gun has been found to make people more aggressive; therefore, open carry makes it more likely that ordinary disagreements will turn into violent or lethal conflicts; and

WHEREAS, Colorado state law is currently silent regarding the open carrying of handguns and rifles and shotguns; and

WHEREAS, Colorado respects the ability of law-abiding citizens to carry firearms in public by allowing them to carry a concealed handgun in places where they are licensed to do so; and

WHEREAS, the City Council finds it necessary to prohibit the open carrying of firearms in order to protect the safety of its residents, conserve law enforcement resources and deter illegal violence, and ensure that people are able to vote and exercise First Amendment rights without fear of intimidation.

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 9.82.110 to read as follows:

Sec. 9.82.110 Openly carrying firearms prohibited.

(a) No person shall openly carry a firearm on or about their person in a public place.

(b) This subsection shall 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) A person carrying a firearm when engaged in target shooting or when engaged in lawful hunting activity.
- (4) The carrying of a firearm on a person's own property, business, or dwelling or on the property of another with permission from the property owner.
- (5) The carrying of a firearm in a motor vehicle or private means of conveyance.
- (6) The carrying of an unloaded firearm in a locked or enclosed case that must be recognizable as a gun carrying case by a reasonable person. A plain-shaped case must be clearly marked to be deemed recognizable under this standard. A holster satisfies the requirement of a carrying case for a pistol.
- (7) The carrying of a concealed handgun by a person with a valid permit to carry issued or recognized pursuant to Title 18, Article 12, Part 2 of the Colorado Revised Statutes, or the otherwise lawful use of a handgun by a person with a valid permit to carry.
- (8) Private security guards.

(c) Any violation of the provisions of this section by a person who knew or reasonably should have known that their conduct was prohibited shall be punished by a fine of not more than five hundred dollars for a first offense, and by a fine of not more than one thousand dollars or incarceration of up to thirty days in jail or by both such fine and incarceration for a second or subsequent offense. Any violation of the provisions of this section by a person who did not know or could not reasonably have known that their conduct was prohibited shall be treated as a civil infraction and punished by a fine of not more than two hundred and fifty dollars.

(d) As is used in this subsection, “public place” means a place to which the public or a substantial number of the public has access.

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 set forth 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