

ORDINANCE NO. 40

Series 2003

AN ORDINANCE PROHIBITING THE OPEN CARRYING OF A FIREARM IN CERTAIN BUILDINGS AND SPECIFIC AREAS WITHIN THE TOWN OF BRECKENRIDGE

WHEREAS, S.B. 03-25 was recently adopted by the Colorado legislature and signed into law by the Governor on March 18, 2003; and

WHEREAS, Section 29-11.7-104, C.R.S., as adopted by S.B. 03-25, provides as follows:

A local government may enact an ordinance, regulation, or other law that prohibits the open carrying of a firearm in a building or specific area within the local government's jurisdiction. If a local government enacts an ordinance, regulation or other law that prohibits the open carrying of a firearm in a building or specific area, the local government shall post signs at the public entrances to the building or specific area informing persons that the open carrying of firearms is prohibited in the building or specific area.

; and

WHEREAS, the Town Council of the Town of Breckenridge, acting pursuant to the authority granted by Section 29-11.7-104, C.R.S., declares that the open carrying of a firearm in those buildings and specific areas of the Town hereinafter set forth shall be prohibited.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. There is hereby added to the Breckenridge Town Code a new Section 6-3E-11, to be entitled "Open Carrying of Firearms Prohibited", which shall read in its entirety as follows:

6-3E-11: OPEN CARRYING OF FIREARMS PROHIBITED:

A. Where signs are posted as required by Paragraph B of this Section, it shall be unlawful for any person to openly carry a firearm in or upon any real property owned or used by the Town to which the general public has access, including, but not limited to, the following Town-owned or used buildings and areas located in the Town of Breckenridge and County of Summit:

Buildings:

1. Breckenridge Town Hall, 150 Ski Hill Road;
2. Town of Breckenridge Public Works Facility, located at 1095 Airport Road;
3. Breckenridge Recreation Center, 0880 Airport Road;
4. Stephen C. West Ice Arena, 0189 Boreas Pass Road;
5. Town of Breckenridge Golf Club/Gold Run Nordic Center, located at 0200 Clubhouse Drive;
6. The Riverwalk Center, located at 150 West Adams Avenue;
7. The Town of Breckenridge Theatre Facility, located at 121 South Ridge Street; and
8. Town of Breckenridge Intermodal Center

Areas:

1. Kingdom Park;
2. Carter Park;
3. Blue River Plaza;
4. The Riverwalk (between Ski Hill Road and South Park Avenue);
5. Town of Breckenridge Arts District;
6. Cucumber Creek Open Space Area; and
7. All Town-owned recreational trails

B. The Police Chief shall post signs at the public entrances to each building or specific area described in Paragraph A of this Section informing persons that the open carrying of firearms is prohibited in the building or specific area.

C. The provisions of this Section shall not apply to the open carrying of a firearm by a peace officer while in the lawful performance of his or her duties.

D. It shall not be a defense to a charge of violating this Section that the firearm was unloaded or inoperable when carried.

E. It shall not be a defense to a charge of violating this Section that the person possessed a permit to carry a concealed weapon issued pursuant to Part 2 of Article 12 of Title 18, C.R.S.

Section 2. Section 6-3-5 of the Breckenridge Town Code is hereby amended by the addition of a new definition of "Openly Carry (To Openly Carry)", which shall read in its entirety as follows:

OPENLY CARRY (TO OPENLY CARRY)

The carrying of a firearm in a person's hand, in a holster, or on or about a person's body or clothing, in such a manner as to be visible by a person of normal visual acuity.

Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 4. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

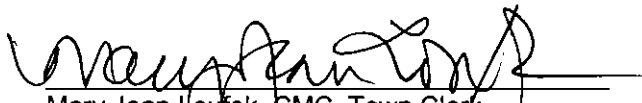
Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 29-11.7-104, C.R.S., and the powers possessed by home rule municipalities in Colorado.

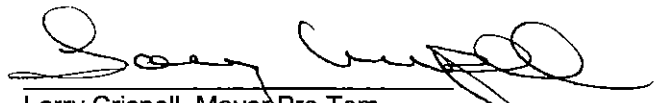
Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 12th day of August, 2003. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of August, 2003, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Larry Crispell, Mayor Pro Tem


This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 22, 2003.

The public hearing on this ordinance was held on August 26, 2003.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 26th day of August, 2003. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

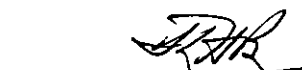
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

8/26/03
Date

This ordinance was published by title with amendments in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 5, 2003.