

CITY OF WOODLAND PARK NOTICE OF PUBLIC HEARING
Public Hearing on Ordinance NO. 1481, Series 2024, will be held on September 5, 2024 at 6:30pm. The aforesaid Ordinance was posted on the City's website August 20, 2024 prior to the City Council meeting, passed on first reading August 15, 2024 ordered published, as required by Section 7.6 of the Charter of the City of Woodland Park

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO.1481
(Series 2024)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, PERTAINING TO FIREARMS ON CITY PROPERTY

WHEREAS, the City of Woodland Park, Colorado (“City”) has been duly organized and validly exists as a Home Rule City under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to Section 7.2 of the City Charter, the City Council (“Council”) shall act by ordinance, resolution, or motion and all legislative enactments of a permanent nature shall be in the form of ordinances; and

WHEREAS, in the most recent legislative session the Colorado General Assembly enacted, and Governor Polis signed, Senate Bill 24-131 (“SB24-131”) which went into effect on July 1, 2024 and prohibited the carrying of a firearm in “sensitive spaces” recognized by the United States Supreme Court in *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022); and

WHEREAS, SB24-131 established that sensitive spaces where open and concealed carrying of a firearm are prohibited include certain state and local government buildings and property; courthouses or buildings used for court proceedings; schools, colleges, universities, seminaries, and licensed childcare centers; and polling places, ballot drop boxes, and other places where ballot counting and related election activities are taking place; and

WHEREAS, SB24-131 included an “opt-out” provision authorizing a local government to enact an ordinance, regulation, or other law permitting a person to carry a firearm at certain local government spaces specified in the bill; and

WHEREAS, Council recognizes and affirms that the Second Amendment to the United States Constitution protects the right of persons to keep and bear arms and the Supreme Court of the United States has held that states and local governments may, consistent with the Second Amendment, regulate the carrying firearms in sensitive places; and

WHEREAS, Council finds and determines that City Council members, appointed officials, employees, and other individuals within City Hall and the Ute Pass Cultural Center who hold a valid concealed carry permit issued pursuant to Colorado law are permitted to carry a concealed handgun within City Hall, Council Chambers, on City Hall property, the Ute Pass Cultural, and the Ute Pass Cultural Center property; and

WHEREAS, Council finds and determines that the parameters set forth in the preceding paragraph are necessary for the immediate preservation of the public peace, health, and safety for the following reasons:

- (a) *Self-Defense*: Allowing City Council members, appointed officials, employees, and other individuals within City Hall and the Ute Pass Cultural Center with a valid concealed carry permit to carry a concealed handgun at City Hall and the Ute Pass Cultural Center is essential to self-defense and enables individuals to protect themselves in case of an immediate danger to life and safety;
- (b) *Deterrence*: Allowing City Council members, appointed officials, employees, and other individuals within City Hall and the Ute Pass Cultural Center with a valid concealed carry permit to carry a concealed handgun at City Hall and the Ute Pass Cultural Center may act as a deterrent against potential attackers and individuals with malicious intent and could dissuade individuals from attempting violent acts against citizens and officials at City Hall and the Ute Pass Cultural Center;
- (c) *Permit Holder Training*: Individuals who hold a valid permit to carry a concealed handgun under part 2 of article 12 of Title 18, C.R.S., have undergone stringent background checks and have completed required training on the responsible, defensive carrying of a handgun;
- (d) *Equality and Uniformity*: City Council members, appointed officials, employees, and other individuals should have the same right to protect themselves at their place of City employment and governance as they have in their homes and as other citizens may have in private places of employment;
- (e) *Emergency Preparedness in Rural and Remote Areas*: City Hall and the Ute Pass Cultural Center are located in a rural area where substantial law enforcement resources and presence is limited. Allowing City Council members, appointed officials, employees, and other individuals within City Hall and the Ute Pass Cultural Center who hold a valid concealed carry permit to carry a concealed handgun at City Hall and the Ute Pass Cultural Center can provide an additional layer of security and emergency preparedness for Council members, appointed officials, employees, other individuals, and visitors particularly where emergency response times may be prolonged in comparison to urban settings; and

WHEREAS, on June 27, 2024, Council previously adopted Ordinance No. 1478, *An Ordinance of the City Council of the City of Woodland Park, Colorado, Pertaining to Firearms on City Property and Determining an Emergency with Respect Thereto*; and

WHEREAS, Section 7.7 of the City Charter establishes that an emergency ordinance shall not be in effect longer than ninety (90) days after passage and shall not be extended as an emergency ordinance; and

WHEREAS, in light of SB24-131 and the upcoming expiration of the aforementioned emergency ordinance concerning this matter, Council finds and determines that the continuing and uninterrupted ability for City Council members, appointed officials, employees, and other individuals who hold a valid concealed carry permit to carry a concealed handgun at City Hall and

the Ute Pass Cultural Center, with certain exceptions, is necessary for the preservation of public health, welfare, peace, and safety; and

WHEREAS, Title 9 of the City's Municipal Code addresses public peace, morals, and welfare and Chapter 9.70 therein contains regulations and restrictions regarding dangerous or deadly weapons; and

WHEREAS, in light of the foregoing, Council finds it is appropriate to implement amendments to Chapter 9.70, dangerous or deadly weapons, by the amendment of section 9.70.080, Exceptions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by City Council.

Section 2. Section 9.70.080, Exceptions, of Chapter 9.70, Dangerous or Deadly Weapons, is hereby amended to read as follows:

9.70.080 - Exceptions.

A. Nothing in Sections 9.70.010 through 9.70.070 shall be construed to forbid any enforcement officer of the various law enforcement agencies of the city, the United States government, or the state of Colorado, or any sheriff or his deputies, or any regular, special or ex officio peace officer from carrying, wearing or using such weapon as shall be necessary in the proper discharge of his duties.

B. Nothing in Sections 9.70.010 through 9.70.070 shall be construed to forbid City Council members, appointed officials, employees, and other individuals within City Hall and the Ute Pass Cultural Center who hold a valid concealed carry permit issued pursuant to C.R.S. § 18-12-201, et seq. to carry a concealed handgun at City Hall, City Hall property, the Ute Pass Cultural Center, and the Ute Pass Cultural Center property including, but not limited to, the chambers or galleries where City Council Chambers are located and meetings of the City Council are conducted, the official office of any elected or appointed official or of City Staff, and the adjacent parking areas.

C. Carrying a firearm, whether loaded or not loaded, in a building or portion of a building, including adjacent parking areas, used for municipal court proceedings (1) while municipal court is in session, or (2) while law enforcement personnel, defense counsel personnel, or municipal court personnel are engaged in any activities in connection with a municipal court proceeding remains prohibited by state statute, except for law enforcement or security personnel for such building or portion of a building used for such municipal court proceedings.

Section 3. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect upon its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS 15TH DAY OF AUGUST, 2024.

City of Woodland Park

Kellie Case, Mayor

ATTEST:

City Clerk, Suzanne Leclercq