

Town of Coal Creek

Coal Creek, Colorado

Ordinance NO1 Series 2017

Discharge of a Firearm within the Town of Coal Creek

AN ORDINANCE REGULATING THE DISCHARGE OF FIREARMS.

WHEREAS, The Town Board of Trustees desires to regulate the discharge of a firearm by making it unlawful to do so except for certain recognized exceptions where firearms may safely and legally be discharged in shooting galleries or gun clubs as authorized by the Town of Coal Creek from time to time.

Repeal: The Town of Coal Creek Town Board of Trustees hereby repeals Ordinance NO 164, 1960 and any and all other ordinances and resolutions pertaining to the discharge of firearms within the town limits of Coal Creek.

Discharging a Firearm: No person shall fire or discharge any firearm as defined in C.R.S. 18-1-901, as amended, in the jurisdiction of the corporate limits of the Town of Coal Creek.

Firearms Defined (C.R.S. 18-901): Firearm: means any handgun, automatic revolver, pistol, rifle, shotgun, or other device capable of or intended to be capable of discharging bullets, cartridges or other explosive charges or projectiles. 18-1-901 C.R.S. indicates a BB gun can be a deadly weapon “if a person is hit with a BB in a vulnerable area of the body, such as the eyes, the BB could cause serious bodily injury. The Coal Creek Board of Trustees hereby declares that by inference a pellet gun will be considered a Fire Arm that could cause serious bodily injury.

Exceptions:

- A. A duly authorized law enforcement or animal control officer acting in the line of duty.
- B. At an authorized shooting gallery or gun club within the Town of Coal Creek under circumstances when such firearm can be discharged in such a manner as not to endanger persons or property and also in such a manner as to prevent the projectile from any such firearm traversing any grounds or space outside the limits of such shooting gallery or gun club.

Constitutional Right to Bear Arms: Nothing in this regulation shall be construed to restrict or otherwise affect any persons’ constitutional right to bear arms in accordance with Amendment II, of the Constitution of the United States.

Self Defense: Nothing in this regulation shall be construed to restrict a person’s right to use a firearm in the defense of his/her person, property or family from intruders and or wild animals.

Penalty for Violation: Any person, firm or corporation who violates any provision of this regulation by doing any act prohibited or declared unlawful thereby, shall be guilty of a misdemeanor, and upon conviction shall be punishable by fine of not less than fifty (\$50.00) dollars for the first offense; or a fine of one hundred (\$100.00) dollars for a second offense. Provision of Title 18 Colorado Revised Statutes Criminal Code may take precedence.

Court and Legal Costs, Legal Fees, and Incurred Town Cost:

- A. The Court will assess a minimum court cost as per the fee schedule for each court appearance. In addition, the defendant will be required to pay reasonable Attorney Fees, Jury Fees, Legal Fees and any other costs incurred by the Town of Coal Creek to be paid by the defendant if the Court finds the defendant guilty of any charge. If all fines, Legal Fees and Court Costs, Attorney Fees and all other cost incurred by the Town are not paid in full within thirty days (30) of the date judgment is entered against the defendant, the Town shall seek all post-judgment remedies available under Colorado law, which may include a motion for contempt or other sanctions.
- B. Any person may pay the fine, thus avoiding a court appearance and costs, if paid 3 business days prior to the court date.

Safety Clause:

The Board of Trustees hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public welfare, health and safety.

Introduced as a bill and passed on its first reading and ordered published in the Canon City Daily Record by title only this 7 day of March, 2017.

Passed on its second reading;
ADOPTED THIS 4th day of April, 2017.

John Bechtelheimer, Mayor

ATTEST:

Connie Gjelsness, Clerk