

POLICE MEMORANDUM
#30-2022

DATE: Sept. 12, 2022

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager *hmg*

FROM: James S. May, Jr., Chief of Police *JSM*
Randall L. Darlin, Deputy Chief of Police *RLD*

SUBJECT: CB-1990 – Prohibiting the Possession of Firearms in City Hall and to Prohibit the Open Carry of Firearms in City-Owned Buildings

PURPOSE

To consider CB-1990, an ordinance on first reading that would amend the Municipal Code to prohibit the possession of firearms in City Hall and the open carry of firearms in City-owned buildings.

BACKGROUND

Council requested a review of City policy and regulation regarding the ability for an individual to carry a firearm within indoor public spaces in Northglenn. A review of Northglenn's ordinances revealed limited restriction on the open carrying of firearms within the City and conditional restrictions on concealed carry of firearms within City buildings.

Open Carry

Under Section 4-7-1(a) of the Municipal Code, the open carrying of a firearm is prohibited in any indoor public place where there is a sign posted indicating that the open carrying of firearms is prohibited. The sign must be located by each public entrance to the public space and must be at least 12 inches wide and 18 inches high.

Concealed Carry

An individual's ability to carry a concealed handgun within the City is regulated under City Ordinance 9-6-5. Generally, concealed carry of a handgun is permitted within the City when the individual has been issued a written permit to carry a concealed handgun by the sheriff of a county or the official who has the duties of a sheriff in a city and county within the State of Colorado.

Northglenn's ordinance currently prohibits an individual who has been issued a written permit to carry a concealed handgun into:

- A place where the carrying of firearms is prohibited by federal law;
- The real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school;
- A public building at which:
 1. Security personnel and electronic weapons screening devices are permanently in place at each entrance to the building
 2. Security personnel electronically screen each person who enters the building to determine whether the person is carrying a weapon of any kind; or

3. Security personnel require each person who is carrying a weapon of any kind to leave the weapon in possession of security personnel while the person is in the building.

Exemptions

This new ordinance would NOT apply to the following persons:

1. Any Federal, State, or local law enforcement officer when engaged in official duties, which includes the Northglenn Police Department (NPD);
2. Any member of the United States Armed Forces or Colorado National Guard when engaged in official duties; or
3. Private security guards contracted by the City to provide security services to City Hall or other public facilities in Northglenn while engaged in official duties.

Supreme Court Decision

In June 2022, the United States Supreme Court handed down a decision in *New York State Rifle and Pistol Association v. Bruen*. This ruling significantly restricts the ability of cities to regulate the carrying of firearms in public. The proposed legislation is thought to be consistent with the Bruen ruling and provides limited restrictions on the carrying of firearms within the City.

BUDGET/TIME IMPLICATIONS

The financial impact on the City would be limited to training of the NPD and costs associated with the enforcement of the ordinance. The training and enforcement would be absorbed into the NPD's annual budget.

If CB-1990 is approved on first reading, a public hearing and second reading of the proposed ordinance will be scheduled for the Sept. 26, 2022 regular meeting.

STAFF RECOMMENDATION

Staff recommends approval of CB-1990 on first reading.

STAFF REFERENCE

If Council members have any questions, please contact:

- James S. May, Jr., Chief of Police, at jmay@northglenn.org or 303.450.8967
- Randall L. Darlin, Deputy Chief of Police, at rdarlin@northglenn.org or 303.450.8964

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S BILL

ORDINANCE NO.

No. CB-1990
Series of 2022

Series of 2022

A BILL FOR AN ORDINANCE REPEALING AND REENACTING ARTICLE 7 OF CHAPTER 4 OF THE NORTHGLENN MUNICIPAL CODE TO PROHIBIT THE POSSESSION OF FIREARMS IN CITY HALL AND TO PROHIBIT THE OPEN CARRYING OF FIREARMS IN CITY-OWNED BUILDINGS

WHEREAS, the presence of firearms in certain sensitive areas such as government buildings and offices, polling places, and ballot counting facilities poses a serious threat to First Amendment rights, voting rights and the functioning of our democracy, and has historically been a place where the government can limit the carrying of firearms;

WHEREAS, the City desires to regulate firearms in such sensitive areas and the open carry of firearms within the bounds of the law; and

WHEREAS, the enactment of these limited local provisions is authorized by Senate Bill 21-256, and consistent with the recent decision issued by the United States Supreme Court in *New York Rifle & Pistol Association, Inc., et al., v. Bruen, Superintendent of New York State Police, et al.*, 597 U.S. ___ (2022) (the "*Bruen*" case) dated June 23, 2022.

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

Section 1. Article 7 of Chapter 4 of the Northglenn Municipal Code is repealed and reenacted to read as follows:

ARTICLE 7

POSSESSION OF FIREARMS IN PUBLIC BUILDINGS

Section 4-7-1. Possession of firearms in the Northglenn City Hall.

- (a) Prohibition. No person shall carry any firearm, whether in an open or concealed manner, in the public building located at 11701 Community Center Drive and known as the Northglenn City Hall.
- (b) Signage. A sign providing notice that the concealed and open carry of firearms is prohibited shall be posted conspicuously at all public entrances to the Northglenn City Hall building identified in subsection (a) hereof as required by C.R.S. §§ 29-11.7-104 and 18-12-214(1)(c)(II). No person shall be charged with a violation of this Section if such signs are not posted.

- (c) Exemptions. This Section 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; or
 - (3) Private security guards contracted by the City of Northglenn to provide security services to City Hall or other public facilities in Northglenn while engaged in official duties.
- (d) Definition of Firearm. For the purposes of this Section 4-7-1, *firearm* means any handgun, automatic revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges, but excludes an "antique firearm", as defined in 18 U.S.C. § 921(a)(16).
- (e) Violation and Penalty.
 - (1) Any person violating the provisions of this Section shall be subject to immediate removal from the premises.
 - (2) Any person violating the provisions of this Section 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:
 - a. For a first offense, by a fine not to exceed fifty dollars (\$50.00);
 - b. For a second or subsequent offense, by a fine not to exceed five hundred dollars (\$500.00);
 - c. 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 this Section or to a period of imprisonment not to exceed thirty (30) days, or both.

Section 4-7-2. Open Carry of Firearms.

- (a) Prohibitions. No person shall openly carry a firearm in any City-owned public building on or about their person.
- (b) Exemptions. This Section shall not apply to:

- (1) Any federal, state, or local law enforcement officer when engaged in official duties;
- (2) Any member of the U.S. Armed Forces or Colorado National Guard when engaged in official duties;
- (3) 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.
- (4) The carrying of a concealed handgun by a person with a valid permit to carry issued or recognized pursuant to C.R.S. § 18-12-201, *et seq.*, or the otherwise lawful use of a handgun by a person with a valid permit to carry; or
- (5) Private security guards contracted by the City of Northglenn to provide security services to City Hall or other public facilities in Northglenn while engaged in official duties.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2022.

 MEREDITH LEIGHTY
 Mayor

ATTEST:

 JOHANNA SMALL, CMC
 City Clerk

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

 MEREDITH LEIGHTY
 Mayor

ATTEST:

APPROVED AS TO FORM:

 JOHANNA SMALL, CMC
 City Clerk

 COREY Y. HOFFMANN
 City Attorney