

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S BILL

ORDINANCE NO.

No. CB-1990
Series of 2022

1835
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 Article 7 of Chapter 4 of the Northglenn Municipal Code is repealed and reenacted to read as follows: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 12th day of September, 2022.


MEREDITH LEIGHTY
Mayor

ATTEST:



JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this 26th day of September, 2022.


MEREDITH LEIGHTY
Mayor

ATTEST:



JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney