

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB34

ORDINANCE NUMBER: 2021-34

TITLE: AN ORDINANCE AMENDING SECTION 10-162 OF THE BLACK HAWK MUNICIPAL CODE PROHIBITING THE CARRYING OF FIREARMS INTO CITY BUILDINGS

WHEREAS, Senate Bill 21-259 ("SB 21-259") recognizes that local governments are uniquely equipped to make determinations as to where firearms and concealed handguns can be carried within their local jurisdictions;

WHEREAS, local governments may prohibit the carrying of firearms in public buildings if a sign is posted at the entrance of such building informing people of such prohibition;

WHEREAS, local governments are permitted to enact an ordinance prohibiting a person with a concealed carry permit from carrying a concealed handgun into a city building, provided a sign is posted at the entrance of such building informing people of such prohibition; and

WHEREAS, the City wishes to prohibit any individual—except for select law enforcement and military personnel acting in the course of their duty—including those carrying a concealed handgun pursuant to a valid concealed carry permit to carry a firearm, into any City building where notice is posted at the entrance that firearms and concealed handguns are prohibited.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 10-162 of the Black Hawk Municipal Code is hereby amended by the addition thereto of a new subsection (c) to read as follows:

Sec. 10-162.—Carrying Weapons.

* * *

(c) It is unlawful for any person to carry a firearm on or about his person into any City building where a sign has been posted at the entrance of such building prohibiting firearms from entering the building.

(1) Nothing in this Subsection (c) shall apply to the Police Department, any police officer or members of the armed forces of the United States, or Colorado National Guard acting in the lawful discharge of their duties.

(2) Any individual who violates this Subsection (c) and who is not in possession of a valid concealed carry permit shall be subject to the general penalty provision as set forth by Section 10-4 of this Code.

(3) Any individual who violates this Subsection (c) and who is in possession of a valid concealed carry permit issued in the state of Colorado shall not be subject to the general penalty provision as set forth by Section 10-4 of this Code. Such individual, who is found to be in violation of this Subsection (c), with a valid concealed carry permit shall only be liable for civil penalties. Such civil penalty shall not exceed fifty dollars (\$50.00) for the first violation.


(4) Any individual who violates this Subsection (c) may be asked to leave the City building. It is unlawful for such individual to refuse to leave the City building upon being requested to do so. Violation of this Subsection (c)(3) is subject to the penalty provision provided by Section 10-4 of this Code, regardless of whether such individual is in possession of a valid concealed carry permit issued in the state of Colorado.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

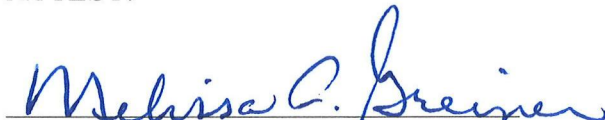
Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 13th day of October, 2021.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

