

ORDINANCE NO. 2022-4

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY PROHIBITING THE CARRYING OF FIREARMS IN SENSITIVE PUBLIC PLACES

RECITALS

- A. The County of Boulder respects the rights of law-abiding citizens to carry concealed handguns in public places where it is safe and lawful to do so.
- B. There are certain areas where firearms pose an acute risk to the health and wellbeing of children, office workers, and members of the public.
- C. The open carrying of firearms has been used by white supremacists and other extremists to usurp the role of law enforcement or participate in unsanctioned and illegal militias. Open carrying has also been used to intimidate and infringe on the First Amendment rights and political participation of others
- D. The presence of firearms at government buildings and offices, polling places, ballot counting facilities, and public demonstrations poses a serious threat to First Amendment rights, voting rights, and the functioning of our democracy.
- E. People carrying handguns in public buildings and at crowded public events – including financial institutions, sporting venues, courthouses, hospitals and medical or mental health facilities, theaters, houses of worship, and similar locations – create unnecessary risks of intentional or accidental shootings, increase the risk of lethal disputes between members of the public, and increase the risk that a law-abiding citizen’s weapon will be stolen and used by someone else to harm or threaten employees or the public.
- F. Courthouses and healthcare facilities in particular are the sites of high-stakes, emotional events and may be frequented by people in crisis who do not have a choice other than to be there. Allowing the carry of firearms in such locations increases the risk of intentional or reckless violence or violence fueled by mental health crises and raises the possibility that everyday disagreements will escalate into shootouts.
- G. The presence of firearms in places frequented by children and families – including parks, playgrounds, community and recreation centers, and daycare centers – poses unreasonable risks to children, particularly of unintentional shootings and firearm misuse, as well as trauma that can result from mishandled firearms or gun violence.
- H. Firearms pose a substantial danger in the vicinity of intoxicated people at facilities that serve alcohol, as research demonstrates a strong link between alcohol use and domestic violence, gun crimes, and self-inflicted firearm injuries.
- I. Grocery stores have been targets of mass shootings, including a shooting in Boulder, Colorado, in 2021 that killed ten people, and a shooting in Buffalo, New York, in 2022 that killed ten people.

J. Pursuant to Section 30-11-101(2) of the Colorado Revised Statutes, a county has the authority to adopt and enforce ordinances regarding issues of health, safety, and welfare.

K. Pursuant to Sections 18-12-214(c)(1) and 29-11.7-104 of the Colorado Revised Statutes, Boulder County has the authority to adopt and enforce ordinances that prohibit the concealed and open carrying of a firearm in a building or specific area within Boulder County's jurisdiction.

L. The United States has a longstanding historical tradition of restricting or prohibiting individuals from carrying firearms in sensitive places such as polling places, government buildings, and schools. *N.Y. State Rifle & Pistol Ass'n v. Bruen*, No. 20-843, 2022 U.S. Lexis 3055 (U.S. June 23, 2022); Kopel, D.B. & Greenlee, J.G.S. (2018) The "Sensitive Places" Doctrine: Locational Limits on the Right to Bear Arms. *Charleston Law Review*, 13 Charleston. L. Rev. 205.

M. The Board of County Commissioners of Boulder County finds it necessary to prohibit the concealed or open carrying of firearms in certain designated public places in order to protect the safety of Boulder County residents and visitors.

N. The Board of County Commissioners of Boulder County finds that regulation of firearms in the areas identified in this Ordinance is consistent with and analogous to longstanding law forbidding the carrying of firearms in sensitive places such as schools, government buildings, legislative assemblies, polling places, and courthouses.

BE IT ORDAINED, by the Board of County Commissioners of the County of Boulder, the following:

SECTION 1. PROHIBITION ON POSSESSION OF FIREARMS IN SENSITIVE AREAS.

- (a) No person may knowingly carry any firearm, whether in an open or concealed manner, in any of the following locations:
- (1) Any building or real property owned or operated by Boulder County, or an entity created or controlled by Boulder County, except for County rights-of way.
 - (2) The portion of any building that is being used for governmental purposes by Boulder County or an entity created or controlled by Boulder County.
 - (3) Any public parks, playgrounds, or open space owned, operated or managed by Boulder County.
 - (4) Any recreation or community center facility owned, operated, or managed by Boulder County.
 - (5) Within 500 feet of any polling location or a ballot drop box within Boulder County on the day of an election or during the time when voting is permitted for any election or at a place officially designated by the Boulder County Clerk and Recorder for the counting of ballots on any day when ballots are being counted or conducting activities related to a federal, state, or municipal election.

- i. This Section 1(a)(5) does not apply to a person who carries a firearm that the person owns on the person's private property that is within the 500-foot buffer zone or while traveling directly between the person's private property and a place outside the 500-foot buffer zone.
 - (6) The indoor and outdoor premises of any facility licensed to serve alcohol pursuant to Title 44, Article 3, of the Colorado Revised Statutes.
 - (7) A healthcare facility as defined in C.R.S. § 25.5-3-501(1).
 - (8) A facility or office that has medical, mental health, or substance abuse professionals to provide screening, evaluation, or treatment for mental health or substance abuse disorders.
 - (9) Any property or facility owned or operated by a church, synagogue, mosque, temple, or other place of worship without express permission in writing from the property or facility's operating authority.
 - (10) A stadium or arena.
 - (11) A courthouse.
 - (12) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
 - (13) A theater.
 - (14) A day care center or preschool.
 - (15) A grocery store.
- (b) Notice of the prohibitions on the concealed and open carry of firearms shall be posted conspicuously at all public entrances to the locations identified in subsection (a) as required by C.R.S. § 29-11.7-104 and C.R.S. § 18-12-214(c)(2).
- (1) No later than sixty days after the enactment of this ordinance, Boulder County shall make compliant signs available for download on a publicly accessible website.
 - (2) No person shall be determined to violate this section if signs are not posted as required by this subsection.
- (c) The provisions of this ordinance do 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.
 - (3) Private security guards acting in the course of their duties.
 - (4) The carrying or possession of a firearm in a private motor vehicle.
- (d) As used in this section:
- (1) "Firearm" has the same meaning as set forth in 18 U.S.C. § 921 (a)(3), as amended.

SECTION 2. VIOLATIONS AND PENALTIES

- (a) Any person who carries a weapon in violation of this ordinance shall be required to immediately leave the premises. A person who does not leave the premises when required may be subject to additional criminal penalties including but not limited to criminal trespass.
- (b) Any person who carries a concealed weapon in violation of this ordinance shall be assessed a civil penalty of \$50.00 for the first offense. Repeat occurrences of carrying a concealed weapon in violation of this ordinance shall be civil infractions, and upon conviction, shall be punishable by a fine of \$100.00 for each violation. The penalty assessment procedure provided in Section 16-2.3-102 of the Colorado Revised Statutes shall be followed by the arresting officer.
- (c) Any person who openly carries a weapon in violation of the provisions of this ordinance and who knew or reasonably should have known that their conduct was prohibited by this ordinance commits a misdemeanor that upon conviction is punishable by a fine of not more than \$1,000.00, imprisonment of not more than 364 days in the county jail, or both a fine and imprisonment.

SECTION 3. SEVERABILITY CLAUSE

If any section, clause, sentence, or part of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate the other provisions of this ordinance which can be given effect without such invalid provision.

SECTION 4. SAFETY CLAUSE

This ordinance shall take effect immediately upon its adoption. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the county due in part to the need to control the activity subject to this ordinance as soon as possible.

[SIGNATURE ON FOLLOWING PAGE]

ADOPTED ON SECOND AND FINAL READING on _____, 2022.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO

Marta Loachamin, Chair

ATTEST:

Clerk to the Board