

TOWN OF BLUE RIVER, COLORADO

ORDINANCE NO. 2022-05

**AN ORDINANCE AMENDING THE BLUE RIVER MUNICIPAL CODE
BY THE AMENDMENT AND ADDITION OF PROVISIONS TO
ARTICLE 8 OF CHAPTER 10 TO REGULATE AND PROHIBIT THE
DISCHARGE OF FIREARMS, BOWS AND ARROWS, AND OTHER
WEAPONS WITHIN THE TOWN LIMITS, ESTABLISHING
EXCEPTIONS TO SUCH PROHIBITIONS, AND DECLARING AN
EMERGENCY**

WHEREAS, the Town of Blue River, Colorado (“Town”) is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town possesses the authority to regulate the discharge of firearms within the Town boundaries for the protection of the public health, safety, and welfare; and

WHEREAS, due to the relative proximity of residences, accessory buildings, and private and public areas occupied or visited by the public, the discharge of certain weapons presents risk of death, bodily injury, and property damage to citizens of the Town; and

WHEREAS, the Board of Trustees finds that the discharge of certain weapons within the Town’s limits is incompatible with the residential character of the Town and diminishes the quiet enjoyment of property.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:

Section 1. **Amendment.** Subsection (a) of Section 10-1-10, titled *Definitions*, of the Town of Blue River Municipal Code is amended by the addition of new definitions to be placed in alphabetical order with existing definitions found in the same subsection of Section 10-8-10:

BB gun means a instrument, device, or weapon that that uses air pressure to fire one or more small metal balls.

Bow and arrow means and includes any device or weapon consisting of a stave made of wood, plastic, fiberglass, or other resilient of elastic material, bent and held in tension by a string or cord for the purpose of propelling, launching, throwing, or projecting any form of shaft or arrow with or without a feathered tail. Bow and arrow includes a crossbow.

Firearm means and includes any handgun, automatic, pistol, revolver, rifle, or shotgun which may be used for the explosion of cartridges, or any stun gun, air gun, gas gun, spring gun, BB gun, pellet gun, or other instrument, device, or weapon of any description or name capable or intended to be capable of shooting, projecting, discharging any form of projectile, shot, bullet, or other object.

Knife means any dagger, dirk, ballistic knife, gravity knife, switchblade knife, knife or stiletto with a blade over three and one-half (3½) inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing or tearing wounds; but does not include a knife, other than a ballistic knife, gravity knife, or switchblade knife, in possession of a person while engaged in hunting or fishing. The issue that a knife is in possession of a person while engaged in hunting or fishing must be raised as an affirmative defense.

Shotgun means a long-barreled firearm designed to shoot a straight-walled cartridge or shotshell which usually discharges numerous small pellet-like spherical projectiles often called shot, or a single solid projectile often called a slug. A shotgun includes a shotgun with a barrel that is cut or otherwise modified to shorten the length of the weapon.

Rifle means a long-barreled firearm designed to be fired from the shoulder often incorporating a rifled or grooved interior barrel. A rifle includes a rifle with a barrel that is cut or otherwise modified to shorten the length of the weapon.

Section 2. Amendment. Subsection (a) of Section 10-1-10, titled *Definitions*, of the Town of Blue River Municipal Code is amended by the deletion of the following existing definitions found in the same subsection of Section 10-8-10:

Short shotgun
Short rifle

Section 3. Repeal and Amendment. Section 10-8-40, titled *Prohibited Use of Weapons*, of the Town of Blue River Municipal Code is amended by the repeal of section 10-8-40 and the addition of a new Section 10-8-40 to read as follows:

Sec. 10-8-40. Prohibited Use of Weapons.

- (a) It shall be unlawful and a violation of the Municipal Code to:
- (1) Knowingly and unlawfully aims a firearm or bow and arrow at another person;
 - (2) Recklessly or with criminal negligence discharges a firearm or shoots a bow and arrow;
 - (3) Knowingly sets a loaded gun, trap, bomb, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present;

- (4) Has in his or her possession a firearm while he or she is under the influence of intoxicating liquor or of a controlled substance. Possession of a permit issued under Section 18-12-105(2)(c), C.R.S., is no defense to a violation of this Section; or
 - (5) Knowingly aims, swings or throws a throwing star or nunchaku at another person, or knowingly possesses a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed, non-accessible container.
- (b) It shall be unlawful and a violation of the Municipal Code to discharge, shoot, or operate whether intentionally, recklessly, or negligently, a firearm or a bow and arrow within the Town, except as follows:
- :
- (1) Nothing contained in this Section shall prevent the use of a firearm or a bow and arrow within a lawfully established and Town approved shooting gallery or shooting range when such instrument can be fired, discharged, or operated in a manner as to not endanger persons or property.
 - (2) Nothing contained in this Section shall prevent the use of any such instruments by any peace officer as shall be necessary in the proper discharge of the officer's duties.
 - (3) Nothing contained in this Section shall prohibit the shooting, operation, or use of a bow and arrow when such shooting, operation, or use is conducted in a matter that: (i) is wholly contained within a lot or parcel with the owner's consent; (ii) is conducted in a manner that will reasonably prevent the arrow from leaving the boundaries of the lot or parcel; (iii) is directed at an inanimate target located to prevent an errant arrow from contacting a building, deck, patio, recreation area, or other structures or areas authorized for habitation.
 - (4) Nothing contained in this Section shall be applied to render unlawful the use of an instrument regulated by this Article when such use is determined by the Chief of Police or by a court of competent jurisdiction to be reasonable and necessary in self-defense or defense of others.
 - (5) Nothing contained in this Section shall prevent the use of any instruments regulated by this Article by the personnel of law enforcement agencies of the United States, the State of Colorado, county sheriffs' offices, or municipal police departments as such use is reasonable, necessary, and appropriate in the proper discharge of such personnel's authorized duties.

Section 4. Amendment. Article VIII of Chapter 10 of the Town of Blue River Municipal Code is amended by the addition of a new Section 10-8-60 to read as follows:

Sec. 10-8-60. Minimum Penalty.

- (a) Each violation of this Article shall be subject to the following minimum penalty:
- (1) For the first violation: Five hundred dollars (\$500.00);
 - (2) For the second violation: One thousand dollars (\$1,000); and
 - (3) For the third and each subsequent violation: Two thousand seven hundred dollars (\$2,700) or the maximum penalty authorized by C.R.S. § 13-10-113, whichever is higher.
- (b) Such penalties shall be in addition to any other penalty authorized by Article IV of Chapter 1 of the Municipal Code including payment of court costs, expenses, and restitution, as deemed appropriate by Town policy or by the Municipal Court.

Section . Severability. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 7. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make or cause to be made minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 8. Emergency Declaration and Effective Date. The Board of Trustees hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health, or safety. Specifically, the passage of this Ordinance as an Emergency Ordinance is necessary due to the thirty (30) day delay required with the effective date of any regular ordinance and the risk to the public during such delay resulting from the unregulated discharge of firearms and bow and arrow within the Town. As an Emergency

Ordinance, the protection of the health, safety, and welfare of the public is best advanced and, upon passage by a supermajority of the members of the Board of Trustees in office as required by state law, this Ordinance shall become effective immediately upon adoption.

INTRODUCED, READ, PASSED, ADOPTED BY 3/4ths VOTE OF THE BOARD OF TRUSTEES AND ORDERED PUBLISHED at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 20th day of September, 2022.

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

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