



Ordinance No. 22-02

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN

ORDINANCE PROHIBITING FIREARMS IN ALL COUNTY BUILDINGS

WHEREAS, C.R.S. §§29-11.7-101 *et seq.* recognizes that local governments, which include counties per C.R.S. §29-11.7-101.5, are uniquely equipped to make determinations as to where firearms and concealed handguns can be carried within their local jurisdictions; and

WHEREAS, C.R.S. §§29-11.7-104 expressly allows local governments, to prohibit the open carrying of a firearm in a building or specific area within the local government's jurisdiction, provided signs are posted at public entrances to such buildings and specific areas informing people of such a prohibition; and

WHEREAS, C.R.S. §18-12-201(d) recognizes that local governments, which include counties, are uniquely equipped to make determinations as to where concealed handguns can be carried in their local jurisdictions; and

WHEREAS, C.R.S. §18-12-214 expressly allows local governments to prohibit the carrying of a concealed firearm in a building or specific area within the local government's jurisdiction, provided signs are posted at public entrances to such buildings and specific areas informing people of such a prohibition; and

WHEREAS, the Board of County Commissioners of the County of Gilpin wishes to prohibit any person, except for select law enforcement, military personnel acting in the course of their official duties, and certain independent contractors described herein, from carrying any firearm into any Gilpin County building, subject to posted notice at the entrance to any County building that any firearm, whether concealed or openly carried, is prohibited in County buildings.

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of the County of Gilpin, the following:

SECTION 1. DEFINITIONS.

1.1. FIREARM: Per C.R.S. 18-1-901(3)(h), "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, whether loaded or unloaded.

1.2. COUNTY BUILDING: Any Gilpin County owned or leased buildings.

1.3. PERSON OR INDIVIDUAL:

1.3.1. Person or Individual means and includes members of the public, County personnel



and elected officials, and independent contractors not included in or subject to the exceptions set forth in Section 1.3.2 below.

1.3.2. Person or Individual DOES NOT MEAN OR INCLUDE:

1.3.2.1. A person or individual acting lawfully in their official capacity as a law enforcement officer including without limitation the Gilpin County Sheriff and deputies, any state or federal law enforcement officials or personnel acting in the scope and course of their official duties. Also including qualified retired law enforcement officers;

1.3.2.2. Military personnel in the United States armed forces acting in the lawful scope and course of their official duties;

1.3.2.3. Independent contractors acting in the lawful scope and course of their work for Gilpin County if the independent contractor’s possession of a firearm is necessary for the independent contractor’s work for the County and the County was made aware of or required the contractor’s possession of the firearm and consented in writing to the independent contractor’s possession of the firearm for that specific work.

SECTION 2. PROHIBITION ON CARRYING FIREARMS ON COUNTY PROPERTY

2.1. It is unlawful for any person to carry any firearm on or about their person on any County Property where a sign has been posted at the entrance of such County Property prohibiting firearms on County Property. This prohibition applies regardless of whether the firearm is concealed or an open carry. This prohibition applies regardless of whether the person has a current lawful and valid permit to carry the firearm.

2.2. **Violations of this Ordinance – Fines – Fine Assessment Procedure.** Pursuant to C.R.S. §30-15-402, any person who violates any provision of this Ordinance shall be guilty of a civil infraction punishable upon conviction with a fine of up to one hundred dollars (\$100.00). A civil infraction constitutes a civil matter. Each violation of this Ordinance shall be deemed separate and distinct from any other violations of this Ordinance or of any other federal, state or local law, order, or regulation. For each separate offense, the penalty for any person found to violate this Ordinance shall be subject to a graduated fine schedule and punished by fines of:

- 2.2.1. First Violation: Fifty dollars (\$50.00)
- 2.2.2. Second Violation: Seventy-Five dollars (\$75.00)
- 2.2.3. Subsequent Violations: One hundred dollars (\$100.00)

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2.3. Refusal of Person Possessing Firearm to Immediately Leave County Property Upon Request Results in Criminal Charges, Civil Fines, and Potential Imprisonment.

Any person who violates this Ordinance 22-02 is required to leave County Property immediately upon request of any County staff, elected official, or peace officer. Any offending person that fails to do so will be subject to additional civil fines, criminal prosecution, and potential imprisonment for violating a County ordinance per C.R.S. §18-9-117 for unlawful conduct on public property. The offending person is guilty of a crime classified as a petty offense. Any person who is found guilty of, or pleads nolo contendere to the violation of, this these criminal laws shall be subject to a fine of three hundred dollars (\$300.00) and imprisonment for up to ten (10) days. A peace officer as defined by C.R.S. §16-2.5-105 from the Gilpin County Sheriff's Office or a cooperating law enforcement entity in Gilpin County may also temporarily take the person's firearm from them due to the person's commission of this crime. The peace officer may return the fire arm to the person if the peace officer determines no additional crimes or safety concerns exists by returning possession of the firearm to the person. A person's refusal to leave the premises when requested may result in additional criminal charges being filed for other criminal actions under Colorado law if the person engages in any verbal or physical violence, threats, or other actions constituting crimes.

2.4. Penalty – Fine Assessment Procedure.

2.4.1. The penalty assessment procedure provided for in C.R.S. §16-2.3-102 shall apply if only a civil infraction is charged. The penalty assessment procedure provided in C.R.S. §16-2-102 and §16-2-201 shall be followed for any violation of this Ordinance that is a crime based on a person's refusal to leave County Property due to possession of a firearm. Jurisdiction of these matters will be in Gilpin County Court. If only a civil infraction is charged in the complaint, the complaint will be before a county magistrate judge. If the criminal charges are included in the complaint for refusal to leave County Property, the matter will be before a judge or magistrate and the rules of criminal procedure will apply. Any person who violates any provision of this Ordinance shall be given a penalty assessment notice by the apprehending peace officer or by the designated County enforcement personnel. The penalty assessment notice shall be a summons and complaint which contains: (i) the identity of the alleged offender by name and address, (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly or by mail to the Gilpin County Treasurer at their office or P.O. Box in Central City, CO, or if available electronically online through a Gilpin County online payment portal or via some other online electronic process and (iv) states the requirement that the alleged offender either pay the fine to the Gilpin County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen (14) days of such penalty assessment notice, or else be required to appear to answer the charge before the Gilpin County Combined Court,



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2960 Dory Hill Road, at the date and time specified in the penalty assessment notice.

2.4.2. Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen (14) days of the date of issuance of the penalty assessment notice, pay a fine to the Gilpin County Treasurer in person at the Gilpin County Courthouse in Central City, CO, by mail to the County Treasurer's address as specified on the penalty assessment notice, or if available, electronically online through a Gilpin County payment portal or other online electronic process. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the fine specified in the penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the Gilpin County Court, at the date and time specified in such notice, to answer the offense charged in the notice.

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SECTION 3. SAFETY CLAUSE

The Board of County Commissioners of the County of Gilpin hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the County of Gilpin, that it is promulgated for the health, safety, and welfare of its residents and all visitors, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

SECTION 4. 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 5. EFFECTIVE DATE

As required by C.R.S. §30-15-405, the Gilpin County Board of County Commissioners determines that this Ordinance shall be effective immediately upon approval at second reading by the Board of County Commissioners. This effective date is necessary to the immediate preservation of the public health and safety.

Introduced and first read this 5th day of July, 2022, and ordered published in full in a newspaper of general circulation published in Gilpin County at least ten (10) days prior to final adoption.

Approved and adopted upon second reading by a vote of 2 to 1 this 06th day of September, 2022.

Gilpin County Ordinance No. 22-02 Prohibiting Firearms in County Buildings

ADOPTED this 06th day of September, 2022, by a vote of 2 to 1.

BOARD OF COUNTY COMMISSIONERS
OF GILPIN COUNTY

Sandy Hollingsworth

Sandy Hollingsworth, Chair

CERTIFICATION AND ATTESTION OF THE COUNTY CLERK

Sahari McCormick, Gilpin County Clerk and Recorder, hereby certifies and attests that the foregoing Ordinance was introduced and publication ordered by the Board of County Commissioners of the County of Gilpin on first reading on the 5th day of July, 2022 at a regularly scheduled meeting of the Board of the County Commissioners, and approved on second reading on the 6th day of September, 2022, at a specially scheduled meeting of the Board of County Commissioners, Gilpin County, Colorado and that said Ordinance was published in full in the Newspapers of Record at least ten (10) days prior to final adoption.

Sharon "Sahari" McCormick

Sharon McCormick A.K.A Sahari McCormick
Gilpin County Clerk and Recorder

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