

**TOWN OF LYONS,
COLORADO**

ORDINANCE 1126

**AN ORDINANCE OF THE TOWN OF LYONS, COLORADO REPEALING AND
REPLACING SECTION 10-10-30 OF THE LYONS MUNICIPAL CODE PROHIBITING
THE OPEN CARRYING OF FIREARMS IN PUBLIC PLACES**

WHEREAS; pursuant to C.R.S. § 13-15-103 the Town of Lyons (the "Town") has the authority to create and publish ordinances; and

WHEREAS, C.R.S. § 29-11.7-103 authorizes the Town to adopt ordinances governing or prohibiting the sale, purchase, transfer, or possession of firearms that are not less restrictive than state law; and; and

WHEREAS, furthermore, C.R.S. § 29-11.7-104, C.R.S., authorizes the Town to adopt ordinances prohibiting the open carrying of firearms in buildings or other specific areas within the Town's jurisdiction; and

WHEREAS, the Town of Lyons Board of Trustees (the (Board") previously enacted Section 10-10-30 of the Lyons Municipal Code ("LMC") which previously restricted the open carrying of firearms on property owned by the Town; and

WHEREAS, the Board finds that, in a time when mass shootings of innocent people in public locations have become a nearly daily occurrence in the United States, the open carrying of firearms in and about public places causes great apprehension, if not outright fear, on the part of many citizens who frequent such locations as it is difficult, if not impossible, to distinguish between a law abiding citizen and one about to open fire on strangers; and

WHEREAS, the Board further finds that the open carrying of firearms during times of civil protest or unrest tends to exacerbate, rather than ameliorate, the potential for violence and death or serious bodily injury during or resulting from such protest or unrest; and

WHEREAS, the Board of Trustees finds that, given state laws that allow any minimally qualified person to carry a concealed firearm in public places in accordance with state and local law, a prohibition on the open carrying of firearms does not place any significant burden on a citizen's right to keep or bear arms; and

WHEREAS, the Board desires to adopt an ordinance prohibiting the open carry of firearms in public places within the Town's limits.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, THAT:

Section 1. The recitals set forth above are incorporated as if set fully forth herein.

Section 2. Section 10-10-30 is repealed in its entirety.

Section 3. A new Section 10-10-30 is hereby created in the Lyons Municipal Code concerning a prohibition on the open carrying of firearms as follows:

Sec. 10-10-30. Unlawful open carry of firearms - penalties.

- (a) Except as provided in subsection (b) of this section, it shall be unlawful for any person to openly wear, carry, or transport any firearm on or about their person in a public place. For the purposes of this section, a "public place" shall include any property owned or controlled by the Town or another political subdivision of the state including, but not limited to, public streets and sidewalks, public buildings, public transportation, parks, and open space.
- (b) It shall not be an offense under subsection (a) of this section if, at the time of carrying, the person is abiding by all other federal, state and local laws and is:
 - (1) A law enforcement officer;
 - (2) Acting under authorization of the federal, state, or local government or in aid of lawful authorities when thereto legally summoned;
 - (3) In their own dwelling, place of business, or on property owned or under their control or on the property of another person with permission from the property owner;
 - (4) Transporting the firearm while travelling within a private automobile or other private means of conveyance for hunting or for the lawful protection of a person's or another's person or property, or to or from a place of sale or repair, or from a previous residence to a new residence;
 - (5) A collector or dealer licensed pursuant to state or federal law and the person is handling or transporting the firearm for lawful exhibition or sale;

- (6) Carrying the firearm for use in lawfully conducted hunting or sporting activity, including, but not limited to shooting matches, target shooting, or trap or skeet shooting; or
- (7) The carrying of a concealed firearm by a person with a valid permit to carry issued or recognized pursuant to Title 18, Article 12 Part 2 of the Colorado Revised Statutes, or the otherwise lawful use of firearm by a person with a valid permit to carry.

(c) Upon finding that a person is guilty of a violation under subsection (a) of this section, the Lyons Municipal Court shall:

- (1) for a first offense, impose only a fine of up to \$100, and/or other penalty, such as mandatory community service or firearms education, that does not include imprisonment; and
- (2) for each and any subsequent violation, shall impose only a fine of up to \$999, and/or other penalty, such as mandatory community service or firearms education, that does not include imprisonment.

Section 4. Code Revisions. Because this Ordinance revises an entire Section of the Lyons Municipal Code, minor changes such as the format, numbering, and other such changes may be necessary to unify the revised code. The Town Clerk is hereby authorized to make such changes provided that neither the intent of this Ordinance nor substantive content is altered.

Section 5. Severability. Should any one or more sections or provisions of this Ordinance enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 6. Repeal. Any and all ordinances, resolutions, or codes, or parts thereof, which are in conflict or inconsistent with this ordinance are repealed, to the extent of such conflict or inconsistency exists. The repeal of any such ordinance, resolution, or code or part thereof, shall not revive any other section or part of any ordinance, resolution, or code provision. This repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to this ordinance taking effect.

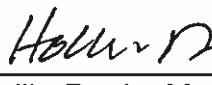
Section 7. Codification of Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Lyons Municipal Code.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days after publication following final passage in accordance with Section 2-2-160 of the Lyons Municipal Code.

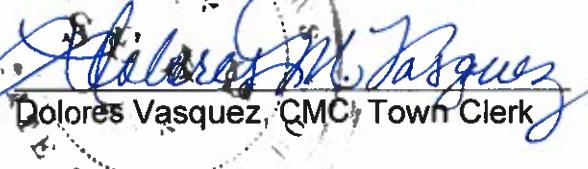
INTRODUCED AND PASSED ON FIRST READING THIS 15th DAY OF August
2022

INTRODUCED, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED ON
SECOND READING THIS 10th DAY OF September 2022.

TOWN OF LYONS, COLORADO


Hollie Rogin, Mayor

ATTEST:


Dolores Vasquez, CMC, Town Clerk
