

TOWN OF ARRIBA, COLORADO
ORDINANCE NO. __

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF ARRIBA, COLORADO
PROHIBITING THE DISCHARGE OF FIREARMS WITHIN THE TOWN.

WHEREAS, the Town of Arriba (hereinafter referred to as the "Town"), in the County of Lincoln and the State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado;

WHEREAS, the Board of Trustees of the Town of Arriba (hereinafter referred to as the "Board"), desires to regulate firearms and the discharge of firearms within the bounds of the law; and

WHEREAS, the enactment of these limited local provisions is authorized by Senate Bill 21-256, and consistent with the recent decision issued by the United States Supreme Court in *New York Rifle & Pistol Association, Inc., et al., v. Bruen, Superintendent of New York State Police, et al.*, 597 U.S. ____ (2022) (the "*Bruen*" case) dated June 23, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO, THAT:

Section 1. Purpose. The purpose of this Ordinance is to restrict the discharge of certain weapons within the Town.

Section 2. Definitions. For the purposes of this Ordinance, the following definitions apply:

"Firearm" means any handgun, automatic revolver, pistol, rifle, shotgun, large bore pellet gun or other instrument or device capable or intended to be capable of discharging bullets, cartridges or other explosive charges, but excludes an "antique firearm", as defined in 18 U.S.C. § 921(a)(16).

Section 3. Discharge of firearms.

No person shall discharge any projectile from a firearm. For purposes of this Ordinance, any person who was the proximate cause of the discharge shall be deemed to have discharged the firearm. It is a violation of this Ordinance if the discharge of occurs within the jurisdiction of the Town or if the projectile travels over such jurisdiction.

Section 4. Exemptions. Nothing in this Ordinance shall be construed to forbid the following persons from having in their possession, displaying, concealing or discharging such weapons as are necessary in the authorized performance of their official duties:

- (A) A U.S. Marshal, sheriff, constable or their deputies;
- (B) A peace officer; or

(C) A member of the U.S. Armed Forces, Colorado National Guard or Reserve Officer Training Corps, to the extent such person is otherwise authorized to acquire, possess or discharge a firearm and does so within the scope of their duties.

Section 5. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Arriba, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of healthy\ and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Severability. If this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 7. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

INTRODUCED, READ, PASSED AND ADOPTED this __ day of ____, 2022.

PASSED by a vote of __ for and __ against AND ORDER PUBLISHED ONCE IN FULL this __ day of ____, 2022.

TOWN OF ARRIBA

, Mayor

(Seal)

ATTEST:

Josie Hart, Town Clerk