

ORDINANCE NO. 1159

AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO
AMENDING SECTION 17-17-120 OF THE BERTHOUD MUNICIPAL CODE

WHEREAS the Second Amendment of the United States Constitution provides: "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed;"

WHEREAS Article II, Section 13, of the Colorado Constitution states: "The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called into question;" and

WHEREAS the Board of Trustees of the Town of Berthoud desires to facilitate exercise by the citizens of the Town of their rights under the United States and Colorado Constitutions described above and to increase the opportunity for citizens to safely buy, sell, and utilize firearms;

WHEREAS current ordinances of the Town excessively restrict the instances in which discharge of a firearm within the Town boundaries is permitted;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

Section 1. Section 17-17-120 of the Berthoud Municipal Code shall be revised to read, in its entirety, as follows:

17-17-120 Discharging – exceptions

(1) It is unlawful for any person, except a law enforcement officer in the performance of his duties, to fire or discharge within the Town a revolver or pistol of any description, shotgun or rifle, which may be used for the explosion of cartridges or shells, or any air gun, gas operated gun, spring gun or bows and arrows.

(2) It shall be an affirmative defense to a violation of the prohibition contained in subsection (1) that the person was reasonably exercising the use of physical force in defense of person, property or premises, as recognized by state law.

(3) The prohibition contained in subsection (1) shall not apply in any of the following circumstances:

(a) if the weapon is being discharged within the Town of Berthoud at the Town's firing range;

(b) if the weapon is being discharged within a business licensed to buy and sell weapons when the intent is for testing of weapons in a safe bullet

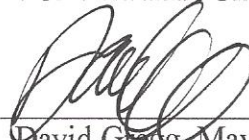
trap with adequate backstop to prevent injury to persons or damage to property, which has been approved in writing in advance by the Chief of Police or his or her designees; or

(c) if the weapon is being discharged within a business when firing into a safe bullet trap with adequate backstop to prevent injury to persons or damage to property on a firing range that, along with the bullet trap, has been approved in writing in advance by the Chief of Police or his or her designees.

PASSED, ADOPTED, SIGNED AND APPROVED this 11th day of June, 2013.

TOWN OF BERTHOUD

By:



David Gregg, Mayor

ATTEST:

By:


Mary K. Cowdin, Town Clerk