

**TOWN OF PARACHUTE
ORDINANCE NO.785-2020**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, AMENDING SECTIONS 11.06.120 AND 11.06.160 OF THE PARACHUTE MUNICIPAL CODE REGARDING PROHIBITED USE AND POSSESSION OF A FIREARM

WHEREAS, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter;

WHEREAS, Section 11.06.120 of the Parachute Municipal Code (the “Code”) regulates the use of weapons in the Town, prohibiting the discharge of any firearm in the Town except by a peace officer;

WHEREAS, Section 11.06.160 of the Code regulates the possession of illegal weapons in Town, including the possession of certain firearms that may be used for hunting or recreation uses;

WHEREAS, such prohibition on the discharge of firearms pursuant to Section 11.06.120 and possession pursuant to Section 11.06.160 effectively prohibit hunting in the Town;

WHEREAS, the Town Council wishes to amend Section 11.06.120 to allow for the discharge of firearms and Section 11.06.160 to allow for possession of firearms in limited circumstances, specifically if done pursuant to allowed hunting or recreational uses recognized under the Town’s zoning powers;

WHEREAS, the Town Council believes allowing such limited discharge of weapons will not endanger the public; and

WHEREAS, the Town Council finds that the amendments to the Code are in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Section 11.06.120 (Prohibited use of weapons) of the Parachute Municipal Code is hereby amended as follows, with underlined text added and ~~strike-through language~~ deleted:

11.06.120 Prohibited use of weapons.

A. A person commits a Class A municipal offense if:

1. He knowingly and unlawfully displays or aims a firearm at another person; or
 2. Not being a peace officer, he knowingly fires or discharges any cannon, gun, pistol, revolver, or any other firearm anywhere within the Town, **except pursuant to, and in accordance with, legal hunting and recreational uses authorized by the Town under its zoning powers;** or
 3. Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm; or
 4. He knowingly and unlawfully explodes or sets off any combustible or explosive material; or
 5. He knowingly sets a loaded gun, trap, or device designed to cause explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or
 6. He has in his possession a firearm while he is under the influence of intoxicating liquor or of a controlled substance, as defined in § 18-18-102(7), C.R.S., as amended. Possession of a permit issued under § 18-12-105(2)(c), C.R.S., as amended, is no defense to a violation of this subsection.
- B. A person commits a Class B municipal offense if:
1. He knowingly and unlawfully discharges any air gun, gas-operated gun, BB gun, pellet gun, slingshot, or spring gun anywhere within the Town, **except pursuant to, and in accordance with, legal hunting and recreational uses authorized by the Town under its zoning powers;** or
 2. He knowingly and unlawfully sets off, or explodes, any firecracker, torpedo ball, rocket or other fireworks, except on the celebration of some holiday or event, by the consent of the Mayor or Town Manager.
- C. The Mayor or Town Manager may grant an exception to this section, in writing, for contests, sporting events, construction and/or maintenance work. Said permission shall limit the time and place of such firing, and shall be subject to being revoked by the Town Council at any time after the same has been granted.
- D. Every person convicted of any violation of this section shall forfeit to the Town of Parachute such gun, firearm or other weapon used in the violation

Section 3. Section 11.06.160 (Possession of an illegal weapon) of the Parachute

Municipal Code is hereby amended as follows, with underlined text added and ~~strike-through language~~ deleted

11.06.160 Possession of an illegal weapon.

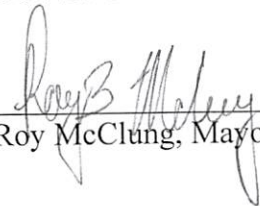
- A. As used in this section, the term “illegal weapon” means a blackjack, bomb, ~~firearm~~, silencer, gas gun, machine gun, short shotgun, short rifle, metallic knuckles, gravity knife, or switchblade knife.
- B. It shall be unlawful for a person, other than a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or a person who has a valid permit and license for such weapon, to knowingly possess an illegal weapon. The exceptions in this subsection shall be an affirmative defense.
- C. Any violation of this section shall constitute a Class A municipal offense.

Section 4. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 4 to 1 of the Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 20th day of August 2020 and approved by the Mayor on the 20th day of August 2020.




TOWN OF PARACHUTE, COLORADO



Roy McClung, Mayor

ATTEST:



Lucy Spalenka, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

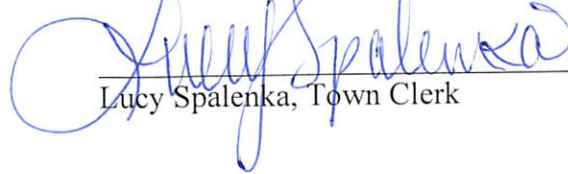
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, AMENDING SECTIONS 11.06.120 AND 11.06.160 OF THE PARACHUTE MUNICIPAL CODE REGARDING PROHIBITED USE AND POSSESSION OF A FIREARM

was introduced before the Town Council on August 20, 2020; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town Council held on August 20, 2020, and approved by the Mayor on August 20, 2020.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 20th day of August, 2020.

TOWN OF PARACHUTE



Lucy Spalenka, Town Clerk