

ORDINANCE NO. 9-05, SERIES 2016

**AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS OR
DISTURBANCE OF THE PEACE WITHIN THE TOWN LIMITS**

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF JAMESTOWN, COLORADO:

Section 1. Purpose: The purpose of this Ordinance is to protect the health, safety, and welfare of the citizens of Jamestown through the prohibition of the discharge of firearms or acts which disturb the peace within the limits of the Town.

Section 2. Authority and Applicability: This Ordinance is authorized by Section 31-15-401, C.R.S., which provides that the Town Board shall have the power to prohibit acts which may endanger the safety of citizens or damage property or otherwise disturb the peace within the limits of the municipality.

Section 3. Definitions: As used in this ordinance, "firearm" includes but is not limited to any handgun, rifle, shotgun, or other instrument or device capable of, or intended to be capable of discharging bullets, cartridges, projectiles or explosive charges. This definition does not include a starter's pistol or similar device when discharged to signal the commencement of Town sanctioned competitive events.

Section 4. Discharge of Firearms Prohibited: No person, not being a peace officer, shall discharge a firearm within the Town limits. It shall be an affirmative defense to a violation of this section that a person is discharging a firearm in lawful defense of persons or property or the action is the use of a firearm to fire rubber bullets, sand bags, bean bags, or other non-lethal physical objects in order to deter bears, mountain lions, ^{and} ~~and/or other animals that pose a threat.~~

Section 5. Disturbing the Peace: It shall be unlawful for any person to disturb the peace of others by violent, tumultuous, offensive or boisterous conduct, or by loud or unusual noises, or by unseemly, profane, obscene or offensive language, calculated to provoke breach of the peace.

Section 6. Violation: Any person who violates any provision of this Ordinance shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not to exceed one (1) year or both such fine and imprisonment. Each day during any portion of which any violation of any provision of this Ordinance is committed, continued or permitted by any such person shall be deemed a separate offense.

Section 7. Severability: If any portion of this Ordinance, or application thereof to any person or circumstances, be held invalid, such invalidity shall not affect the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 8. No Impairment: The repeal ^{or} ~~of~~ modification of any provision of the Municipal Code of the Town of Jamestown by the Ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining all proper actions, suits, proceedings and prosecutions for the enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings or prosecutions.

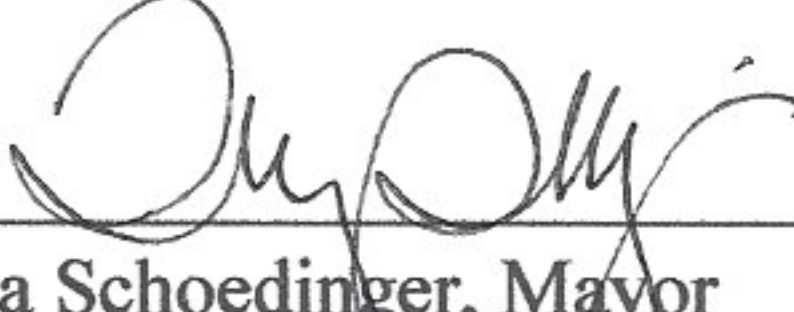
Section 9. Repeal: All ordinances or parts of ordinances, including Ordinance 2, Series 1997 of the Town of Jamestown, Colorado in conflict herewith are hereby repealed.

Section 10. Safety Clause and Emergency Effective Date: The Board of Trustees herewith finds, determines and declares that this Ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide for safety of citizens and preservation of property. This Ordinance shall be effective upon adoption and approval by the Mayor.

Vote
4-2

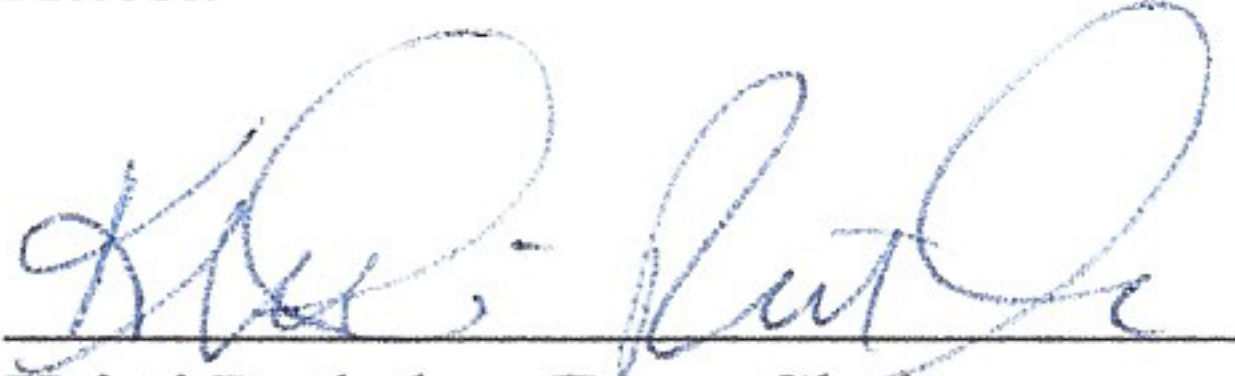
INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED ^{BY TITLE} ~~IN FULL~~ THIS 5th DAY OF DECEMBER 2016.

TOWN OF JAMESTOWN, COLORADO



Tara Schoedinger, Mayor

Attest:



Kristi Rutledge, Town Clerk