

**WELD COUNTY
CODE ORDINANCE 2013-4**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 6,
LAW ENFORCEMENT, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
WELD, STATE OF COLORADO:**

WHEREAS, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

WHEREAS, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Weld, State of Colorado, that certain existing Chapters of the Weld County Code be, and hereby are, repealed and re-enacted, with amendments, and the various Chapters are revised to read as follows.

Add the following:

**CHAPTER 6
Law Enforcement**

**ARTICLE III
Firearms Protection Code**

Sec. 6-3-10. Purpose.

- A. The Second Amendment to the United States Constitution states: "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." Section 13 of Article II 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 in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons."
- B. The right to possess, own, transfer, or use a firearm is an individual right which cannot be infringed by federal, state, or local government.

Sec. 6-3-20. Prohibition on restricting rights of firearms owners.

- A. Except as stated in Paragraph C., below, the Board of County Commissioners of Weld County shall not enact any ordinance which prohibits, limits, restricts, or attempts to prohibit, limit, or restrict any individual from exercising their Second Amendment rights to possess, own, transfer, or use a firearm in an otherwise lawful manner.
- B. The Board of County Commissioners shall not enact any ordinance which:
1. Limits the ammunition capacity of a firearm magazine;
 2. Requires any background check of any owner or potential owner of a firearm;
 3. Charges any fee related to the possession, ownership, use, or transfer of a firearm;
 4. Requires any specialized training or class related to the possession, ownership, use, or transfer of a firearm;
 5. Limits the possession, ownership, use, or transfer of a firearm to specific classes of persons; or
 6. Prohibits, limits, or restricts where an individual may lawfully carry a firearm within the unincorporated area of Weld County.
- C. Nothing in this Article shall limit the authority of the Board of County Commissioners to regulate Weld County employees in their activities during work hours, to prohibit the carrying or use of firearms on County-owned property, or to regulate the use of lands within Weld County for the purpose of owning, operating or conducting indoor or outdoor shooting ranges.

BE IT FURTHER ORDAINED by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Colorado Code Publishing to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

BE IT FURTHER ORDAINED by the Board if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

The above and foregoing Ordinance Number 2013-4 was, on motion duly made and seconded, adopted by the following vote on the 10th day of June, A.D., 2013.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

William F. Garcia, Chair

BY: _____
Deputy Clerk to the Board

Douglas Rademacher, Pro-Tem

Sean P. Conway

APPROVED AS TO FORM:

County Attorney

Mike Freeman

Barbara Kirkmeyer

First Reading: May 1, 2013
Publication: May 8, 2013, in the Greeley Tribune

Second Reading: May 22, 2013
Publication: May 29, 2013, in the Greeley Tribune

Final Reading: June 10, 2013
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Effective: June 24, 2013