

ORDINANCE 538

AN ORDINANCE AMENDING CHAPTER 9.28 OF THE DOLORES MUNICIPAL CODE TO INCLUDE RELEASING AN ARROW FROM A BOW OR CROSSBOW

WHEREAS, the Town of Dolores, Colorado is a statutory town incorporated under the laws of the state of Colorado;

WHEREAS, the Town of Dolores is tightly confined in a narrow river valley wherein the discharge of any firearm, rifle, handgun, bow, crossbow or other weapon in the course of hunting or taking any wildlife species or in any other circumstance poses an imminent risk to the life, safety and property of the public; and,

WHEREAS, Colorado Revised Statutes, § 31-15-401 grants general police powers to the Board of Trustees to promulgate ordinances for the health, safety, and welfare of the public; and,

WHEREAS, the Town of Dolores Board of Trustees finds it necessary to the public health, safety, and welfare to adopt this ordinance prohibiting discharging a firearm or releasing an arrow within the town limits of the Town of Dolores except under certain circumstances; and,

WHEREAS, concealed weapons are regulated by state law and the Town of Dolores Board of Trustees wishes to strike an antiquated provision related to concealed weapons from the Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF DOLORES BOARD OF TRUSTEES OF DOLORES, COLORADO

1. Chapter 9.28 of the Municipal Code read as follows prior to repeal by Ordinance 534 in 2018:

WEAPONS

Sections:

- 9.28.010 *Definitions.*
- 9.28.020 *Carrying concealed weapons restricted.*
- 9.28.030 *Threatening use of weapons prohibited.*
- 9.28.040 *Furnishing intoxicated person with weapons prohibited*
- 9.28.50 *Discharging firearms prohibited.*

9.28.010 *Definitions. For the purpose of this chapter, "deadly or dangerous weapons" includes, without limitations, pistols, guns, bowie knives, dirks, daggers, slingshots, bludgeons, billies and metal knuckles. (Ord. 271 Art. 3 §56, 1968)*

9.28.020 *Carrying concealed weapons restricted. No person not an officer in the proper exercise of his duty as such shall carry or have concealed upon or about his person any deadly or dangerous weapon. (Ord. 271 Art. 3 §57, 1968)*

9.28.030 *Threatening use of weapons prohibited. No person not an officer in the proper exercise of his duty as such shall exhibit any deadly or dangerous weapon in a rude, angry or threatening manner. (Ord. 271 Art. 3 §58, 1968)*

9.28.040 *Furnishing intoxicated person with weapons prohibited. No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person. (Ord. 271 Art. 3 § 60, 1968)*

9.28.050 *Discharging firearms prohibited. No person shall within the town or within one mile of the outer boundaries thereof or within the public parks belonging to the town, fire or discharge any cannon, gun, pistol or firearms of any description, or air, spring or pellet gun without permission in writing from the chief of police; which permission shall limit the time and place of such firing and shall be subject to be revoked by the town council at any time. (Ord. 271 Art. 3 §61, 1968)*

2. Chapter 9.28 is reinstated and amended by this Ordinance to read as follows:

WEAPONS

Sections:

- 9.28.010 *Definitions.*
- 9.28.020 *Carrying concealed weapons restricted.*
- 9.28.030 *Threatening use of weapons prohibited.*
- 9.28.040 *Furnishing intoxicated person with weapons prohibited*
- 9.28.050 *Discharging firearms or releasing arrows prohibited.*
- 9.28.060 *Exceptions*

9.28.010 *Definitions. For the purpose of this chapter, "deadly or dangerous weapons" includes, without limitations, pistols, guns, bows and crossbows, bowie knives, dirks, daggers, slingshots, bludgeons, billies and metal knuckles.*

9.28.020 *Repealed.*

9.28.030 *Threatening use of weapons prohibited. No person not an officer in the proper exercise of his duty as such shall exhibit any deadly or dangerous weapon in a rude, angry or threatening manner.*

9.28.040 *Furnishing intoxicated person with weapons prohibited. No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person.*

9.28.050 *Discharging firearms prohibited. No person shall within, across or into the town or within, across or into the public parks belonging to the town, fire or discharge any cannon, gun, pistol or firearms of any description, release an arrow from*

a bow or crossbow, or air, spring or pellet gun without permission in writing from the chief of police; which permission shall limit the time and place of such firing and shall be subject to be revoked by the town council at any time.

9.28.60 *Exceptions. Nothing herein in shall prohibit releasing an arrow from a bow, other than a crossbow, in connection with the use of a private archery target that is contained entirely on private property, does not permit an arrow to leave such private property, and in a manner that does not endanger or threaten to endanger, the life, safety or property of the public.*

9.28.70 - *Hunting prohibited.*

A. It is unlawful for any person to hunt or take any wildlife species as defined by the laws of the State of Colorado whether in season or any other time within the town limits.

B. The following exception applies and shall not be considered prohibited hunting, namely the taking or destruction of game animals by a peace officer or other law enforcement such as the Colorado Division of Wildlife, whether such animals are injured, diseased or for management or interdiction reasons.

3. All orders, bylaws, ordinances and resolutions of the Town or, parts thereof, inconsistent or conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.
4. Any person who violates any of the provisions of this ordinance of the Town shall be penalized by a fine of not more than four hundred ninety-nine dollars.
5. Each person shall be guilty of a separate offence for each and every day during any portion of which any violation of any provision of this ordinance No. 538 Town of Dolores, Colorado is committed, continued or permitted by any such person, and shall be penalized accordingly.
6. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.
7. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and Town Clerk.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 8TH day of JULY, 2019, in the Town Board Chambers in Town Hall, Dolores, Colorado, at which time and place all persons may appear and be heard concerning the same.

Passed adopted and approved on the first reading this _____ day of _____, 2019.

DOLORES BOARD OF TRUSTEES:

By: _____

Attest:

By: _____

Passed adopted and approved on the second and final reading this 8TH day of JULY, 2019.

DOLORES BOARD OF TRUSTEES:

By: *John W. White*

Attest:

By: *Healy*

