

RESOLUTION NO. 2022-92

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

**A RESOLUTION REPEALING AND REENACTING RESOLUTION NO. 2011-55
CONCERNING CARRYING OF FIREARMS AND OTHER DEADLY WEAPONS WITHIN
ALL SUMMIT COUNTY BUILDINGS AND FACILITIES.**

WHEREAS, on September 13, 2011 the Summit County Board of County Commissioners adopted Resolution No. 2011-55 concerning the carrying of firearms and other deadly weapons within all Summit County buildings and facilities; and

WHEREAS, the Summit County Board of County Commissioners desire to repeal and re-enact Resolution No. 2011-55 to address the concealed carrying of firearms with all Summit County buildings and facilities; and

WHEREAS, the Summit County Board of County Commissioners finds legitimate public safety concerns arising from the open and concealed carrying of firearms by persons other than peace officers at all Summit County-owned buildings and facilities; and

WHEREAS, the presence of firearms within County Facilities on persons who are not peace officers tends to create a tense and fearful environment that is inconsistent with the environment that the County wishes to promote within County Facilities; and

WHEREAS, the presence of deadly weapons other than firearms presents the same dangers and problems; and

WHEREAS, pursuant to C.R.S. § 30-11-101(2), the Board of County Commissioners is authorized to adopt and enforce resolutions regarding issues of health, safety and welfare; and

WHEREAS, the Board of County Commissioners is authorized, pursuant to C.R.S. § 29-11.7-104 and 18-12-214(c)(1) to prohibit the open and concealed carrying of firearms in the building or specific area within the County's jurisdiction; and

WHEREAS, the Board of County Commissioners finds it necessary to prohibit the open and concealed carrying of firearms in County buildings and facilities in order to protect the safety of Summit County residents and visitors.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT:

1. The existing rules and regulations regarding the carrying of firearms and/or deadly weapons in those Summit County buildings and facilities are hereby repealed and reenacted as set forth below and in Exhibit A, attached hereto and incorporated herein.
2. If any portion of this resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this resolution.
3. All other resolutions or portions thereof inconsistent or conflicting with this resolution or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 1: GENERAL

1.1 Definitions

The following words shall have the following definitions for purposes of these rules and regulations:

Affirmative Defense: has the meaning as set forth in C.R.S. § 18-1-407.

Alcohol Beverage: has the meaning as set forth in C.R.S. § 44-3-103(2).

Deadly Weapon: has the meaning as set forth in C.R.S. § 18-1-901(3)(e).

County Facilities: means every building, arena, field, structure, and other area that is part of or located upon lands owned, or leased, by Summit County, as more particularly set forth in Exhibit A, attached hereto and incorporated herein.

Firearm: has the meaning as set forth in C.R.S. § 18-1-901(h).

Gun Show: means any event or occurrence at a County Facility, where one or more persons exhibit one or more firearms or other deadly weapons for sale or trade with the express written approval of the County as memorialized in a lease, rental agreement, license, or other written contractual arrangement.

Person Conducting a Gun Show: means any person who has rented, leased, licensed, or contracted for any portion of any building, field, arena, area, or space at a County Facility for purposes of conducting a Gun Show.

Peace Officer: means any peace officer as defined in C.R.S. § 18-1-901(3)(1).

1.2 Purpose. The purpose of these rules and regulations is to promote public safety at County Facilities and to create a relaxed environment at County Facilities free from worry regarding the unlawful use of firearms and deadly weapons.

1.3 Scope. These rules and regulations shall apply to all County Facilities as defined herein. These rules and regulations shall in no way limit application and enforcement of any Resolution, Ordinance, or lawful order of Summit County or the statutes of the State of Colorado, but shall be in addition thereto.

1.4 Relation to State Firearms Laws. These rules and regulations do not authorize anything that is prohibited by state firearms statutes, nor do they prohibit anything expressly authorized by state firearms statutes.

1.5 Violation. It shall be unlawful for any person to violate any provision of these rules and regulations.

1.6 Enforcement. This resolution and these rules and regulations shall be enforced by the Summit County Sheriff. These rules and regulations may be enforced by penalty assessment through the penalty assessment procedure provided in C.R.S. § 16-2-201, including arrest. In the event that the Sheriff or a Sheriff's Deputy issues a penalty assessment and does not arrest the defendant, the Sheriff or Sheriff's Deputy may require the defendant to leave the County Facility.

1.7 Penalties.

(a) Any person who carries a weapon in violation of this resolution shall be required to immediately leave the premises. A person who does not leave the premises when required may be subjected to additional criminal penalties including but not limited to criminal trespass.

(b) Any person who carries a concealed weapon in violation of this resolution shall be assessed a civil penalty of \$50.00 for the first offense. Repeat occurrences of carrying a concealed weapon in violation of this ordinance shall be civil infractions, and upon conviction, shall be punishable by fine of \$100.00 for each violation. The penalty procedure provided in C.R.S. § 16-2.3-102 shall be followed by the arresting officer.

(c) Any other violations of these rules and regulations shall constitute a class one petty offense and upon conviction thereof, shall be punished by a fine of Fifty Dollars (\$50.00) for each separate violation. In the event an individual is convicted of subsequent offenses under this

resolution and these rules and regulations, the fine shall increase One Hundred Dollars (\$100.00) for each subsequent violation, up to a maximum of Three Hundred Dollars (\$300.00).

1.8 Disposition of Fines. All fines and forfeitures for the violation of this resolution and these rules and regulations, and all monies collected by the Court for violation thereof shall be paid to the Summit County Treasurer's Office.

1.9 Severability. If any part or parts of this resolution or these rules and regulations are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of this resolution and these rules and regulations.

SECTION II: PROHIBITIONS

2.1 Prohibition on Open and Concealed Carrying, Wearing or Possessing Firearms at County Facilities. It shall be unlawful for any person, who is not a peace officer, to knowingly carry any firearm, whether in an opened or concealed manner, or possess any firearm at any County Facility.

2.2 Prohibition on Carrying, Wearing, or Possessing Deadly Weapons Other Than Firearms at County Facilities. It shall be unlawful for any person, who is not a peace officer, to knowingly wear, carry, or possess any deadly weapon other than a firearm at County Facilities.

2.3 Sale, Service, and Consumption of Alcohol Beverages at Gun Shows. It shall be unlawful for any person to sell, serve, or possess alcohol beverages within any area of a County Facility that has been designated and marked for use as part of a Gun Show.

2.4 Areas Designated for Gun Shows to be Marked. It shall be unlawful for any Person Conducting a Gun Show at a County Facility to fail to clearly mark the entire perimeter of the area designated for the Gun Show as set forth in the County-authorized lease, rental agreement, license or other written contractual arrangement, or to fail to maintain such markings in place during the entire length of the Gun Show. The entire perimeter of the area designated for the Gun Show shall be marked with clearly legible signs stating "Gun Show Area," which, together with such poles, stands, rope and other markings, create a perimeter at least four feet high and make it obvious to any person approaching or leaving such perimeter that they are about to enter or leave the area designated for the Gun Show.

SECTION III: AFFIRMATIVE DEFENSES

3.1 Gun Shows—Firearms. It shall be an affirmative defense to a charge under Section 2.1 that the defendant was carrying, wearing or in possession of a firearm while at a Gun Show held at a County Facility, if the following conditions are met:

(a) The firearm is carried only in the area of County Facility that is designated and marked for the Gun Show or: (i) on a route directly to and from such area and an entrance or exit to the County Facility; or (ii) on a route directly to and from such area and a motor vehicle that the defendant has a lawful right to enter; and

(b) The firearm and all associated magazines, speed-loaders and similar devices associated and used with the firearm are kept unloaded; and

(c) The action of the firearm is kept open at all times, except for momentary closing and opening of the action by an interested buyer to check the functionality of the firearm or by a seller to demonstrate the same; and

(d) The firearm is exhibited for purposes of sale or trade; and

(e) The firearm is not concealed.

3.2 Gun Shows—Deadly Weapons Other Than Firearms. It shall be an affirmative defense to a charge under Section 2.2 that the defendant was carrying a deadly weapon other than a firearm while at a Gun Show held at a County Facility, if the following conditions are met:

(a) The deadly weapon other than a firearm is carried only in the area of the County Facility that is designated and marked for the Gun Show or on a route directly to and from such area or: (i) on a route directly to and from such area and an entrance or exit to the County Facility; or (ii) on a route directly to and from such area and a motor vehicle that the defendant has a lawful right to enter; and

(b) The deadly weapon other than a firearm is exhibited for purposes of sale or trade; and

(c) The deadly weapon other than a firearm is not concealed.

3.3 Militia Activities. It shall be an affirmative defense to a charge under Section 2.1 or 2.2 that at the time that the defendant was found at a particular County Facility wearing, carrying or in possession of any firearm or other dangerous weapon, the defendant was carrying a firearm or other dangerous weapon at the County Facility as part of his or her duties in the militia of the State of Colorado, if the following conditions are met:

(a) The defendant is a lawfully commissioned officer or enlisted person in the militia of the State of Colorado; and

(b) He or she has been ordered to duty as part of the militia of the State of Colorado by the Governor of the State, or any officer in the Governor's lawful chain of command; and

(c) The Governor or an officer in the Governor's lawful chain of command has ordered the defendant to perform duties at County Facilities; and

(d) The firearm, bayonet, knife, club or other dangerous weapon is one that the defendant is authorized to carry as part of his or her duties with the militia of the State of Colorado by the Governor of the State or an officer in the Governor's lawful chain of command.

3.4 Persons Ordered to Assist in Law Enforcement. It shall be an affirmative defense to a charge under Section 2.1 that at the time the defendant was found at a County Facility wearing, carrying or in possession of any firearm, the defendant was carrying a firearm at the County Facility after being ordered to assist in law enforcement, if the following conditions are met:

(a) The defendant was ordered to assist in law enforcement duties at the County Facilities by a peace officer in the Summit County Sheriff's Office or the Colorado State Patrol; and

(b) Such order was in effect at the time that the defendant was found at the County Facilities wearing, carrying or in possession of any firearm.

3.5 Certain Security Guards. It shall be an affirmative defense to a charge under Section 2.1 that at the time that the defendant was found at the County Facilities wearing, carrying or in possession of any firearm, the defendant was acting as a security guard at the County Facilities, if the following conditions are met:

(a) The defendant was employed as a security guard; and

(b) The defendant was on duty as a security guard at the time; and

(c) The defendant was assigned by his employer to work as a security guard at the County Facilities; and

(d) The defendant was authorized by his employer to carry the type of firearm carried, worn or possessed as part of his or her duties as a security guard; and

(e) The defendant was wearing his or her uniform as a security guard; and

(f) The firearm was not concealed.

3.6 Certain Emergency Circumstances. It shall be an affirmative defense to a charge under Section 2.1 or 2.2 that at the time that the defendant was found at the County Facilities wearing, carrying or in possession of the firearm or other deadly weapon, the defendant was responding to an emergency at the County Facilities, if the following conditions are met:

- (a) Another person who was not a peace officer was making use of unlawful force against the defendant or other persons; and
- (b) The unlawful force posed a threat of death or serious bodily injury to the defendant or other persons; and
- (c) The firearm or other deadly weapon was carried, worn, possessed and used in response to such an emergency; and
- (d) The firearm or other deadly weapon was used lawfully and only for purposes of defense of self or others.

3.7 Firearms and Other Deadly Weapons Kept in Motor Vehicles. It shall be an affirmative defense to a charge under Sections 2.1 and 2.2 that at the time that the defendant was found at the County Facilities wearing, carrying, or in possession of any firearm or other deadly weapon, the defendant was in a private motor vehicle or the firearm or deadly weapon was left inside a motor vehicle.

3.8 Failure to Post Signs. It shall be an affirmative defense to a charge under Sections 2.1 and 2.2 that the County has failed to post signs in compliance with C.R.S. § 29-11.7-104.

SECTION IV. MATTERS THAT ARE NOT A DEFENSE

It shall not be a defense to any charge under Sections 2.1 or 2.2 that:

- (a) The firearm was unloaded; or
- (b) The magazine for the firearm was detached, removed, or not present; or
- (c) The firearm or deadly weapon was disassembled; or
- (d) The firearm or other deadly weapon, or any part thereof was locked, enclosed in a locked or open case, or rendered inoperative; or

(e) The defendant did not see the signs, poles, stands, ropes and other markings used to mark the perimeter of the area designated for the Gun Show, as long as the same were visible to a reasonable person approaching or leaving the area designated for the Gun Show.

ADOPTED THIS 16TH DAY OF DECEMBER, 2022

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**



Amara Pogue
Amara Pogue, Chair

ATTEST:

Kathleen Neel
Kathleen Neel, Clerk & Recorder

Exhibit A

Summit County Facilities

1. Sheriff Storage Barn	0192 CR 450 Breckenridge 80424
2. Road & Bridge Shop	0192 CR 450 Breckenridge 80424
3. Search and Rescue Storage	128 CR 1003 Frisco 80443
4. Road & Bridge Building	0218 CR 1003 Frisco 80443
5. Road & Bridge Main. Shops	128 CR 1003 Frisco 80443
6. Storage	187 CR 1003 Frisco 80443
7. Courthouse	208 E. Lincoln Breckenridge 80424
8. Courthouse Addition	208 E. Lincoln Breckenridge 80424
9. Search & Dive Rescue	222 Adams Silverthorne 80498
10. Justice Facility	501 Park Drive Breckenridge 80424
11. County Maintenance	1252 Keystone Ranch Road Keystone 80435
12. County Barn	1294 CR 30 Heeney 80424
13. Snake River WSTWTR Plant	0297 Summit Cove Road Dillon 80435
14. Storage Building & WSTWTRP	4344 Summit Cove Road Dillon 80435
15. Snake River WSTWTRP	0297 Summit Cobe Road Dillon 80435
16. Blue River Shelter	101 Stevens Way Silverthorne 80498
17. Gazebo #1	101 Stevens Way Silverthorne 80498
18. Gazebo #2	101 Stevens Way Silverthorne 80498
19. Shed at Blue River	101 Stevens Way Silverthorne 80498
20. Log Cabin Ballfields	101 Stevens Way Silverthorne 80498
21. Fair Storage & Concessions	1198 S. Adams Silverthorne 80498
22. Snake River Restroom	Dillon Lake Dillon 80435
23. Blue River Restroom	Dillon Lake Dillon 80435
24. WSTWTR Treatment Plant	4344 Swan Mountain Road Dillon 80435
25. Sand Storage	223 CR 1003 Frisco 80443
26. Bus Garage	0222 SCR 1004 Frisco 80443
27. District Attorney & Probation Offices	504 Airport Road Breckenridge 80424
28. County Commons	003 CR 1004 Frisco 80443
29. Emergency Services Facility	0227 CR 1003 Frisco 80443
30. Sewage Lift Station	4533 Swan Mountain Road Dillon 80435
31. District Attorney Offices	160 Airport Road Breckenridge 80424
32. Transfer Center	1010 Meadow Drive Frisco 80443
33. Buildings & Grounds Office	106 N. Ridge Street Breckenridge 80424
34. Building & Grounds Shop	105 N. French Street Breckenridge 80424
35. North Branch Library	651 Center Circle Silverthorne 80498
36. Snake River WSTWTR Plant	4344 Swan Mountain Road Dillon 80435

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| 37. Animal Shelter | 83 Nancy's Place Frisco 80443 |
| 38. Road & Bridge Garage | 6631 CR 30 Heeney 80498 |
| 39. Community/Senior Center | 83 Nancy's Place Frisco 80443 |
| 40. Landfill Maintenance Building | LandFill Road Keystone 80435 |
| 41. Radio Site | Ryan Gulch Road Silverthorne 80498 |
| 42. Copper Mountain Radio Site | SE of 3371 HWY 91 Copper Mountain 80443 |
| 43. Tyrollean Radio Site | Barney Ford Hill Breckenridge 80424 |
| 44. Heeney Radio Site | CR 30 at Willows Campground Heeney 80498 |
| 45. Snake River Radio Site | 22393 HWY 6 Keystone 80435 |
| 46. Recyled Material Processing Site | 683 Landfill Road Dillon 80435 |
| 47. Water Storage | 642 Landfill Road Dillon 80435 |
| 48. Vehicle Storage | 725 Landfill Road Dillon 80435 |
| 49. Medical Office Building | 360 Peak One Drive Frisco 80443 |
| 50. Fleet Facility | 0087 CR 1003 County Shoes Road Frisco 80443 |