

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 17

DATE: September 19, 2006

STAFF: Cameron Gloss

SUBJECT

First Reading of Ordinance No. 145, 2006, Amending Section 17-101 of the City Code Establishing Criteria for Discharge of a Weapon Permit.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

This Ordinance amends the City Code to provide the Police Chief authority to issue a non-transferable, revocable permit allowing the discharge of firearms or weapons by any public or private entity or private person at a specific location to test-fire firearms cleaned or repaired at a licensed firearms dealer's business location within appropriately zoned areas of the City and only to those businesses operating prior to annexation.

This City Code amendment was prompted by issues raised during the Southwest Enclave Annexation public process.

BACKGROUND

The City of Fort Collins prohibits the discharge of firearms or other weapons within its jurisdiction except for City Police in the course of official duty, and as part of an educational program or class of the City's recreation division, any school or university, or at an established firing or archery range if carried out under specific terms and conditions.

During the evaluation of the Southwest Enclave Annexation, it was determined that a business owner along the South College corridor must discharge firearms as an integral part of his firearm cleaning and repair operation.

The proposed City Code amendment directly addresses the business owner's expressed need to discharge firearms and to anticipate needs of related uses that may arise as a result of future annexations. Under the change, the Police Chief has the ability to grant, at his discretion, a revocable permit specific to the business operation.

ORDINANCE NO. 145, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 17-101 OF THE CODE OF THE CITY OF FORT COLLINS
ESTABLISHING CRITERIA FOR DISCHARGE OF A WEAPON PERMIT

WHEREAS, Section 17-101 of the City Code prohibits the discharge of a firearm or other weapon within the City limits; and

WHEREAS, discharge of weapons under certain training, testing and educational circumstances can be done safely if properly regulated; and

WHEREAS, the City Code allows the Chief of Police to grant a permit exempting persons from violation of the prohibition against discharging weapons; and

WHEREAS, it is desirable that criteria for the granting of the permit be addressed specifically in the City Code; and

WHEREAS, the protection of the general public and persons discharging weapons within the City is paramount; and

WHEREAS, any exception that is established allowing the discharge of weapons in the city must be stringently regulated in the interest of the safety of the citizens of Fort Collins; and

WHEREAS, the establishment of criteria designed to protect the safety and interest of the citizens of Fort Collins is necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 17-101 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-101. Discharging of weapons; permit.

(a) No person shall discharge, fire or shoot any gun, pistol, crossbow, bow and arrow, slingshot or other firearm or weapon whatsoever, including BB guns or pellet guns, **except as otherwise provided for in this Section.**

(b) ~~However, t~~The discharge of firearms or weapons by any member of any law enforcement office in the course of such member's **law enforcement training exercises or** official duty shall not be deemed a violation ~~hereof~~ **of subsection (a) above and any firing range or training facility operated and maintained by Fort Collins Police Services or the county Sheriff's Office is exempt from the permit requirements specified in subsection (c) below.**

(c) ~~If a permit is granted by t~~The Police Chief ~~therefor, it shall not be a violation of this Section to discharge firearms or weapons as part~~ **may issue a revocable permit allowing the discharge of firearms or weapons to any person discharging such**

firearms or weapons at a specific location to test-fire firearms cleaned or repaired at a licensed firearms dealer's business location only in areas of the city zoned for such firearms business use and only those established and operating as such businesses at the specific location prior to October 31, 2006 or to any public or private entity allowing the discharge of such weapons as part of an educational program or class of the city's recreation division, any school or university or at an established firing or archery range, provided that: ~~such class or range is conducted in accordance with the terms of any permit granted by the Chief of Police:~~

- (1) The test-firing, program, class or range is conducted in accordance with the terms of any permit granted by the Chief of Police. In addition to the required terms set forth below, the Chief, in his sole discretion, may impose any other terms the Chief deems necessary to preserve and protect the public and law enforcement safety and welfare.
- (2) In the case of an applicant for a permit to test-fire weapons hereunder, said applicant shall pay an application fee, submit fingerprints and a photograph, provide a diagram of the location and premises upon which the firearms will be discharged and proof of rightful possession of the proposed location or premises for which the permit is to be issued, a complying liability insurance policy, and clear a criminal history background check. A test fire permit may only be granted at a validly licensed firearms dealer's business location and only in areas of the city zoned for such use and only those firearms dealer's businesses that were established and operating as such businesses at the same location prior to October 31, 2006. The permit shall specify, and be valid only for, the person named thereon and only at the location and during the times set forth in the permit. The permit shall be prominently posted at the location.
- (3) In the case of an educational program or class of the city's recreation division, any school or university or at an established firing or archery range, the permit applicant shall submit a diagram of the location or premises on which firearms or weapons will be discharged, provide proof of rightful possession of the proposed location or premises for which the permit is to be issued and provide proof of a complying liability insurance policy. The permit shall specify and be valid only at the location and times set forth therein and must be prominently posted upon the premises.
- (4) The application fee for a permit shall be one hundred dollars (\$100.) and the permit fee shall be one hundred dollars (\$100.), both of which must be submitted upon application for a permit. Said fees are non-refundable, except that the permit fee may be refunded if the

application is denied. The Chief may waive the fee for governmental entities or agencies.

(5) Any permit issued hereunder is non-transferable.

(d) No person shall violate the terms of any permit granted hereunder. Any violation shall, in addition to criminal penalties, result in the revocation of the permit.

Introduced, considered favorably on first reading, and ordered published this 19th day of September, A.D. 2006, and to be presented for final passage on the 3rd day of October, A.D. 2006.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 3rd day of October, A.D. 2006.

Mayor

ATTEST:

City Clerk