

Reception No. 290363 Date FEB 28 1990
Elbert County Recorder
M. A. Fisher

BOARD OF COUNTY COMMISSIONERS
ELBERT COUNTY, COLORADO
RESOLUTION NO. 90 - 20

PROVIDING FOR THE PROHIBITION
OF THE DISCHARGE OF FIREARMS
WITHIN DESIGNATED UNINCORPORATED AREAS

WHEREAS, the Board of County Commissioners is empowered to prohibit the discharge of firearms within the unincorporated areas of Elbert County, Colorado, pursuant to Colorado Revised Statutes, 30-15-301 et seq., as amended; and

WHEREAS, the Board of County Commissioners of Elbert County, Colorado, has found and determined that in subdivisions located within the unincorporated areas of Elbert County, Colorado, which contain therein lots with an area of ten or less acres, there is a real and present danger to the health, safety, and welfare of the public, including a substantial danger to their property, caused by the discharge of firearms which requires in Elbert County, Colorado, that a resolution be adopted pursuant to the power granted to the Board of County Commissioners by the afore-said statute.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY, COLORADO, AS FOLLOWS:

1. That this Resolution is enacted for the health, safety, and welfare of the residents of Elbert County, Colorado, and pursuant to Colorado Revised Statutes, 30-15-301 et seq., as amended.
2. "Firearm" or "firearms" shall mean any pistol, revolver, rifle, or other weapon of any description from which any shot, projectile, or bullet may be discharged.
3. "Subdivision" shall mean any subdivision within the unincorporated areas of Elbert County, Colorado, which contain therein lots with an area of ten or less acres or which have a population density of not less than one hundred persons per square mile.
4. It shall be unlawful for any person to discharge any firearm, except in a situation involving a duly authorized law enforcement officer acting in the line of duty, within any subdivision as that term is defined herein.
5. Nothing in this Resolution shall prevent the discharge of any firearm in shooting galleries which comply with the Elbert County Zoning Regulations and the Elbert County Subdivision

Regulations or on any private grounds or residence under circumstances when such firearm can be discharged in such a manner as not to endanger persons or property and also in such a manner as to prevent the projectile from any such firearm from traversing any grounds or space outside the limits of such shooting gallery, grounds, or residence.

6. Nothing in this Resolution shall be construed to restrict or otherwise affect any person's constitutional right to bear arms or his right to the defense of his person, his family, or his property.

7. Any person violating any provisions of this Resolution is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars.

8. All fines and forfeitures for the violation of this Resolution shall be paid into the Treasury of Elbert County, Colorado.

9. The Board of County Commissioners of Elbert County, Colorado, by the District Attorney for the Eighteenth Judicial District, shall prosecute any violations occurring hereunder.

10. The County Court for the County of Elbert, State of Colorado, shall have jurisdiction in prosecutions of violations of this Resolution.

11. Notice of this Resolution and adoption hereof shall be published in a newspaper of general circulation within the County of Elbert, State of Colorado, for two (2) consecutive weeks following the date of adoption of this Resolution. The notice shall provide that this Resolution shall remain in full force and effect from the date of its adoption until rescinded or amended by future resolution and order of the Board of County Commissioners.

12. In the event any provision of this Resolution, or the application thereof to any person or circumstance, is held to be invalid, such invalidity shall not affect the other provisions or sections of this Resolution or the application of same, and, to this end, the provisions of this Resolution are declared to be severable.

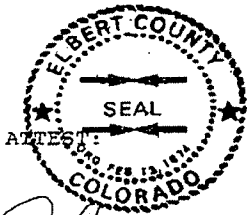
13. This Resolution shall become effective on the 21st day of February, 1990.

BOARD OF COUNTY COMMISSIONERS OF
ELBERT COUNTY, COLORADO

By: Frank G. Starkey
Frank G. Starkey, Chairman
of the Board of County
Commissioners

David K. Wright
David K. Wright, Commissioner

Charline H. Davis
Charline H. Davis, Commissioner



John P. [Signature]
CLERK AND RECORDER -
Statutory Secretary to the
Board of County Commissioners