

**NOTES: NO OPEN CARRY IN TOWN HALL AND NO CONCEALED CARRY OR OPEN CARRY IN COURT.**

**TOWN OF WESTCLIFFE, COLORADO  
ORDINANCE # 2-2025**

**AN ORDINANCE OF THE TOWN OF WESTCLIFFE ENACTING AN ADDITIONAL CHAPTER 9 –  
FIREARMS IN PUBLIC BUILDINGS, OF TITLE 5 OF THE WESTCLIFFE MUNICIPAL CODE**

**WHEREAS**, the Town of Westcliffe (“Town”), Colorado is a statutory town incorporated under the laws of the state of Colorado; and

**WHEREAS**, pursuant to Colorado Revised Statutes (C.R.S.) § 31-15-103, the Town acting by and through its Town Board of Trustees (BOT) has the power to make and publish ordinances not inconsistent with the laws of the State of Colorado and proper to provide for public health, safety, and welfare, and pursuant to C.R.S. §18-9-117(a), the BOT has the duty and authority to establish regulations to administer, protect, and maintain local government buildings and property; and

**WHEREAS**, on May 7, 2024, the Colorado General Assembly passed Senate Bill 24-131, which prohibits the carrying of firearms in sensitive places as recognized by the United States Supreme Court in the case of New York State Rifle and Pistol v. Brown, 597 U.S. 1 (2022), and promulgated in C.R.S. §18-12-105.3, which prohibits the carrying of firearms in government buildings; and

**WHEREAS**, C.R.S. §18-12-105.3(4)(b) permits the Town to adopt this Ordinance not inconsistent with state law permitting the lawful carrying of firearms in local government buildings. C.R.S. §18-12-105.3(4) states:

(b) A LOCAL GOVERNMENT MAY ENACT AN ORDINANCE, REGULATION, OR OTHER LAW THAT PERMITS A PERSON TO CARRY A FIREARM AT PLACE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

**WHEREAS**, pursuant to C.R.S. §18-12-105.3(4)(b), the BOT shall permit a person who holds a valid permit to carry a concealed handgun to carry a concealed handgun in a government building as defined in C.R.S. §18-12-105.3(1)(b) within the municipal jurisdiction of the Town of Westcliffe, unless otherwise prohibited by law or lawful order of a law enforcement officer; and

**WHEREAS**, the authority of this Ordinance extends to all parts of the incorporated town of Westcliffe, Colorado, but does not extend to any unincorporated area within Custer County.

**WHEREAS**, the BOT finds that the passage of this Ordinance promotes the health, safety, and welfare of and is in the best interests of the Town of Westcliffe.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO:**

1. **Addition of Title 5, Chapter 9 – Dangerous Weapons in Public Buildings and Spaces, of the Municipal Code.** Title 5, Chapter 9, of the Municipal Code is added as follows:

Chapter 9 – Firearms in Public Buildings and Spaces

5-9-1. – Firearms, Exceptions.

- A. The Town of Westcliffe hereby prohibits the open carry of firearms in any building described in C.R.S. §18-12-105.3(1)(b).
  - B. The Town Code shall not be construed to forbid any individual holding a valid concealed carry permit issued pursuant to C.R.S. § 18-12-201, et seq., to carry a concealed handgun within the Town of Westcliffe or any area or building described in C.R.S. §18-12-105.3(1)(b). The Town hereby opts out of the enforcement of C.R.S. §18-12-105.3, et seq., regarding concealed weapons pursuant to C.R.S. §18-12-105.3(4)(b).
  - C. **Municipal Court Prohibition.** Notwithstanding any other provision of this Section 5-9-1., carrying a firearm, whether loaded or not loaded, in a building or portion of a building, including adjacent parking areas, used for municipal court proceedings (1) while municipal court is in session, or (2) while law enforcement personnel, defense counsel personnel, or municipal court personnel are engaged in any activities in connection with a municipal court proceeding remains prohibited by state statute, except nothing in the Town Code shall be construed to forbid United States Marshals, Sheriffs and his/her Deputies, constables and their deputies and any regular, special or ex officio police peace officers or law enforcement officers from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties.
2. **Incorporation.** The recitals set forth above are incorporated and ordained as if set forth in this section in full.
  3. **Addition of Title 5, Chapter 9, of the Municipal Code.** Title 5, Chapter 9, of the Code is hereby added in the form described above.
  4. **Publication.** Upon approval this Ordinance shall be published on the Town’s official Website in full for not less than 30 days.

5. **Authentication and Filing.** Upon passage this Ordinance shall be authenticated by the Mayor and Town Clerk and maintained by the Town Clerk in such form as is sufficient to assure reasonable access by the public. Failure to authenticate any ordinance shall not invalidate it or suspend its operation.
6. **Severability.** If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable.
7. **Effective Date.** This Ordinance shall become effective and be in full force and effect thirty (30) days after final publication.

THIS ORDINANCE WAS INTRODUCED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF WESTCLIFFE, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED BY MAJORITY VOTE AT ITS REGULAR MEETING HELD AT THE TOWN OF WESTCLIFFE ON THE 18<sup>th</sup> DAY OF MARCH, 2025.

TOWN OF WESTCLIFFE

By:   
Paul Wenke, Mayor

ATTEST:

  
Erin Christie, Town Clerk