

STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

At a regular meeting of the Board of County Commissioners of Elbert County, State of Colorado, held at the Elbert County Administrative Building in Kiowa, Colorado 80117 on Wednesday, the 8th day of March, 2023 there were present:

Chris Richardson County Commissioner, Chairman
Dallas Schroeder County Commissioner
Grant Thayer County Commissioner
Amanda Moore Deputy Clerk to the Board

When the following proceedings, among others, were had and done, to wit:

**RESOLUTION 23-11
PROTECTING CITIZENS RIGHT TO SELF-DEFENSE AND
OPPOSING HB23-1165 “COUNTY AUTHORITY TO PROHIBIT FIREARMS
DISCHARGE”**

WHEREAS, Amendment II of the US Constitution states, “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”; and

WHEREAS, in the 2008 Heller decision, the Supreme Court held that though the first clause indicated a purpose, it in no way expands or restricts the operative clauses that protect the unfringed right of individuals to both keep and bear arms; and

WHEREAS, in the 2010 McDonald decision, the Supreme Court held that the right of the people to keep and bear Arms, applies to state and local governments as well as to the federal government; and

WHEREAS, in the 2022 Bruen decision, the Supreme Court held that the constitutionality of gun laws will be based on whether the plain text of the Second Amendment protects the activities the laws are regulating; and

WHEREAS, Section 3. of Article II. of the Colorado Constitution (Inalienable Rights) states, “All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.” ; and

WHEREAS, Section 13. of Article II. of the Colorado Constitution (Right to Bear Arms) states, “The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question” ;and



WHEREAS, under existing state law, a board of county commissioners (BOCC) may not designate as unlawful the discharge firearms, in shooting galleries, on private grounds, or in residences under circumstances that do not endanger persons or property; and

WHEREAS, Elbert County Zoning Regulations (ECZR) define a private shooting gallery as an area intended for non-commercial firearms use on residential property in which firing line(s), firing lane(s), target line and backstop are designated and that is a minimum of 100 feet from the property lines; and

WHEREAS, the ECZR designate shooting galleries as a Use by Right on property zoned Agricultural and as an Accessory Use to a residence in all other zone districts with parcels over one acre in size; and

WHEREAS, the BOCC recognizes that individual communities may enact Covenants, conditions, and restrictions that govern the use of a certain piece of real estate in a given community which are voluntarily accepted by property owners in those communities; and

WHEREAS, Elbert County Ordinance No. 18-3 regulates disorderly conduct and noise pollution and establishes penalties for violations; and

WHEREAS, HB 23-1165, if enacted into law will allow local governments to increase restrictions (or infringes) on the manner in which citizens of Elbert County choose to bear arms; and

WHEREAS, HB 23-1165 specifically allows for a ban on outdoor private shooting galleries; and

WHEREAS, training and practice are important to ensuring the safe use of firearms in the exercise of inalienable rights to self-defense, defense of property, protection of livestock, and to come to the aide of civil authorities in rural areas; and

WHEREAS, it should not be necessary for gun owners to have paid membership in a private gun club or pay to use a private facility in order to maintain firearm proficiency; and

WHEREAS, the BOCC has previously declared its faith in our citizens' ability to make good decisions regarding their own health and safety and the health and safety of their families and neighbors.

THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY, COLORADO does hereby:

- (1) Publicly announce its opposition to HB 23-1165 as both unnecessary and potentially harmful to our citizens should future boards choose to impose the restrictions allowed by this bill; and



- (2) Direct the Planning Commission to draft language that strengthens protections for individuals who choose to construct private shooting galleries on their properties, thereby requiring public hearings should future boards choose to enact the restrictions of the type envisioned in HB 23-1165; and
- (3) Call on members of the Colorado Senate to vote against this legislation and the Governor to veto HB 23-1165 if it reaches his desk; and

BE IT FUTHER RESOLVED that all citizens of Elbert County are encouraged to join the BOCC in opposing HB 23-1165.

APPROVED AND ADOPTED on the 8th day of March 2023.

Upon a Motion duly made and seconded, the foregoing resolution was adopted by the following vote:


Chris Richardson, Commissioner AYE


Dallas Schroeder, Commissioner AYE


Grant Thayer, Commissioner AYE

ATTEST: RHONDA BRAUN
COUNTY CLERK

BY: 
DEPUTY CLERK TO THE BOARD – Amanda Moore

