

ORDINANCE NO. 2016 -02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE AMENDING SECTION 9.17.010 TO THE TOWN OF MOUNTAIN VILLAGE MUNICIPAL CODE

RECITALS:

- A.** The Town of Mountain Village (the "Town"), in the County of San Miguel and State of Colorado, is a home rule municipality duly organized and existing under the laws of the State of Colorado and the Town Charter.
- B.** The Town Council of the Town has determined that it is necessary to amend Section 9.17.010 of the Town Municipal Code to remove certain language prohibiting the discharge of weapons from locations outside of the jurisdiction of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

Section 1. Legislative Findings.

The recitals to this Ordinance are adopted as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Section 9.17.010 of the Town Municipal Code is hereby amended and shall read as set forth on Exhibit A attached hereto.

Section 3. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 4. Ordinance Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 5. Safety Clause.

The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare of the citizens of the Town.

Section 6. Effective Date.

This Ordinance shall become effective on March 12, 2016.

Section 7. PUBLIC HEARING.


A public hearing on this Ordinance shall be held on the 11th day of February, 2016, in the Town Council Chambers, 455 Mountain Village Boulevard, Mountain Village, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 21st day of January, 2016.

**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Dan Jansen, Mayor

ATTEST:


Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado, this 11th day of February, 2016.

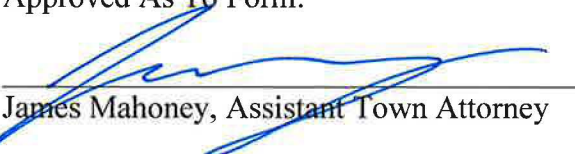
**TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY**

By: 
Dan Jansen, Mayor

ATTEST:


Jackie Kennefick, Town Clerk

Approved As To Form:


James Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town"), do hereby certify that:

1. The attached copy of Ordinance No.2016-02 ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council of the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on January 21, 2016 by the affirmative vote of a quorum of the Town Council as follows:

| Council Member Name | "Yes" | "No" | Absent | Abstain |
|----------------------------|--------------|-------------|---------------|----------------|
| Dan Jansen, Mayor | X | | | |
| Martin McKinley | X | | | |
| Bruce McIntire | X | | | |
| Dan Caton | | | X | |
| Laila Benitez | X | | | |
| Cath Jett | X | | | |
| Michelle Sherry | | | X | |

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance, was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on January 27, 2016, in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on February 11, 2016. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

| Council Member Name | "Yes" | "No" | Absent | Abstain |
|--------------------------------|--------------|-------------|---------------|----------------|
| Dan Jansen, Mayor | X | | | |
| Martin McKinley, Mayor Pro-Tem | X | | | |
| Bruce McIntire | X | | | |
| Dan Caton | X | | | |
| Laila Benitez | X | | | |
| Cath Jett | X | | | |
| Michelle Sherry | X | | | |

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me, as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 11th day of February, 2016.



Jackie Kennefick, Town Clerk

(SEAL)



EXHIBIT A

CHAPTER 9.17.010

PROHIBITING DISCHARGE OF WEAPONS

Sections:

9.17.010 Discharge of Weapons

9.17.010 Discharge of Weapons

- A. It shall be unlawful for any person to discharge any weapon of any description, including, but not limited to, revolvers, pistols, shotguns, rifles, air guns, gas-operated guns, spring guns or bows within the town limits.
- B. This Section shall not apply to the following:
 - 1. Any officer of the law discharging a weapon in the performance of his or her duty.
 - 2. Any citizen discharging a weapon when lawfully defending human life.
 - 3. Any citizen discharging a weapon upon a supervised marksmanship range approved by the Chief of Police.