

Resolution No. 2022-094

A Resolution to Limit the Discharge of Firearms in the Magnolia Area

RECITALS

A. The Board of County Commissioners of Boulder County is authorized under § 30-15-302, C.R.S., after a public hearing, to designate areas in the unincorporated territory of the county in which it is unlawful for any person to discharge firearms, except for duly authorized law enforcement officials acting in the line of duty and individuals discharging a firearm in shooting galleries or private grounds or residences under circumstances in which the firearm discharge will not endanger persons or property and in which the projectile from the firearm will not travel outside of the shooting gallery, private grounds, or residence.

B. The Board of County Commissioners received requests from residents in the vicinity of Magnolia Road to designate areas in their community as ones in which the discharge of firearms is prohibited.

C. The Board of County Commissioners held a public hearing on November 15, 2022, at which the Board received testimony and evidence from Boulder County Community Planning and Permitting, the Boulder County Sheriff's Office, Colorado Parks and Wildlife, the National Forest Service, recreational shooters and hunters, and residents regarding designating an area of 7.89 square miles that is generally described as private lands along Magnolia Drive, including enclaves of public lands, areas within one-quarter mile of Forest Road 357, and areas within one-quarter mile of Forest Road 321 north of Magnolia Drive, and that is shown as the Discharge Prohibition Area on the map attached as Exhibit A to this Resolution (the "Magnolia Area").

D. The Board of County Commissioners received evidence from Community Planning and Permitting that the Magnolia Area shown on Exhibit A has an average population density of 107 persons per square mile, which exceeds the statutorily required density of 100 persons per square mile.

E. The Board of County Commissioners has determined that closing the Magnolia Area designated in Exhibit A to the discharge of firearms for purposes other than lawful hunting is necessary to promote public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED THAT:

I. Designation of Area as One in Which the Discharge of Firearms is Limited

A. It shall be unlawful for any person, except a duly authorized law enforcement officer acting in the line of duty, to discharge firearms, as defined in Section II of this Resolution, in the areas designated as the Discharge Prohibition Area in Exhibit A subject to the following exceptions:

1. Firearms may be discharged for hunting to the extent allowed by Colorado law pursuant to a valid hunting license and in accordance with the

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restrictions and allowances imposed on that license by Colorado Parks and Wildlife; and

2. Firearms may be discharged in shooting galleries or in any private grounds or residence under circumstances permitted under C.R.S. 30-15-302.

B. Nothing in this Resolution shall be construed to restrict or otherwise effect the constitutional right of an individual to bear arms.

II. Definitions

A. Firearm(s): any pistol, revolver, rifle, or other weapon of any description from which any shot, projectile or bullet may be discharged.

B. Projectile(s): includes any arrows, shot from a bow of any type.

III. Penalties

A. Any person who violates this Resolution commits a petty offense punishable by no more than 10 days imprisonment in a county jail, not more than a \$300 fine, or both.

B. The sheriff and his undersheriffs and deputies for unincorporated Boulder County are authorized and empowered to enforce a violation of this Resolution.

IV. Effective Date

This Resolution shall be effective as of January 1, 2023.

[Signature Page to Follow]

A motion to approve this Resolution was made at a public hearing by Commissioner Claire Levy, seconded by Commissioner Matt Jones, and passed by a 2-1 vote. Commissioners Levy and Jones voted in favor, and Commissioner Marta Loachamin voted in opposition.

Adopted this 13th day of December 2022.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO

Marta Loachamin, Chair

Claire Levy

Claire Levy, Vice Chair

Matt Jones

Matt Jones, Commissioner

ATTEST:

Cecilia Lacey

Clerk to the Board



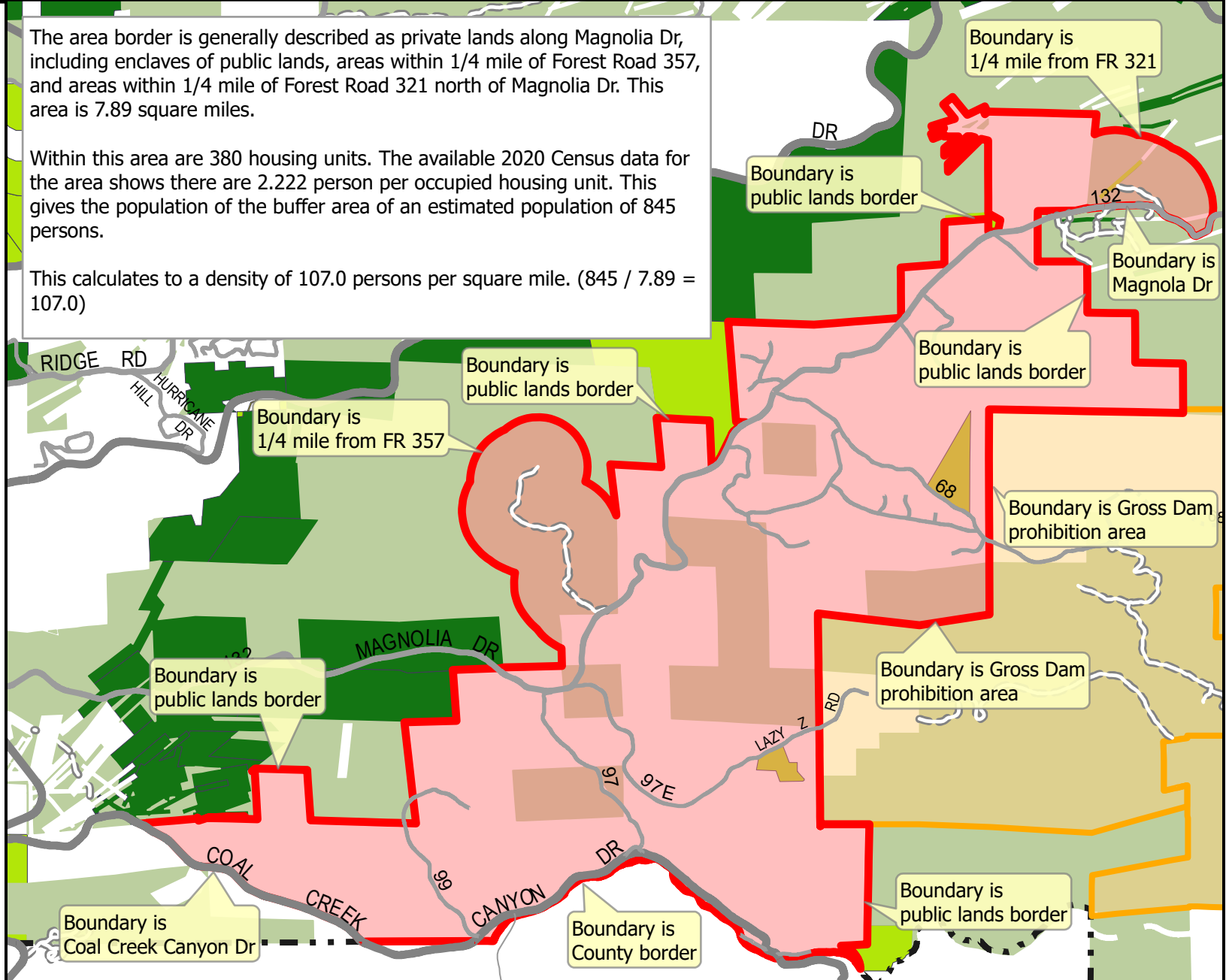
Exhibit A Magnolia Firearm Discharge Prohibition Area

- Discharge Prohibition Area
- State Hwy
- Major
- Minor County Rd
- County Jeep Rd
- Other
- Gross Reservoir IGA Prohibiting Discharge
- US Forest Roads
- USFS Land
- BLM Land
- County Open Space
- County Conservation Easement
- County Miscellaneous Easement

The area border is generally described as private lands along Magnolia Dr, including enclaves of public lands, areas within 1/4 mile of Forest Road 357, and areas within 1/4 mile of Forest Road 321 north of Magnolia Dr. This area is 7.89 square miles.

Within this area are 380 housing units. The available 2020 Census data for the area shows there are 2.222 person per occupied housing unit. This gives the population of the buffer area of an estimated population of 845 persons.

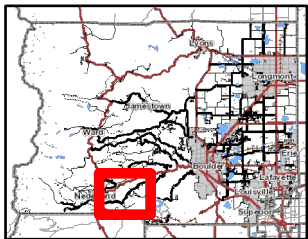
This calculates to a density of 107.0 persons per square mile. ($845 / 7.89 = 107.0$)



0 0.25 0.5 Miles



Area of Detail



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