



450 S. Parish Avenue
Johnstown, CO 80534
970-587-4664
JohnstownCO.gov

Town Council Work Session
450 S. Parish, Johnstown, CO
Monday, October 20, 2025 at 6:00 PM

Mission Statement: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.

Agenda

Call to Order

Agenda Items

1. Discussion of Municipal Firearms Ordinances

Adjourn

Americans with Disabilities Act Notice

In accordance with the Americans with Disabilities Act and other applicable laws, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at 970-587-4664 no later than 48 hours before the meeting in order to request such assistance. De conformidad con la Ley de Discapacitados Estadounidenses y otras leyes vigentes, los individuos que necesitan adaptaciones funcionales para asistir o participar en esta reunión deberán comunicarse con la Municipalidad marcando el 970 587- 4664 a lo más tardar 48 horas antes de dicha reunión para solicitarla.

THE COMMUNITY THAT CARES



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Town Council Work Session Communication

Agenda Date: October 20, 2025

Subject: Discussion of Municipal Firearms Ordinances

Attachments:

1. Legal Memo Possessing an Illegal Weapon
2. Redline - Article X Weapons
3. Firearm Research and Recommendation table

Presented by: Jeff Strossner, Chief of Police

Work Session Item Description:

Mayor Duncan requested a review of the Town's weapons ordinances regarding the possession of suppressors, which the C.R.S. refers to as silencers. Upon reviewing all the Town's weapons ordinances, it was discovered that several Town ordinances are repeated in C.R.S. with some Town penalties being less than required by the State of Colorado. In 2021, SB 21-256 implemented *C.R.S. 29-11.7-103 Local regulations governing firearms permitted*, which prohibit a local government from making a firearm regulation less restrictive than state law. Further, all less restrictive ordinances on the books prior to 2021 were declared void and unenforceable.

It is the recommendation of Staff to revise the Johnstown Municipal Code, Chapter 10, Article X – Weapons. The legislative environment pertaining to weapons has been rapidly evolving with frequent changes. The goal of the revision is to simplify the Article to reduce the frequency of revisions caused by changes in C.R.S. while also preserving some Town autonomy for minor weapons offenses that often involve juveniles.

Attached to this TAC is a spreadsheet demonstrating the differences between Colorado Law and Johnstown Ordinances, a redline draft of Article X - Weapons, and a memo from the Town Attorney to assist in facilitating the discussion and receiving direction from Council.

Reviewed and Approved for Presentation,

Town Manager

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MEMORANDUM

TO: Honorable Mayor and Council Members

FROM: Law Office of Avi S. Rocklin, LLC 

DATE: October 9, 2025

RE: Section 10-193: Possession of an Illegal Weapon

This Memorandum addresses Section 10-193 of the Johnstown Municipal Code, which concerns the possession of illegal weapons in the Town. The purpose the Memorandum is to provide information to the Town Council to allow the Town Council to decide whether to repeal or amend Section 10-193. This Memorandum is presented in conjunction with Chief Strossner's Memorandum whereby he recommends that the Town Council repeal and/or amend a good portion of Article X (Weapons) of Chapter 10 (General Offenses) of the Johnstown Municipal Code.

C.R.S. § 29-11.7-103 provides that a local government may impose regulations governing firearms as long as the regulations are at least as restrictive as state law. "The local ordinance, regulation, or other law may not impose a requirement on the sale, purchase, transfer, or possession of a firearm, ammunition, or firearm component or accessory that is less restrictive than state law, and any less restrictive ordinance, regulation, or other law enacted by a local government before the effective date of this section, as amended in 2021, is void and unenforceable."

Section 10-193, adopted years ago as part of the prior Municipal Code, provides as follows:

Sec. 10-193. Possessing an illegal weapon.

- (a) As used in this Section, the term illegal weapon means a blackjack, bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, metallic knuckles, gravity knife or switchblade knife.
- (b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or State National Guard to knowingly possess an illegal weapon.

With a few notable exceptions, Section 10-193 is similar to, and was likely originally based upon, state law, which provides as follows:

C.R.S. § 18-12-102. Possessing a dangerous or illegal weapon--affirmative defense—definition.

- (1) As used in this section, the term "dangerous weapon" means a firearm silencer, machine gun, rapid-fire device, short shotgun, or short rifle.

- (2) As used in this section, the term “illegal weapon” means a blackjack, gas gun, ballistic knife, or metallic knuckles.
- (3) A person who knowingly possesses a dangerous weapon commits a class 5 felony.
- (4) A person who knowingly possesses an illegal weapon commits a class 1 misdemeanor.
- (5) It shall be an affirmative defense to the charge of possessing a dangerous weapon, or to the charge of possessing an illegal weapon, that the person so accused was a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties, or that said person has a valid permit and license for possession of such weapon.

In addition to the fact that, unlike the Town regulation, state law differentiates between an “illegal weapon” and “dangerous weapon,” there are other notable exceptions between the Johnstown Municipal Code and state law. They are as follows:

- A. Section 10-193 provides that it is not unlawful for a peace officer or member of the Armed Forces of the United States or State National Guard to knowingly possess an illegal weapon; C.R.S. § 18-12-102 provides that it is not unlawful for such persons to possess an illegal or dangerous weapon *while acting in the lawful discharge of their duties*.
 - There is a reasonable argument that the Town’s exception (or affirmative defense) is not valid without the limiting language – *while acting in the lawful discharge of their duties* – because it is less restrictive than state law. As provided above, state law provides that a less restrictive local ordinance is “void and unenforceable.”
- B. C.R.S. § 18-12-102 provides that it is not unlawful for a person who has a *valid permit and license* to possess an illegal or dangerous weapon; Section 10-193 does not allow a person with a permit and license to possess an illegal weapon.
 - There is a reasonable argument that the exception (affirmative defense) is valid – *preventing persons with a permit and license from possessing illegal weapons* – because it is more restrictive than state law.
- C. State law provides that possession of a “dangerous weapon” is a felony; the offense would be a misdemeanor in the Town.
 - There may be an argument that the Town’s regulations concerning “dangerous weapons” are void and unenforceable because the Town characterizes them as misdemeanors rather than felonies, but the law is not clear on this point because the characterization does not necessarily make the Town’s regulation “less restrictive.”

ARTICLE X Weapons

Sec. 10-191. Definitions.

The following definitions apply to this Article:

Blackjack includes any billy, sandclub, sand bag or other hand-operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance, and at the handle end, a strap or springy shaft which increases the force of impact.

Butterfly knife (bailsong or fan knife) means any knife with a blade fastened to a handle by a pivot so that the blade may be concealed within the handle(s) when closed and may be exposed by rotating, flipping, or otherwise manipulating one or more handle parts.

~~*Bomb* means any explosive or incendiary device or Molotov cocktail as defined in Section 9-7-103, C.R.S., which is not specifically designed for lawful and legitimate use in the hands of its possessor.~~

Firearm shall have the meaning set forth in § 18-12-101, C.R.S., as amended from time to time, and shall include handguns.

~~*Firearm-silencer* means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.~~

Gas gun means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.

Gravity knife means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of centrifugal force, that when released is locked in place by means of a button, spring, lever or other device.

Handgun shall have the meaning set forth in § 18-12-202(4), C.R.S., as amended from time to time.

Knife means any dagger, dirk, knife or stiletto with a blade over three and one-half (3½) inches in length, or any other dangerous instrument capable of inflicting cutting, stabbing or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.

~~*Machine gun* means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.~~

Nunchaku means an instrument consisting of two sticks, clubs, bars, or rods to be used as handles connected by a rope, cord, wire, or chain, which is in the design of a weapons used in connection with the practice of a system of self-defense.

Short rifle means a rifle having a barrel less than sixteen (16) inches long, or an overall length of less than twenty-six (26) inches.

~~*Short shotgun* means a shotgun having a barrel or barrels less than eighteen (18) inches long or an overall length of less than twenty-six (26) inches.~~

Switchblade knife means any knife, the blade of which opens automatically by hand pressure applied to a button, spring or other device in its handle.

Throwing Star means a disk having sharp radiating points or any disk-shaped bladed object which is hand-held and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense.

(Ord. No. 2024-264, § 1, 12-2-2024)

Sec. 10-192. Article not to affect duties of peace officer.

The provisions of this Article shall not be held to prohibit any act by a peace officer in the lawful discharge of his or her duties.

(Ord. No. 2024-264, § 1, 12-2-2024)

Sec. 10-193. Possessing an illegal weapon.

- (a) As used in this Section, the term *illegal weapon* means a blackjack, ~~bomb, firearm silencer,~~ gas gun, ~~machine gun, short shotgun, short rifle,~~ metallic knuckles, gravity knife, ~~or~~ switchblade knife, butterfly knife, throwing star, or nunchaku.
- (b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or State National Guard to knowingly possess an illegal weapon while acting in the lawful discharge of their duties.
- (c) The casing and transport of a gas gun, butterfly knife, throwing star, or nunchaku for use at a range or in a martial arts studio or demonstration shall not be a violation of this ordinance.

(Prior code 16-131)

Sec. 10-194. Possession of a defaced firearm. (REPEAL)

It shall be unlawful for any person to knowingly and unlawfully possess a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed.

Sec. 10-195. Defacing a firearm. (REPEAL)

It shall be unlawful for any person to intentionally remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing numbers or identification mark of a firearm.

Sec. 10-196. Carrying a ~~weapon~~firearm in Town buildings.

- (a) ~~It is unlawful for any person to knowingly carry a concealed knife or a concealed firearm; provided, however, that it shall be an affirmative defense that the defendant was:~~
- ~~(1) A person in his or her own dwelling or place of business or on property owned or under his or her control at the time of the act of carrying;~~
- ~~(2) A person in a private automobile or other private means of conveyance who carries a firearm or knife for lawful protection of his, her or another's person or property while traveling or for any legal purpose; or~~
- ~~(3) A person who, prior to the time of carrying a concealed handgun, had been issued a valid concealed handgun permit pursuant to state law.~~

(Supp. No. 20)

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~~(b)(a)~~ It is unlawful for any person to carry a firearm on property and in a building where: (i) the Town Council chambers is located; (ii) a meeting of the Town Council is occurring; or (iii) the office of the Mayor, a Town Councilmember or the Town Manager is located, except that:

- (1) A person who has been issued a valid concealed handgun permit pursuant to state law may carry a concealed handgun on property and in the public portion of a building where the Town Council chambers is located or where a meeting of the Town Council is occurring; and
- (2) An employee who has been issued a valid concealed handgun permit pursuant to state law may carry a concealed handgun in the secure portion of the building where employee offices are located on the condition that such employee complies with rules and regulations promulgated by the Town Manager related to the carrying of such concealed handgun.

~~(e)(b)~~ It is unlawful for any person to carry a firearm in a building where Johnstown Municipal Court proceedings or other judicial proceedings are conducted at any time during, and for one (1) hour before and after, such proceedings, except that:

- (1) An employee who has been issued a valid concealed handgun permit pursuant to state law may carry a concealed handgun in the secure portion of the building where employee offices are located on the condition that such employee complies with rules and regulations promulgated by the Town Manager related to the carrying of such concealed handgun.

~~(d)(c)~~ This section does not apply to law enforcement personnel, peace officers certified by the peace officers standards and training board, members of the United States Armed Forces or Colorado National Guard, security personnel retained by the Town, defense counsel personnel or court officials if such persons are carrying or possessing a firearm in the performance of their official duties.

(Prior code 16-134; Ord. No. 2024-264, § 2, 12-2-2024)

Sec. 10-197. Prohibited use of weapons.

It shall be unlawful for any person to: discharge within the Town any firearm, air gun, spring gun, gas-operated gun, crossbow, or a bow and arrow.

- ~~(1) Intentionally and unlawfully aim a firearm at another person;~~
- ~~(2) Recklessly or with criminal negligence discharge a firearm or shoot a bow and arrow;~~
- ~~(3) Set a loaded gun, trap or device designed to cause an explosion upon being tripped or approached, and leave it unattended by a competent person immediately present;~~
- ~~(4) Have in his or her possession a firearm while he or she is under the influence of intoxicating liquor or of a narcotic drug or dangerous drug. Possession of a permit issued under Section 18-12-105, C.R.S., is no defense to a violation of this Subsection;~~
- ~~(5) Not being a peace officer, discharge a firearm in the Town, other than a shooting gallery or rifle range; or~~
- ~~(6) Not being a peace officer, display a deadly weapon in the Town in a manner calculated to alarm.~~

Sec. 10-198. Possessing, carrying or using dangerous or deadly weapons. (REPEAL)

~~Except within his or her own domicile, it shall be unlawful for any person to have in his or her possession, or to carry or use, a revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges, any air gun, gas-operated gun or spring gun or any instrument, toy, weapon or bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is~~

~~called by any name set forth above or by any other name; provided that nothing contained in this Section shall prevent the use of any such instruments in shooting galleries or in any private grounds or residence under circumstances when such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence; and further provided that nothing herein contained shall be construed to prevent the carrying of any type of gun whatsoever, when unloaded and properly cased, to or from any range or gallery.~~

Sec. 10-198. Weapon sales prohibited.

It is unlawful for the owner, operator, manager, and employee of any tent, booth, or display at a Town special event to offer, sell, give away, or display any illegal weapon.

Secs. 10-199—10-210. Reserved.

Sec. 10-46. Throwing missiles.

It shall be unlawful for any person to throw any stones, snowballs, or other objects or missiles at vehicle, building, tree or other public or private property, or upon or at any person in the public way or upon other public ground.

Muni Code Citation (Johnstown)	Title	Topic	C.R.S.	Colorado State Law	Crime Level (CO)	Comparison Notes	Recommendation
§ 10-191	Definitions	Definitions			NA		Revise definition section, clarifying some definitions and removing items that will be revised from ordinances below.
§ 10-192	Peace officers	Exempts JPD in performance of duties	NA	NA	NA		No change
§ 10-193	Possessing an Illegal Weapon	Dangerous Weapons	CRS § 18-12-102(1)	Dangerous weapons are supressors, short barrel rifles, machine guns, and short barrel shotguns.	Class 5 Felony	Colorado CRS defines distinguishes illegal and dangerous weapons. Possession of dangerous weapons is a felony whereas an illegal weapon is a misdemeanor for a first time offense. The JT municipal code combines these two catagories into one ordinance as a misdemeanor violation, which is prohibited by CRS 29-11.7-103. Supressors are considered dangerous weapons but unless unless the person is a peace officer or national guardsperson acting in lawful discharge of duties or someone with a valid permit and license (ATF Form 4; no state licensing).	Revise the illegal weapons ordinance that more closely aligns with the State definition. May add additional weapons not covered under state code such as use of stunguns, butterfly knives, and certain martial arts weapons. Keeping the illegal weapons in the muni code provides opportunity to put juveniles into the restorative justice program locally. Eliminate all state classified dangerous weapons and explosives from the muni code.
§ 10-193		Illegal Weapons	CRS § 18-12-102(2)	Illegal weapons are blackjack, gas guns, ballistic knife, or metallic knuckles.	Class 1 Misdemeanor	JT Ordinance is more restrictive includes gravity knives and switchblades to the definition.	
§ 10-194	Defaced Firearm – Possession	Prohibits possession of firearms with removed serial numbers.	CRS § 18-12-103	Same prohibition.	Class 1 Misdemeanor	Aligned.	REPEAL ORDINANCE, this is covered within CRS.
§ 10-195	Defacing a Firearm	Prohibits altering/removing serial numbers.	CRS § 18-12-104	Same prohibition.	Class 1 Misdemeanor	Aligned.	REPEAL ORDINANCE, this is covered within CRS.
§ 10-196	Concealed Carry	Permit required.	CRS § 18-12-105	Permit required.	Class 2 Misdemeanor; Class 5 Felony for second offence (18-12-107).	JT ordinance is aligned with state law but also includes the provisions for carrying within Town buildings and prohibiting carry during court proceedings.	REPEAL CCW provisions, relying on CRS. Rename ordinance and maintain the Town Hall provisions passed in late 2024.
§ 10-197	Prohibited Use of Weapons	Reckless discharge or threatening use prohibited.	CRS § 18-12-106	Generally same as JT code	Class 2 Misdemeanor	State law includes prohibited uses of nunchaku and throwing stars as misdemeanor.	Remove references to intentionally aiming a firearm at someone - this is C.R.S. felony menacing. Add nunchaku and throwing star to illegal weapon ordinance with exception for martial art practice, shows, and demonstrations. Consider eliminating the mens rea regarding discharge of a firearm or bow and arrow. Add provisions for prohibiting the discharge of a bb gun, bow and arrow, pellet guns, or crossbows
§ 10-198	Possessing, carrying, or using dangerous or deadly weapons	General provisions prohibiting discharge of several different types of weapons including toys					REPEAL; Some of the provisions from this ordinance can be included in the Prohibited Use section such as gas gun, air gun, bb gun, spring gun, etc. Break out specifically the Throwing of Missiles as separate ordinance. Discussion point: use of air or spring guns on residential property?

RECOMMENDED ADDITIONS TO WEAPONS CODE		
	Throwing missles	prohibition against throwing stones or other projectiles at people, vehicles, and other personal property.
	Possessing a weapon on school grounds	prohibing the carrying of any illegal weapons including knives less than 31/2 inches in length.