

**RESOLUTION DECLARING THE SUPPORT OF THE CITY OF COMMERCE CITY,
COLORADO FOR THE PRESERVATION OF SECOND AMENDMENT RIGHTS**

NO. 2019-55

WHEREAS, by virtue of the Article XX, Section 6 of the Constitution of the State of Colorado, Section 2.2 of the Charter of the City of Commerce City, and C.R.S. § 31-15-401 *et seq.*, the City of Commerce City, Colorado (“Commerce City”) has authority to exercise its general police powers to promote and protect the health, safety, and welfare of the community and its residents;

WHEREAS, the Second Amendment to the United States 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;”

WHEREAS, the Supreme Court, in *District of Columbia v. Heller*, 554 U.S. 570 (2008) considered a local ban on handguns in residences and a requirement that firearms in a home be disabled and confirmed that the Second Amendment guarantees an individual’s right to keep and possess firearms for purposes of self-defense;

WHEREAS, the Supreme Court has acknowledged that the Second Amendment right is not unlimited and has upheld laws prohibiting the possession of firearms by felons and the mentally ill, forbidding the carrying of firearms in sensitive places such as schools and government buildings, regulating the concealed carrying of firearms, and imposing conditions and qualifications on the commercial sale of firearms;

WHEREAS, the Second Amendment fully applies to state and local governments, as the Supreme Court of the United States determined in *McDonald v. Chicago*, 561 U.S. 742 (2010) with respect to a local law banning handguns and requiring firearm registration;

WHEREAS, Article II, Section 3 of the Constitution of the State of Colorado 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;”

WHEREAS, Article II, Section 11 of the Constitution of the State of Colorado 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; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.”

WHEREAS, Article II, Section 7 of the Constitution of the State of Colorado states, “The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place or seize any person or things shall issue without describing the place to be searched, or the person or thing to be seized, as near as may be, nor without probable cause, supported by oath or affirmation reduced to writing.”

WHEREAS, the Colorado General Assembly has passed, and the Governor has signed, House Bill 19-1177 allowing for family members and law enforcement agencies to petition the courts for an order requiring the temporary surrender or seizure of lawfully-possessed firearms, *ex parte* and without prior notice to firearm owners; contemplating the use of search warrants to permit forcible entry into and seizure of private property without evidence of a crime; and requiring lawful firearm owners to meet a high burden of proof to relieve themselves of such an order;

WHEREAS, the City Council desires to declare its support for lawful gun owners in Commerce City and its support for the preservation of the Second Amendments rights of its residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. The City Council hereby declares its support for the Second Amendment to the United States Constitution, the lawful exercise of the right to keep and bear arms by its residents, and safe and responsible legal gun ownership and use. Therefore, the City Council declares Commerce City to be a “Second Amendment Sanctuary.”

SECTION 2. The City Council further declares its support for the safety and well-being of the members of the Commerce City Police Department.

SECTION 3. The City Council further declares its support for immediate action to provide systemic and fundamental change in the provision of mental health care services in the State of Colorado and in the United States.

SECTION 4. Nothing in this resolution shall be construed to modify or repeal any existing laws, policies, or regulations of Commerce City or to direct any employee of Commerce City in any manner, including to take any action in violation of any law or court order.

RESOLVED AND PASSED THIS 3RD DAY OF JUNE 2019.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk