

ORDINANCE NO. 09- 124

AN ORDINANCE AMENDING SECTION 104 (DISCHARGE OF WEAPON) OF PART 1 (DANGEROUS AND DEADLY WEAPONS) OF ARTICLE 7 (DANGEROUS WEAPONS AND SUBSTANCES) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO AN AFFIRMATIVE DEFENSE TO A DISCHARGE OF WEAPON VIOLATION

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. That Section 104 (Discharge of Weapon) of Part 1 (Dangerous and Deadly Weapons) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

9.7.104: DISCHARGE OF WEAPON:

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C. It shall be an affirmative defense to a violation of this section if a person discharges a firearm in an act of self-defense of the person, the person's property or the person's domestic animal.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 13th day of
October, 2009.

MAYOR

ATTEST:

CITY CLERK

has in the City Council Strategic Plan; centers in underserved areas of the city and are needed by these children and families.

Jeremy Roberts, Anthony Roberts, Derric Toribio, Makayla Morgan, Jonathan Jerry, Jonathan Bucks, Jose Morales, Leonardo DaVinci and Dieudonne Chea spoke in support of the community centers citing the following comments: wants center open for Boy Scouts program; good times at center; great staffs and after-school programs; participate in summer programs; participate in many programs; Space Center activities, fun field trips; go to YMCA to learn how to swim.

Charles Barber expressed concerns about current budget difficulties in Colorado Springs; problems are a by-product of the Financial Services Modernization Act passed November 4, 1999 by the U. S. Congress.

Ricci Epperson represented the children that cannot vote; asked questions of City Council regarding the future of he and his brother if the community centers close.

Eric Verlo spoke in opposition of the appointment of Sean Paige, urged people to raise their voices against the plight of these budget cuts.

Rita Ague encouraged City Council to be transparent, been a super fusion center; been brutalized by the Police at the St. Patrick's Day Parade, protect civil rights, approach Federal government for housing, police and fire.

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5. Motion by Purvis, second by Hente, that the Minutes of the Regular Council meeting of September 22, 2009, Special Sessions of October 6, 2009 and October 7, 2009 be approved as written. The motion unanimously carried.

**CONSIDERATION OF ITEMS CALLED UP FROM
CONSENT CALENDAR SECTION**

- 3-B-8. Ordinance No. 09-124 entitled "AN ORDINANCE AMENDING SECTION 104 (DISCHARGE OF WEAPON) OF PART 1 (DANGEROUS AND DEADLY WEAPONS) OF ARTICLE 7 (DANGEROUS WEAPONS AND SUBSTANCES) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO AN AFFIRMATIVE DEFENSE TO A DISCHARGE OF WEAPON VIOLATION" was introduced and read.

Richard Myers, Colorado Springs Police Chief, entered his appearance and answered questions.

Motion by Gallagher, second by Hente, that the ordinance be passed as introduced.

Ayes: Gallagher, Glenn, Hente, Herpin, Martin, Paige, Rivera, Small
Noes: Purvis
Absent: None

Mayor Rivera declared the motion carried.