

ORDINANCE NO. 1059

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, AMENDING THE TOWN OF WICKENBURG CODE, CHAPTER 10 OFFENSES, ARTICLE 10-1 UNLAWFUL ACTS, SECTION 10-1-20 WEAPONS IS AMENDED BY DELETING THOSE PROVISIONS WHICH ARE IN CONFLICT WITH OR PREEMPTED BY STATE LAW AND TO ALLOW THE USE OF WEAPONS OTHER THAN FIREARMS ON PRIVATE PROPERTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the regulation of firearms is a matter largely preempted by Arizona state law; and

WHEREAS, the Wickenburg Town Council believes it is in the best interests of the Town of Wickenburg to delete regulations from the Wickenburg Town Code which are preempted or in conflict with Arizona state law; and

WHEREAS, the Wickenburg Town Council has determined that the use of certain weapons (other than firearms) on private property should be permitted.

NOW THEREFORE BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona as follows:

Section I. In General.

The Code of Wickenburg, Chapter 10 Offenses, Article 10-1 Unlawful Acts, Section 10-1-20 Weapons is hereby amended as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

- A. It is unlawful for any person within the limits of the Town to fire or discharge any ~~firearm~~, BB gun, air gun, pellet gun, dart gun, slingshot, gas-operated gun or other similar gun or instrument.
- B. The prohibitions of the preceding Subsection A. shall not apply to the use of any such gun or instrument by:
 - 1. ANY PERSON WHILE LOCATED ON THAT PERSON'S PROPERTY OR THE PROPERTY OF ANOTHER WITH THE EXPRESS PERMISSION OF THE PROPERTY OWNER AND SO LONG AS SUCH USE DOES NOT

PROJECT BBS, PELLETS, DARTS, ROCKS OR OTHER
PROJECTILES BEYOND THE PROPERTY LIMITS.

~~A law enforcement officer or other duly authorized public official or employee in the performance of any official duty.~~

- ~~2. Any person to whom a license, permit or authority is issued by the Chief of Police of the Town for the use of such gun or instrument for a valid and proper purpose and for use in a manner not likely to harm any person, animal or property.~~
- ~~3. Any person when used only for the necessary protection of property, habitation or person in a manner authorized by the laws of the State under or within rights guaranteed by the constitution of the State or the United States of America.~~

~~C. It is unlawful for any person, except a Peace Officer in actual service and discharge of his duty, to have on or about his person a concealed weapon.~~

- ~~1. "Weapon", as used in this Section, means anything readily capable of lethal use and possessed under circumstances not manifestly appropriate or lawful use; which it may have. The term "weapons" include a firearm, which is not loaded or lacks a clip or other component to render it immediately operable, and components, which can readily be assembled into a weapon.~~
- ~~2. A weapon is not a concealed weapon as used in this Section if:
 - ~~a. It is carried in a belt holster, which holster is wholly or partially visible, or is carried in a scabbard or case designed for carrying weapons which scabbard or case is wholly or partially visible.~~
 - ~~b. It is located in a closed trunk, luggage or glove compartment of a motor vehicle.~~~~

~~D. It is unlawful for any person to recklessly or carelessly handle a weapon.~~

~~E. Any person other than a Peace Officer on duty, carrying a weapon, upon entering any public place or attending a public event, may be required by the operator of the establishment or the sponsor of the event to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event.~~

~~F. It is unlawful for any person to sell or give to a person under the age of eighteen (18) years, without written consent of the person's parent or legal guardian, a weapon or ammunition.~~

Section II. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Town Code adopted herein by reference are hereby repealed.

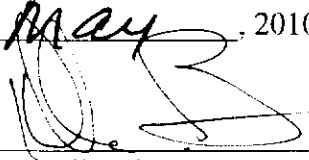
Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Town Code adopted therein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions thereof.

Section IV. Providing For Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class One Misdemeanor and subject to the penalties set forth in Section 1-8 of the Wickenburg Town Code. Each day that a violation is permitted to exist shall constitute a separate offense.

PASSED AND ADOPTED by the Town Council of the Town of
Wickenburg, Arizona, this 17 day of May, 2010.

By: 

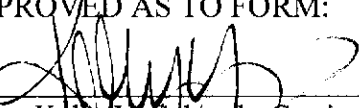
Kelly Blunt, Mayor

ATTEST:

By: 

 Donna Riffel, Town Clerk

APPROVED AS TO FORM:

By: 

Kelly Y. Schwab, Curtis, Goodwin,
Sullivan, Hall & Schwab, P.L.C.,
Town Attorneys

Number of Councilmembers Present: 7

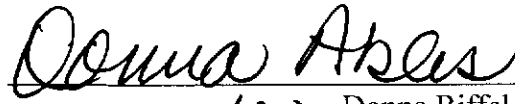
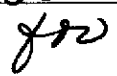
Number of Votes For: 7

Number of Votes Against: 0

Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number ____ was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 17 day of May, 2010, and that a quorum was present at the meeting.

Donna Riffel, Town Clerk