

ORDINANCE NUMBER O19-001

AN ORDINANCE OF THE CITY OF SAFFORD, GRAHAM COUNTY, ARIZONA
AMENDING THE CITY OF SAFFORD MUNICIPAL CODE, TITLE 9, CHAPTER 9.16.010
WEAPONS.

WHEREAS, amending *Chapter 9.16.010, Weapons*, to comply with current state and federal laws; and,

WHEREAS, certain provisions of Title 9, *Weapons*, require further clarification and modification; and,

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Safford, Graham County, Arizona that Chapter 9.16.010 of the City of Safford Municipal Code as contained in Title 9 be amended as stated below:

9.16.010 - Weapons.

- A. ~~Discharge of Firearms Prohibited. It is unlawful for any person within the limits of the city to fire or discharge any firearm, BB gun, air gun, pellet gun, dart gun, slingshot, gas-operated gun or other similar gun or instrument.~~ No person shall negligently or purposely discharge any firearm within the city limits, except:
- B. ~~Exceptions. The prohibitions of subsection A of this section shall not apply to the use of any such gun or instrument by:~~
1. In necessary self-defense as allowed by Arizona Revised Statutes and U.S. Constitution. A law enforcement officer or other duly authorized public official or employee in the performance of any official duty;
 2. A law enforcement officer, public official, or employee in necessary performance of his or her duty. Any person to whom a license, permit or authority is issued by the chief of police of the city 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. For the purpose of responsible target shooting or practice on a City firearms range. 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.
 4. In an area recommended as a hunting area by the Arizona Game and Fish Commission and the City of Safford while meeting all laws established by Arizona Revised Statutes. Such area must be posted as required by the City of Safford and may be closed at any time by the Police Chief or the Director of the Game and Fish Department.
 5. For the purpose of this section, a firearm is defined as any device that expels a projectile or projectiles by means of exploding/expanding gases.
- C. ~~Concealed Weapons—Definition—Punishment—Arrest—Exceptions.~~
1. ~~"Weapon" as used in this section means anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term "weapon" includes 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. 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.~~

~~2. It is unlawful for any person, except a peace officer in actual service and discharge of his or her duty, to conceal on or about his or her person a weapon.~~

~~D. Reckless Handling of Weapon Prohibited. It is unlawful for any person to recklessly or carelessly handle a weapon.~~

~~B.E. Carrying of Weapon at Public Event. 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 or her weapon and place it in the custody of the operator of the establishment or the sponsor of the event.~~

~~F. Sale of Weapons to Minors. It is unlawful for any person to sell or give to a minor under the age of eighteen (18) years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.~~

~~G. Every person convicted of a violation of this section shall forfeit to the city such gun or instrument so fired or discharged.~~

~~H. Prohibiting Minors from Carrying or Possessing Firearms, Providing Exceptions, Seizure and Forfeiture, and Penalties.~~

~~1. Except as provided in subsection (H)(2) of this section, an unemancipated person who is under eighteen (18) years of age, and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the unemancipated person's parent or guardian, shall not knowingly carry or possess on his or her person, within his or her immediate control, or in or on a means of transportation, a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian.~~

~~2. This subsection does not apply to a person who is fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age and is any of the following:~~

~~a. Engaged in lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.~~

~~b. Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting.~~

~~c. Engaged in lawful transportation of an unloaded firearm between the hours of five a.m. and ten p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.~~

~~3. If the minor is not exempt under subsection (H)(2) of this section and is in possession of a firearm, a peace officer may seize the firearm and hold it until the agency returns the firearm to the parent or guardian or initiates forfeiture proceedings pursuant to Chapter 39 of Title 13, Arizona Revised Statutes.~~

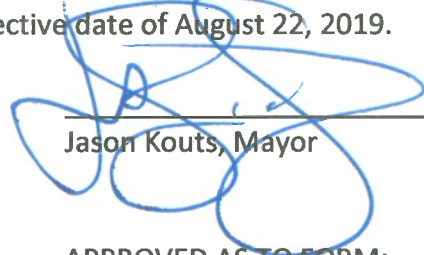
~~4. A person who violates subsection (H)(1) of this section is an incorrigible child and shall be subject to the following penalties:~~

~~a. For an offense involving an unloaded firearm, a fine of not more than two hundred fifty dollars (\$250.00), and the court may order the suspension or revocation of the person's driver's license;~~

- ~~b. For an offense involving a loaded firearm, a fine of not more than five hundred dollars (\$500.00), and the court may order the suspension or revocation of the person's driver's license;~~
- ~~5. If the firearm is not returned to the parent or guardian pursuant to subsection (H)(3) of this section, it shall be held by the law enforcement agency responsible for the seizure until the charges have been adjudicated or otherwise disposed of and until the conclusion of any forfeiture proceedings. Upon adjudication of a person for a violation of this section, the court, in accordance with Chapter 39 of Title 13, Arizona Revised Statutes, shall order the firearm forfeited and sold, destroyed or disposed of otherwise.~~
- ~~6. If the court finds that the parent or guardian of a minor found responsible for violating this section knew of the minor's unlawful conduct and made no effort to prohibit it, the parent or guardian is jointly and severally responsible for any fine imposed pursuant to this section.~~
- ~~7. This section is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this section may be prosecuted and convicted for any other criminal conduct involving the use or exhibition of the deadly weapon.~~
- C. It shall be unlawful within the City limits for any person to display any air gun, gas operated gun, spring gun or any toy or weapon that is a replica or close in appearance to a firearm in such a manner that a reasonable person would feel threatened by such display.
- D. It shall be unlawful within the City limits to discharge any air gun, "B-B" gun, gas operated gun or spring gun or any instrument, tory or weapon commonly known as a "peashooter", "slingshot" or "beany" or any other instrument, including but not limited to bows and arrows, made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instruments is called by any name set forth above or by any other name.
1. The prohibitions set forth in section D shall not apply on private grounds or premises when under the circumstances, such instrument can be fired, discharged or operated in such a manner as not to endanger any persons or property and also in such manner as to prevent the projectile from traversing any grounds or space outside the perimeter limits of such grounds or premises.
2. Such activity shall be supervised by an adult(s) at all times.
3. There shall be a further exception when public or private grounds or premises are utilized for the purpose of an organized meet or shooting match involving the use of such weapons and when such meet or shooting match has been authorized by the owner or controller of such premises and written permission for same obtained from the Chief of Police.
- F. Any person violating the provisions of this section shall be guilty of a misdemeanor and punishable in accordance with Chapter 1 of this code.


(Prior code § 10-1-24)

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL of the
City of Safford, this 22nd day of July 2019 with an effective date of August 22, 2019.



Jason Kouts, Mayor

ATTEST:



Georgia Luster, MMC
City Clerk

APPROVED AS TO FORM:



William J. Sims, III
City Attorney

CERTIFICATION

STATE OF ARIZONA)
) ss
County of Graham)

I HEREBY CERTIFY, that the foregoing Ordinance Number O19-001 was duly passed and adopted by the Mayor and City Council of the City of Safford, Graham County, Arizona, at a regular council meeting held July 22, 2019 with an effective date of August 22, 2019. A quorum of the Council was present at the meeting.

Date: July 22, 2019



Georgia Luster, MMC, City Clerk