



# Town of Huachuca City

The Sunset City

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## ORDINANCE NO. 18-07

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 9 “PUBLIC PEACE, MORALS AND WELFARE” CHAPTER 9.15 “WEAPONS” TO REPEAL TOWN REGULATION OF THE USE AND POSSESSION OF FIREARMS BY DELETING CURRENT CHAPTER 9.15 IN ITS ENTIRETY.**

**WHEREAS**, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the “Code”], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28); and

**WHEREAS**, the Code, Title 9 “PUBLIC PEACE, MORALS AND WELFARE” Chapter 9.15 “WEAPONS” establishes Town regulations concerning use and possession of firearms within the Town; and

**WHEREAS**, pursuant to A.R.S. 13-3108 the State Legislature has largely prohibited cities and towns from adopting ordinances and other regulations concerning use and possession of firearms; and

**WHEREAS**, the Town Council has determined that it would be in the best interests of the Town and its residents to repeal its Code provisions concerning use and possession of firearms; and

**WHEREAS**, as required by the Code, section 2-25-040, this Ordinance was first read at a public meeting of the Town Council on February 8, 2018, and at a subsequent meeting on February 22, 2018.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Huachuca City, as follows:

**SECTION 1.** The Code, Title 9 “PUBLIC PEACE, MORALS AND WELFARE” Chapter 9.15 “WEAPONS” is hereby repealed.

**SECTION 2.** In the Code, the text of this Chapter shall be deleted and the word “Reserved” shall be written, to allow for future use by the Town Council.

**SECTION 3.** The Town shall rely upon state and federal laws addressing possession and use of firearms.

**SECTION 4.** If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

**SECTION 5.** The Town Clerk is hereby directed, pursuant to the Code, section 2-25-080 to publish this Ordinance as required by A.R.S. 9-812 and 39-204.

**PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 22ND DAY OF FEBRUARY, 2018.**

  
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Ken Taylor, Mayor

**ATTEST:**

  
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Jennifer Fuller, Town Clerk

**Approved as to Form:**

  
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Thomas Benavidez, Town Attorney