

**Ordinance No. 14-58**

**AN ORDINANCE OF PARK CITY, UTAH REPEALING MUNICIPAL CODE OF PARK CITY SECTIONS 8-6-1, 8-6-3, 8-6-4, AND 8-6-5 PERTAINING TO FIREARMS; AND AMENDING MUNICIPAL CODE OF PARK CITY SECTION 8-1-14 PERTAINING TO FIREARMS AND DANGEROUS WEAPONS**

WHEREAS, the City previously adopted Municipal Code of Park City sections 8-6-1, 8-6-2, 8-6-3, 8-6-4, and 8-6-5 relating to firearms and weapons; and

WHEREAS, Utah Code Ann. § 53-5a-102 states that "all authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities," and that "[u]nless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms that in any way inhibits or restricts the possession or use of firearms on either public or private property;" and

WHEREAS, no authority has been granted by the Legislature to justify the stricter firearms regulations found in sections 8-6-1, 8-6-3, 8-6-4, and 8-6-5 of the Municipal Code of Park City and, therefore, the City desires to repeal such sections to comport with State law; and

WHEREAS, the City desires to amend section 8-1-14 of the Municipal Code to include a definition for the term "firearm" to comport with Utah Code Ann. § 76-10-501(10); and

WHEREAS, the City desires to amend section 8-1-14(E) of the Municipal Code to amend the definition of "dangerous weapon" to comport with Utah Code Ann. § 76-10-501(6).

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

**Section I.** Repealer. Municipal Code of Park City sections 8-6-1, 8-6-3, 8-6-4, and 8-6-5 are hereby repealed in their entirety.

**Section II.** Amendment. Title 8 Chapter 1 Section 14 of the Municipal Code of Park City is hereby amended as follows:

**8-1-14 GENERAL DEFINITIONS**

The provisions of U.C.A. 76-1-601, as amended, are hereby adopted and incorporated. Unless otherwise provided or a different meaning plainly required, the following terms

shall be applicable to this Code, in its entirety, and shall have the meanings designated in this section:

- (A) **ACT**. A voluntary bodily movement and includes speech.
- (B) **ACTOR**. A person whose criminal responsibility is in issue in a criminal action.
- (C) **BODILY INJURY**. Physical pain, illness, or any impairment of physical condition.
- (D) **CONDUCT**. An act or omission.
- (E) **DANGEROUS WEAPON**.

~~(1) Any item capable of causing death or serious bodily injury; or~~

~~(2) A facsimile or representation of the item; and~~

~~(a) The Actor's use or apparent intended use of the item leads the victim to reasonably believe the item is likely to cause death or serious bodily injury; or~~

~~(b) The Actor represents to the victim verbally or in any other manner that he is in control of such an item.~~

A firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury. The following factors are used in determining whether an object, other than a firearm, is a dangerous weapon:

- (a) The location and circumstances in which the object was used or possessed;
- (b) The primary purpose for which the object was made;
- (c) The character of the wound, if any, produced by the object's unlawful use;
- (d) The manner in which the object was unlawfully used;
- (e) Whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
- (f) The lawful purposes for which the object may be used.

(F) **DRUG PARAPHERNALIA**. As used herein is defined in U.C.A. 58-37a-3, as amended, which section is adopted and incorporated herein by reference.

(G) **FIREARM**. A pistol, revolver, shotgun, short-barreled shotgun, rifle or short-barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

~~(G)~~(H) **OMISSION**. A failure to act where there is a legal duty to act and the actor is capable of acting.

~~(H)~~(I) **PERSON**. An individual, public or private corporation, government, partnership, or unincorporated association.

~~(I)~~(J) **POSSESS**. To have physical possession of or to exercise dominion or control over tangible property.

~~(J)~~(K) **SERIOUS BODILY INJURY**. Bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ or creates a substantial risk of death.

~~(K)~~(L) **SINGLE CRIMINAL EPISODE**. All conduct which is closely related in time and is in incident to an attempt or an accomplishment of a single criminal objective. Nothing in this part shall be construed to limit or modify the joining of offenses and defendants in criminal proceedings.

~~(L)~~(M) **VIOLATION**. A violation of the provisions of this Code.

**Section III.** Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section IV.** Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

**Section V.** Effective Date. This Ordinance shall become effective upon publication.

**PASSED AND ADOPTED BY THE PARK CITY COUNCIL this 20 day of November, 2014.**

PARK CITY MUNICIPAL CORPORATION



Mayor Jack Thomas

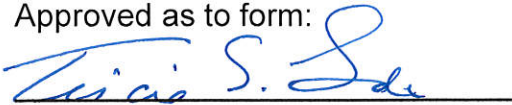
Attest:



Marci Heil, City Recorder



Approved as to form:



Tricia S. Lake, Assistant City Attorney