



Memorandum

To: Mayor, Town Council
From: Rick Wixom
Date: February 3, 2023
Re: **February 8, 2023 Town Council Meeting**
Ordinance 2023-02 Firearms and Other Weapons in Public Parks

The Town Attorney has recommended a modification to Section 7-6-8 of the Town Code related to the possession of firearms in town parks and recreation areas. The State Legislature has adopted statutes that protects the rights of individuals under the Second Amendment of the US Constitution, reserves the regulation of firearms to the State of Utah, and limits the ability of cities, towns and counties to regulate firearms. Please see [UCA Chapter 53-5a](#).

We currently have a clause in section 7-6-8 of the town code that restricts a person from possessing firearms, including pistols, revolvers, rifles and shotguns in public parks and other public recreation areas. This section conflicts with existing state law and must be modified.

There are other weapons, including air guns, BB guns, bows, and slingshots that are retained as prohibited items in town parks. The Town Attorney is looking at any constitutional or other issues related to keeping these specific prohibitions in town code.



ORDINANCE 2023-02

AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL, AMENDING SECTION 7-6-8 OF THE SPRINGDALE TOWN CODE TO REGARDING WEAPONS, SPECIFICALLY FIREARMS, IN TOWN PARKS TO BE CONSISTENT WITH STATE AND FEDERAL LAW

Whereas, section 7-6-8 of the Springdale Town Code contains the Town’s regulations regarding the possession of weapons in town parks and recreation areas, and

Whereas, Utah State Law Chapter 53-5a declares that the authority to regulate firearms is reserved to the State Legislature, and

Whereas, UCA Section 53-5a-102 (6) prohibits a local entity from establishing or enforcing an ordinance pertaining to firearms that inhibits or restricts the possession of firearms on public property unless specifically authorized by the Legislature, and

Whereas, no authority from the Legislature exists to restrict firearms on public parks and recreation areas within the Town of Springdale,

Now therefore be it ORDAINED by the Springdale Town Council that section 7-6-8 of the Town Code is revised as shown below.

7-6-8: FIREARMS, WEAPONS, TOOLS:

It shall be unlawful for any person to bring into or have in his possession in any park or recreation area:

- A. ~~Any pistol or revolver or objects upon which loaded or blank cartridges may be used. Official starters, at authorized track and field events, are excepted from this restriction.~~
- B. Any ~~rifle, shotgun,~~ BB gun, air gun, spring gun, slingshot, bow or other weapon in which the propelling force is ~~gunpowder,~~ a spring or air.

ADOPTED by the Springdale Town Council this 8th day of February 2023.

Barbara Bruno, Mayor

Attest:

Darci Carlson, Town Clerk

ROLL CALL VOTE		
R. Aton	Yes	No
B. Bruno	Yes	No
J. Burns	Yes	No
S. Elger	Yes	No
L. Zumpft	Yes	No

CERTIFICATE OF POSTING

I, Darci Carlson, acting on behalf of the Town of Springdale, hereby certify that accurate copies of Ordinance 2023-02, were posted at three places within the municipality: Springdale Town Hall, Springdale Post Office, and the Canyon Community Center on the _____ day of _____, 2023.