



# REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:**

November 6, 2019

**DEPARTMENT:**

Police

**DIVISION:**

Support Services

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

**TITLE:**

Amend Yuma City Code Chapter 114: Weapons

**SUMMARY RECOMMENDATION:**

Repeal Yuma City Code (Code) sections 114-02, 114-03, 114-04, 114-05, 114-17, 114-31, 114-32 and amend Code sections 114-15 (renumbered to 114-02), 114-16 (renumbered to 114-03-Forfeiture), to align with recent changes in state laws. (Police/Quality Assurance) (Susan Smith)

**REPORT:**

The Yuma Police Department (YPD) has reviewed Chapter 114: Weapons, under the Code and compared it to the corresponding state laws. Recently, the state legislature amended some of the state laws to preempt local authority on certain subject matters involving weapons. When this happens, local police departments apply the statewide law to determine whether a violation took place.

After reviewing the applicable state laws relating to weapons, YPD believes the Arizona Revised Statutes (A.R.S.) provide safeguards meeting Yuma's community standards. Thus, the corresponding Code provisions are duplicative.

The existing Code provisions were passed by ordinance in 1978 and refer to weapons that are antiquated and not common. The adequate safeguards in the A.R.S., as well as the legislative preemption, calls for the repeal of several sections in the Code, Chapter 114. In addition to the repeal, Yuma City Code § 114-15 will be amended to include slingshots, crossbows, blow guns and bow-and-arrows.

Adopting this ordinance repeals the current antiquated regulations in the Code and allows YPD to enforce the applicable state law on the item through the A.R.S.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: None at this time.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Marked up copy of the current Yuma City Code, Chapter 114: Weapons. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?  <input type="radio"/> Department <input checked="" type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	John D. Simonton		10/30/2019	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		10/30/2019	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Susan Smith		10/8/2019		
WRITTEN/SUBMITTED BY:		DATE:		
Robert Conley		10/1/2019		