CITY OF LOGAN, UTAH
ORDINANCE NO. 09-61


WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances which are reasonably and appropriately related to the objectives of that power, including providing for the public safety, health, morals, and welfare; and

WHEREAS, pursuant to Utah Code Sections 53-5a-102 and 76-10-500, the state legislature has reserved all authority to regulate firearms except where the Legislature specifically delegates responsibility to local authorities; and

WHEREAS, the City Council has determined that the following ordinance is in necessary in order to comply with these provisions of state law.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

SECTION 1:

9.28.010: DISCHARGING WEAPONS:

A. Unlawful: It is unlawful for any person to discharge any gun or pistol firearm within the limits of the city, except in defense of person or property or in the case of any civil peace officer or city employee in the discharge of such person's duty, or in the case of target shooting after the erection of a proper breastwork or battery for the protection of the citizens.

B. Sparrow Guns Or Flippers: It is unlawful for any person to discharge any air gun, sparrow gun, flipper or other similar contrivance within the limits of the city except as provided in this section.

9.28.020: CARRYING CONCEALED WEAPONS:

No person in the city shall wear under such person's clothes or conceal about his or her person or display in a threatening manner any dangerous or deadly weapon, including, but not by way of limitation, any pistol, revolver, dagger, stiletto, slingshot, crossknuckles or knuckles made of lead, brass or other metal, or any bowie knife, or any knife resembling a bowie knife with a switchblade or device whereby the blades can be opened by a flick of a button, pressure on a handle or other mechanical contrivance.

9.28.030: SELLING OF SWITCHBLADE KNIVES PROHIBITED:

No person in the city shall sell, offer for sale or display any knife or knives having the
appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on a handle, or other mechanical devices. Such knife is declared to be a dangerous or deadly weapon within the meaning of section 9.28.020 of this chapter, and shall be subject to forfeiture to the city as herein provided.

9.28.040: POSSESSION OF DANGEROUS OR DEADLY WEAPONS:

No person in the city shall have in such person's possession, except within her or his own domicile, or carry or use a revolver, a pistol of any description, shotgun or rifle which may be used for the explosion of cartridges, or any air gun, "BB" gun, gas operated gun or spring gun, or any instrument, toy or weapon commonly known as a "pea-shooter", "slingshot" or "beanie" or any toy made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

9.28.050: EXCEPTION FOR LICENSE AND OTHER SPECIFIC PREMISES:

The prohibition of section 9.28.040 of this chapter shall not apply to licensed shooting galleries or on private grounds or premises when authorized by the owner thereof under circumstances which such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property, and also in such manner as to prevent the projectile from traversing any ground or space outside the limits of such gallery, grounds or residence; and further provided, that nothing contained in this chapter shall be construed to prevent the carrying of any type of gun whatsoever when unloaded and properly cased, to and from any range or gallery or to or from an area where hunting is allowed by law. Provided further, that the prohibition of sections 9.28.010 and 9.28.050 of this chapter shall not apply to licensed shooting ranges or agricultural zoned lands west of 1600 West within the limits of Logan City as to owners of said lands or those on said lands with express permission of the owner as to the discharging of shotguns only using six (6) chill shot or smaller.

9.28.070: DISPLAY AND SALE OF SPECIFIED WEAPONS:

No pawnbroker, secondhand dealer or other person engaged in business in the city shall display or place on exhibition in any show window or any other window facing upon a street any pistol, revolver or other firearm, with barrel less than twelve inches (12") in length or any brass or metal knuckles, club loaded with lead or other weight or any blackjack or billy club.

9.28.090: RECORDS REQUIRED:

Every secondhand dealer, pawnbroker or other person engaged in the sale, rental or exchange of any weapons described in sections 9.28.020 and 9.28.070 of this chapter shall keep a record of each weapon purchased, sold, rented or exchanged at retail.

9.28.100: TIME OF RECORDATION:

The record required in this chapter shall be made at the time of the transaction, in a book kept for that purpose, and shall include the name of the person to whom such weapon is sold or from whom such weapon is purchased; his or her age; physical description, occupation, residence, and if residing in a municipality, the street and number where he or she resides; the make, caliber and finish of the firearm, together with the number or serial letter thereof, if any; the date of the
purchase, sale, rental or exchange of such weapon; and the name of the employee or other person making such purchase, sale, rental or exchange.

9.28.110: REPORT TO CHIEF OF POLICE:

Every secondhand-dealer, pawnbroker or other person engaged in sale, rental or exchange of any weapons described in sections 9.28.020 and 9.28.070 of this chapter shall deliver daily reports to the chief of police of every such purchase, sale, loan or gift. The report shall be on forms provided by the chief of police and shall set forth the name in full, the residence, age and physical description and the occupation of the person to whom or from whom such gun, pistol firearm or other dangerous or deadly weapon has been purchased, sold, loaned or given.

9.28.120: FORFEITURES OF WEAPONS:

Every person convicted of a violation of this chapter shall forfeit to the city such dangerous or deadly weapon so concealed or displayed.

9.28.130: PERSONS CONVICTED OF A FELONY:

All persons residing or being within the limits of the city who have a previous conviction of a felony or indictable misdemeanor, and who are in possession of any firearm or other deadly weapon, shall report their name and address to the chief of police and the description of the firearm or deadly weapon in their possession.

9.28.160: CARRYING LOADED FIREARMS IN VEHICLE OR ON STREET; VIOLATION; PENALTY:

A. Every person who carries a loaded firearm in a vehicle or on any public street in the city is guilty of a class B misdemeanor.

B. Penalty provisions pertaining to violations of this code are found in chapter 1.16 of this code.

SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS __ DAY OF AUGUST 2009, BY THE FOLLOWING VOTE:

AYES: Russe, Olson, Swenson, Mangan, Quayle.

NAYS: None

ABSENT: None

/s/ Laraine Swenson, Chair

ATTEST:

/s/ Teresa Harris, City Recorder
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this _____ day of August, 2009.

/s/ Larame Swenson, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this _____ day of August, 2009.

/s/ Randy Watts, Mayor