

<b>HIGHLAND CITY CITY COUNCIL MEETING FEBRUARY 5, 2013</b>			
<b>REQUEST:</b>	<b>ORDINANCE - An Ordinance to prevent federal or local infringement on the right to keep and bear firearms, firearms accessories or ammunition; nullifying all federal, local acts in violation of the 2nd Amendment to the Constitution of the United States along with Article I, Section 6, (Right to Bear Arms) of the Utah Constitution.</b>		
<b>APPLICANT:</b>	Council Member Tom Butler – Council Member Tim Irwin		
<b>FISCAL IMPACT:</b>	N/A		
GENERAL PLAN DESIGNATION	CURRENT ZONE	ACREAGE	LOCATION
N/A	N/A	N/A	Citywide

**BACKGROUND:**

Council member Tom Butler requested with the support of Council member Tim Irwin an ordinance in addition to a resolution protecting the fundamental right of the people to bear arms as secured under the second amendment of the United States Constitution, which shall not be infringed

**PROPOSED MOTION:**

**ATTACHMENTS:**

- Proposed Ordinance

# Highland City 2nd Amendment Preservation Ordinance

An Ordinance, which shall be known and may be cited as the “Highland City 2nd Amendment Preservation Ordinance.”

To prevent federal or local infringement on the right to keep and bear firearms, firearms accessories or ammunition; nullifying all federal, local acts in violation of the **2nd Amendment to the Constitution of the United States** along with **Article I, Section 6, [Right to Bear Arms] of the Utah Constitution.**

**THE CITY COUNCIL OF HIGHLAND CITY, UTAH DOES ENACT AS FOLLOWS:**

**SECTION 1.** THE GOVERNING BODY OF HIGHLAND CITY WITHIN THE STATE OF UTAH FINDS THAT:

WHEREAS, **The 2nd Amendment to the Constitution of the United States** reads as follows, “A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.” Along with the **Utah Constitution Article I, Section 6. [Right to bear arms.]** “The individual right of the people to keep and bear arms for security and defense of self, family, others, property, or the state, as well as for other lawful purposes shall not be infringed.”

WHEREAS, All federal or local acts, laws, orders, rules or regulations regarding firearms, firearms accessories or ammunition are a violation of the 2nd Amendment of the U.S. Constitution along with section Article I, Section 6 of The Utah Constitution and are in violation of this ordinance.

**SECTION 2.** PROHIBITIONS ON FEDERAL, STATE OR LOCAL INFRINGEMENT OF THE RIGHT TO KEEP AND BEAR ARMS, FIREARMS ACCESSORIES OR AMMUNITION.

**NOW, THEREFORE, BE IT ORDAINED BY THE HIGHLAND CITY COUNCIL AS FOLLOWS:**

A. The Governing Body of Highland City, within the state of Utah declares that all federal or local acts, laws, orders, rules, regulations – past, present or future – which shall be in violation of the 2nd Amendment to the Constitution of the United States and the Constitution of Utah are not authorized by the Constitution of the United States and the Constitution of Utah and violate its true meaning and intent as given by the Founders and Ratifiers, and are hereby declared to be invalid within Highland City and all of its boundaries within the state of Utah, shall not be recognized by this city, are specifically rejected by this city, and shall be considered null and void and of no effect in this city and all of its boundaries.

These include but are not limited to, the enforcement of:

-Any federal laws banning any type of gun.

-Any federal law banning magazines of certain sizes or any other new gun regulations on any gun accessories etc.

-Any federal law requiring regulation of private sales of firearms.

-Any federal law requiring registration of firearms or related accessories or magazines.

-Any federal law prohibiting the ownership of or use of, any gun for self-defense.

-Any federal law requiring the transmission of any information regarding gun ownership obtained by a medical professional.

B. It shall be the duty of the governing body of Highland City within all of its boundaries within the State of Utah to adopt and enact any and all measures as may be necessary to prevent the enforcement of any federal or local acts, laws, orders, rules, or regulations in violation of the **2nd Amendment to the**

**Constitution of the United States and Article I, Section 6. of the Utah Constitution** or any violation of any portion of this ordinance.

SECTION 3. EFFECTIVE DATE

A. This act takes effect immediately upon approval by the Governing body of Highland City, Utah.