

OAKLEY CITY ORDINANCE 2022-01

AN ORDINANCE OF THE OAKLEY CITY COUNCIL AMENDING THE OAKLEY CITY CODE SECTION 8.05 REGULATING THE DISCHARGE OF FIREARMS AND DANGEROUS WEAPONS WITHIN OAKLEY CITY LIMITS

WHEREAS, Oakley City has adopted Chapter 8 of the Code of Oakley City relating to Public Health and Safety; and

WHEREAS, Oakley City desires to amend Chapter 8.05, to clarify specific allowed uses for the discharge of a dangerous weapon or firearm; and

WHEREAS, the proposed changes have been noticed as required, one or more public hearings were held before the Oakley City Council where citizens were given the opportunity to provide written and oral comment concerning the regulating of the discharge of firearms and dangerous weapons within Oakley City limits; and

WHEREAS, the adoption of this Ordinance Is intended to promote the health, safety, comfort, convenience, and general

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Oakley City Council as follows:

SECTION 1.

Chapter 8, Section 8.05 and 8.05.10 of the Code of Oakley City is hereby deleted in its entirety and replaced as follows:

1. The discharge of any firearm or dangerous weapon within Oakley City limits is prohibited.
 - a. Firearm is defined as 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. (Ref. UCA 76-10-501)
 - b. An individual may not discharge a dangerous weapon or firearm:
 - i. From an automobile or other vehicle;
 - ii. From, upon, or across a highway;
 - iii. At a road sign;
 - iv. At communications equipment or property of public utilities, including facilities, lines, poles, or devices of transmission or distribution;
 - v. Within or across City-owned property;
 - vi. Within designated camp or picnic sites;

vii. Without permission from the property owner, or person in charge of the property if the property is owned by someone other than the individual discharging the dangerous weapon or firearm

1. Permission is secured by being granted actual, written permission from the property owner or person in charge of the property if the property is owned by someone other than the individual discharging the dangerous weapon or firearm;

viii. If a projectile, that is discharged from a dangerous weapon or firearm, crosses over or stops at a location other than within the boundaries of the property for which permission has been secured as defined in subsection 1(b)(vii)(1)

ix. Within 600 feet of:

1. A house, dwelling, or any other building; or
2. Any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.

c. This ordinance does not apply to an individual who:

i. Discharges a firearm when that individual is in lawful defense of self or others;

ii. Is performing official duties as provided by law; or

iii. Otherwise discharges a dangerous weapon or firearm in the following circumstances providing the discharge is not in violation of subsection (b):

1. At a City approved and authorized firing range or training ground;
2. For the harvesting of domestic livestock and varmint control;
3. During a regulated hunt and in season in accordance with the Utah Division of Wildlife Resources and Utah State law.
4. For use of legally authorized depredation permits issued by the Utah Division of Wildlife Resources;

d. The discharge of air-propelled pellet or BB gun or archery equipment on private property is not restricted so long as the projectile discharged does not leave the boundary of the property for which the property owner or person in charge of the property has granted permission.

e. If a court of competent jurisdiction declares any provision of this ordinance invalid, the remainder shall not be affected thereby.

f. Any violation of this chapter shall be a class B misdemeanor.

SECTION 2. Repealer.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. Effective Date.

This Ordinance shall become effective upon Notice of Passage.

PASSED AND APPROVED THIS 23 DAY OF March 2022.

ATTEST:

OAKLEY CITY COUNCIL

By: 
Amy Rydalch, City Recorder

By: 
Zane Woolstenhulme, Mayor

VOTING:

COUNCILMEMBERS	YEA	NAY
Joe Frazier	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kelly Kimber	<input type="checkbox"/>	<input checked="" type="checkbox"/> absent
Dave Neff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Smart	<input type="checkbox"/>	<input checked="" type="checkbox"/> absent
Steve Wilmoth	<input checked="" type="checkbox"/>	<input type="checkbox"/>



DEPOSITED in the Recorder's office this 24th day of March 2022.

Posted this 24th day of March 2022.