

ORDINANCE NO. _____

AN ORDINANCE OF WASATCH COUNTY, UTAH ENACTING WASATCH COUNTY CODE TITLE 7 CHAPTER 13 SECOND AMENDMENT SANCTUARY

WHEREAS, many communities across the United States and throughout the world have recently experienced serious social unrest, rioting, and a global pandemic, thus creating a great deal of wide-ranging concern and alarm related to the physical safety of individuals and the interpretation of constitutional principles by various levels of government; and,

WHEREAS many residents and citizens of Wasatch County have petitioned the Wasatch County Council regarding individuals' concerns and hereby seek to unify individuals and groups using long-standing, constitutional principles established at the founding of our nation; and,

WHEREAS the Wasatch County Council seeks to promote confidence in local government by unequivocally recognizing the United States Constitution as the supreme law of the land, including the Bill of Rights and its other accompanying Amendments; and,

WHEREAS, the Wasatch County Council recognizes truths so universal and fundamental that, as the Declaration of Independence describes them, they are "self-evident" and "unalienable." These rights include "Life, Liberty and the pursuit of Happiness," and are "endowed by the Creator," and enumerated by the Constitution; and,

WHEREAS, the Second Amendment of the United States Constitution states: "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:" and,

WHEREAS, the Wasatch County Council wishes to express its deep commitment to the rights of all citizens of Wasatch county to keep and bear arms; and,

WHEREAS, the Wasatch County Council acknowledges that local government officials **from its three branches of government** have taken oaths of office to uphold the Constitution of the United States of America and the Constitution of the State of Utah; and,

WHEREAS, the Wasatch County Council wishes to express opposition to any law that would unconstitutionally restrict the rights of the citizens of Wasatch County under the Second Amendment of the United States Constitution; and,

WHEREAS, Wasatch County acknowledges its obligation to ensure its employees do not violate clearly established constitutional rights of which a reasonable person would have known are guaranteed under the Constitution of the United States; Harlow v. Fitzgerald, 457 U.S. 800, 818, 102 S. Ct. 2727, 2738 (1982); Kuchcinski v. Box Elder Cty., 2019 UT 21, ¶ 22, 450 P.3d 1056 (Sup.Ct.); and,

WHEREAS, the Wasatch County Council wishes to express its intent to stand as a sanctuary county for Second Amendment rights and to oppose, within the limits of the Constitutions of the United States and the State of Utah, any efforts to unconstitutionally restrict such rights, and to use such practical and legal means at its disposal to protect the right of the citizens to keep and bear arms, including through legal action, the appropriation of public funds and the right to petition for redress of grievances.

NOW, THEREFORE, the County Legislative Body of Wasatch County ordains as follows:

SECTION 1 – SUBSTANTIVE PROVISIONS

Title 7 Chapter 13 of the Wasatch County Code is hereby enacted as follows:

TITLE 7

PUBLIC SAFETY

Chapter 13

SECOND AMENDMENT SANCTUARY

- A. That the Wasatch County Council hereby declares Wasatch County, Utah, as a “Second Amendment Sanctuary” where the constitutionally protected individual rights of law-abiding citizens to keep and bear arms, and of their lawful use in the protection and defense of self or others is supported; and,
- B. That the Wasatch County Council hereby declares its opposition to restrictions of constitutionally enumerated and protected rights to keep and bear arms, and hereby intends to use such **reasonable** and legal means at its disposal to oppose, within the limits of the Constitution of the United States and the Constitution of the State of Utah, any efforts to restrict such constitutionally enumerated rights; and,
- C. That Wasatch County officials and employees are prohibited from enforcing any federal statute, law, **regulation, or executive order** that restricts the **clearly established** rights of individuals under the Second Amendment of the United States Constitution, and are prohibited from using any County funds or property for that purpose; and,
- D. That Wasatch County officials and employees are prohibited from entering into any type of agreement with any federal agency or employee for the purpose of authorizing Wasatch County officials or employees to enforce **any federal statute, law, regulation, or executive order that restricts the clearly established rights of individuals under the Second Amendment of the United States Constitution,** or register or confiscate any firearm or ammunition possessed by a citizen of Wasatch County; and,

- E. That Wasatch County officials and employees will support and protect the **clearly established** Fourth Amendment rights of the citizens of Wasatch County with respect to unlawful search and seizure; and,
- F. No part of this ordinance shall preclude Wasatch County officials or employees from enforcing Utah state laws regarding criminal acts involving **or enhanced by** firearms, as provided for in the Constitution of the State of Utah, statute, or other state law; and,
- G. No part of this ordinance shall be taken or construed to impart or grant any immunity or defense to prosecution or arrest for any offense of federal law, by agents or employees of the United States government.

SECTION 2 – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3 – REPEALER

If any provisions of the Wasatch County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION 4 – AMENDMENT OF CONFLICTING ORDINANCES

To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION 5 – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Wasatch County Council and following notice and publication as required by Utah Code 17-53-208.

SECTION 6 – PUBLIC NOTICE

The Wasatch County Clerk, an ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:

- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk;
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and **PASSED** this _____ day of _____, 2021.

Attest:

WASATCH COUNTY COUNCIL:

 Joey D Granger
 Wasatch County Clerk / Auditor

 Mark Nelson, Chair
 Wasatch County Council

VOTE

Mike Nelson, Chair _____

Spencer Park, Vice-Chair _____

Jeff Wade _____

Kendall Crittenden _____

Danny Goode _____

Steve Farrell _____

Marilyn Crittenden _____

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)

: ss.

COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council, do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

[] (a) Causing this ordinance to be entered at length in the ordinance book;

[] (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;

[] (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk’s office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Legislative Body of Wasatch County, Utah, this ____ day of _____, 2021.

Joey D Granger
Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this ____ day of _____, 2021.

Notary Public