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DISTRICT 1

Arizona House of Representatives
Phoenix, Arizona 85007

October 9, 2024

Via Email and U.S. Mail

Mayor Jablow & Sedona City Council
102 Roadrunner Dr.
Sedona, AZ 86336

Re: Ordinance 12.30.090 – Regulating Firearms in Violation of A.R.S. § 13-3108

Dear Mayor Jablow and City Council Members,

I write to you today in my official capacity regarding the validity and enforceability of Sedona Ordinance 12.30.090.

Consistent with Arizonans' Second Amendment rights, Arizona law generally preempts cities and other political subdivisions of this state from enacting ordinances relating to the possession, carrying, and discharge of firearms in this state. A.R.S. § 13-3108(A). Cities may, however, enact ordinances "[l]imiting or prohibiting the discharge of firearms in parks and preserves" when certain statutory conditions are met. *See* A.R.S. § 13-3108(G)(5).

Here, it appears that Ordinance 12.30.090 is invalid and unenforceable because it exceeds what state law authorizes. The Ordinance states that "[i]t shall be unlawful to *carry* or discharge into any park, trail, or open space area firearms or projectile weapons ... or other device capable of causing injury to persons or animals or damage or destruction to property." (Emphasis added.) The Ordinance then exempts persons who possess a CCW permit. Yet since 2010, Arizona has allowed individuals who legally carry a weapon openly to also carry a concealed weapon without a permit, subject to some restrictions.

And although A.R.S. § 13-3108 allows cities to regulate the discharge of firearms in a park, the Ordinance's prohibition on *carrying* firearms is not consistent with A.R.S. § 13-3108. Further, the Ordinance purports to regulate places other than parks and preserves (i.e., trails and "open space areas"—a broad, vague, and undefined phrase).

Please conduct a legal analysis of the validity of Ordinance 12.30.090 and contact me at your earliest convenience to discuss your findings and any next steps you intend to take to ensure that Ordinance 12.30.090 complies with state law.

Respectfully,

A handwritten signature in black ink that reads "Quang H. Nguyen".

Quang H. Nguyen