

ORDINANCE NO. 2901

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 42 OFFENSES AND ABATEMENT OF PUBLIC NUISANCES, ARTICLE IV OFFENSES INVOLVING PUBLIC SAFETY BY ADDING SECTION 42-114 BRASS KNUCKLES; KNUCKLE DUSTERS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR PENALTIES.

WHEREAS, the Gilbert Town Council seeks to address behaviors that threaten the peace, health, safety, and welfare of the general public; and

WHEREAS, brass knuckles are used mainly if not solely for aggressive fighting with the intent to cause injuries; and

WHEREAS, the prevention of teen violence through the prohibition of sale, gift, or possession by minors is in the best interest of the residents of the Town at Gilbert and aimed at reducing or preventing teen violence.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the Town of Gilbert, Arizona, as follows:

Section 1. In General.

The Code of Gilbert, Arizona, CHAPTER 42 OFFENSES AND ABATEMENT OF PUBLIC NUISANCES, ARTICLE IV OFFENSES INVOLVING PUBLIC SAFETY, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 42-114. - ~~Reserved~~ BRASS KNUCKLES; KNUCKLE DUSTERS.

(A) IT SHALL BE UNLAWFUL FOR ANY PERSON UNDER 18 YEARS OF AGE TO POSSESS BRASS KNUCKLES OR KNUCKLE DUSTERS.

(B) IT SHALL BE UNLAWFUL FOR ANY PERSON TO SELL, BARTER, LEND, GIVE AWAY, OR TO HAVE IN THEIR POSSESSION FOR THE PURPOSE OF SELLING, BARTERING, LENDING, OR GIVING AWAY, OR TO DISPLAY FOR SALE OR GIVING AWAY BRASS KNUCKLES OR KNUCKLE DUSTERS TO ANY PERSON UNDER 18 YEARS OF AGE.

(C) FOR PURPOSES OF THIS SECTION, “BRASS KNUCKLES” AND “KNUCKLE DUSTERS” SHALL HAVE THE SAME MEANING AND SHALL MEAN A DEVICE MADE OF METAL, PLASTIC, WOOD, BONE, COMPOSITE, OR ANY OTHER TYPE OF HARD MATERIAL DESIGNED TO FIT OVER AND/OR AROUND THE KNUCKLES OF THE HUMAN HAND TO ENHANCE THE POWER, DAMAGE, IMPACT, OR INJURY OF A TOUCH, SLAP, OR PUNCH.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties

A violation of this Ordinance shall be a Class 1 misdemeanor subject to the enforcement and penalty provisions set forth in Section 1-5(c) of the Gilbert Town Code.

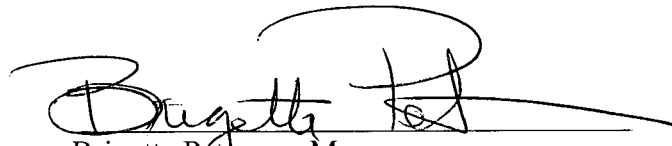
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 21st day of May, 2024, by the following vote:

AYES: ANDERSON, BONGIOVANNI, BUCHLI, KOPROWSKI, PETERSON, TLQUE, TORGESON

NAYES: _____ ABSENT: _____

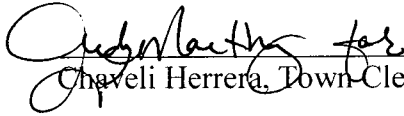
EXCUSED: _____ ABSTAINED: _____

APPROVED this 21st day of May, 2024




Brigette Peterson, Mayor

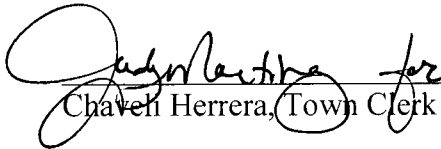
ATTEST:


Chaveli Herrera, Town Clerk

APPROVED AS TO FORM:


Christopher W. Payne, Town Attorney

I, CHAVELI HERRERA, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2901 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THIS 21ST DAY OF MAY, 2024, WAS POSTED IN FOUR PLACES ON THE 22ND DAY OF MAY, 2024.


Chaveli Herrera, Town Clerk