**TOWN OF DANIEL, UTAH**

**MUNICIPAL RESOLUTION**

Number: DR-2020-03-02 A

Appr. Date: March 3, 2020

Effect. Date: March 3, 2020

Short Title: Resolution adopting the Town as a gun sanctuary

Purpose: The purpose of this resolution adopts the “Second Amendment Sanctuary” know as a Town Gun Sanctuary

Resolution:

A Resolution Declaring Town of Daniel, Utah, a Gun Sanctuary Municipality

On behalf of the citizens of the Town of Daniel, Utah, the Daniel Town Council state and accept as true the following:

1. The Declaration of Independence states that people are “endowed by their Creator with certain unalienable Rights, . . . to secure these rights, Governments are instituted among Men . . . deriving their just powers from the consent of the governed”

2. John Adams wrote in 1A Dissertation on the Canon and Feudal Law (1765): “I say RIGHTS, for such they (the people) have, undoubtedly, antecedent to all earthly government, Rights, that cannot be repealed or restrained by human laws, Rights derived from the great Legislator of the universe.”

3. Natural Law Rights, given to each of us by Our Creator, are the basis of our Constitution by which they are protected and secured to each of us. Natural Law Rights, including that of self-protection, are guaranteed by our Laws, our History, and our Traditions

4. It is the natural tendency of civil government to expand beyond the limits of its rightful Constitutional authority and to usurp powers which have not been given to it through the delegated consent of the governed.

5. Whenever the uses of government are perverted, individual sovereignty is overtly endangered or threatened, and all other means of redress are ineffective, the People may, and in fact ought to, force the reestablishment of the original constitutional limits of government.

6. Resistance against arbitrary power and oppression is the obligation of every Patriot, as not to do so is destructive to the good and happiness of mankind. In fact, it is the duty of the People of Daniel Town, through the actions of their lesser magistrates, namely local elected officials, to challenge the civil government when and where it exceeds or threatens to exceed its bounds.

7. The Constitution of the United States is the Supreme Law of our nation

8. The Second Amendment to the Constitution of the United States of America 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”

9. The U.S. Supreme Court found in Miranda v. Arizona (1966) stated that “Where rights secured by the constitution are involved, there can be no rule making or legislation which would abrogate them.”

10. The U.S. Supreme Court in the District of Columbia v. Heller (2008) decision affirmed that the Second Amendment right to keep and bear arms is not connected in any way to service in a militia

11. The U.S. Supreme Court in United States v. Miller (1939) stated that firearms that are part of ordinary military equipment with use that could contribute to the common defense are protected by the Second Amendment

12. The Fourteenth Amendment to the Constitution of the United States, Section 1, states: “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

13. The U.S. Supreme Court in the McDonald v. City of Chicago (2010) decision affirmed that a person’s Second Amendment rights to “keep and bear arms” is further secured by the “due process” and the “privileges and immunities” clauses of the Fourteenth Amendment. The decision also protects rights closely related to the Second Amendment, namely the right to manufacture, transfer, purchase, and sell firearms, accessories, and ammunition.

14. The Utah State Constitution, Article I, Section 6, states: “The people have the right to bear arms for their security and defense”

15. The Utah State Constitution, Article I, Section 14, states: “The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, particularly describing the place to be searched, and the person or things to be seized.

16. The Utah State Constitution, Article I, Section 7, states: “No person shall be deprived of life, liberty or property, without due process of law”.

17. The Tenth Amendment to the Constitution of the United States of America states: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

18. The U.S. Supreme Court found in Prinz v. United States (1997) that the Federal government cannot compel law enforcement officers of the states to enforce federal laws as it would increase the power of the federal government far beyond that which the Constitution intends. Therefore, the people of the Town of Daniel, Utah, through their duly elected officials in the Town of Daniel, resolve that the Town of Daniel, Utah, is hereby designated a “Gun Sanctuary Town” in order to preserve for the People of, on, and in the Town of Daniel : 1. The unalienable right to keep and bear arms, as specified in the Second Amendment to the US Constitution, the Constitution of Utah, and further upheld by subsequent decisions of the US Supreme Court

2. The right, as originally written and understood, to keep and bear arms for self-defense, personal safety, protection of one’s family, and in defense of one’s community and county

3. The right to manufacture, transfer, purchase, and sell firearms and ammunition designed for those purposes outlined above, rights guaranteed by the US Constitution and the Constitution of Utah. Furthermore, any regulation of the right to keep and bear arms or affiliated firearm rights that violates the Second, Ninth, Tenth, or Fourteenth amendments to the US Constitution, that violates, Utah Constitution, or that violates numerous related US Supreme Court Decisions including those listed above shall be regarded by the People of, on, or in the Town of Daniel to be unconstitutional, a transgression of the Supreme Law of the Land and its spirit of individual sovereignty, and, therefore by necessity, unenforceable and invalid from the outset.

Moreover, the criminal misuse of firearms is due to the fact that criminals do not obey laws and this is not a reason to abrogate or abridge the unalienable, constitutionally-guaranteed rights of law-abiding citizens. The last protectors of the US Constitution are We the People of the United States and our ability to fulfill that role successfully rests on our Second Amendment rights.

Therefore, the Daniel Town Government will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing or assisting in the enforcement of any element of such acts, laws, orders, mandates, rules or regulations, that infringe on the right by the people to keep and bear arms as described and defined in detail above.

This resolution was assembled and written by, Daniel Town Planning Director, using constitutional law internet references and is based in part on similar ordinances and resolutions from Columbia, Carolina, and Josephine Counties, Oregon.