

ORDINANCE NO. 5828

**AN ORDINANCE TO AMEND FGC SECTION 46-5 DISPOSAL OF
FIREARMS HELD AS EVIDENCE**

WHEREAS, the current language of FGC Section 45-5 conflicts with the requirements of Article II of Title 62 regarding the disposal of firearms forfeited to the City; and

WHEREAS, the provisions of Article II of Title 62 control the disposal of firearms forfeited to the City and provide that firearms will be sold at public auction; and

WHEREAS, amendment of FGC Section 45-5(a) is necessary to clarify the current conflict between the two code sections.

**BE IT THEREFORE ENACTED BY THE CITY COUNCIL OF THE CITY OF
FAIRBANKS, ALASKA, as follows:**

Section 1. That FGC Sec. 46-5 be and hereby is, amended as follows [new text in **underlined bold** font, deleted text in ~~strikeout~~ font]:

Sec. 46-5. Disposition of firearms held as evidence.

(a) After the conviction of any person for any offense involving the use, possession or transfer of a firearm has become final, any firearm held by the city police or district court and used, possessed or transferred in the commission of such offense shall be forfeited to the city police and ~~destroyed or otherwise disposed of as the director of public safety deems appropriate~~ **provided in Article II of Chapter 62**, unless the district court affirmatively finds upon evidence presented that the firearm was neither owned nor possessed with the permission of the owner by the person convicted of such offense.

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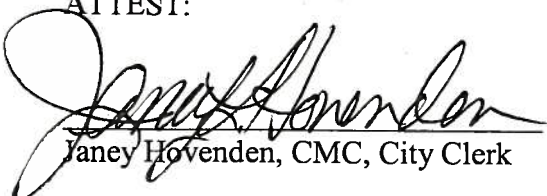
Section 2. That the effective date of this ordinance shall be the 19th day of February, 2011.



JERRY CLEWORTH, MAYOR


AYES: Eberhart, Gatewood, Stiver, Matherly, Roberts
NAYS: None
ABSTAIN:
ABSENT: Bratcher
ADOPTED: February 14, 2011

ATTEST:



Janey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:



Paul Ewers, City Attorney