Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2026-03

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.100 "SUPPLEMENTAL REGULATIONS," SECTION 18.100.210 "HOME BASED BUSINESSES," TO REMOVE THE PROHIBITION ON FIREARMS-RELATED HOME-BASED BUSINESSES.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the "Code"], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

WHEREAS, pursuant to A.R.S. 9-462.01 (A) and (C), the Town is empowered to adopt and amend zoning regulations and conditional property uses; and

WHEREAS, A.R.S. 13-3108 preempts municipal regulation concerning the transfer of firearms, with limited exceptions; and

WHEREAS, the Town Council has determined that it would be in the public interest to align with state law and amend its Code concerning firearms-related home-based businesses; and

WHEREAS, a public hearing was held on February 19, 2026, to receive public comment, pro and con, for adopting the following Code amendment; and

WHEREAS, pursuant to A.R.S. 9-462.01 (I) and (J), the Town Council has considered the individual property rights and personal liberties of the residents of the Town, as well as the probable impact of the proposed Code amendments on the cost to construct housing for sale or rent; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on January 22, 2026, and at a subsequent meeting on February 26, 2026.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 18 "ZONING," Chapter 18.100 "SUPPLEMENTAL REGULATIONS," section 18.100.210 "Home-based business," subsection (D) "Prohibited

Home-Based Business Uses," is amended as follows with deletions in ~~strikeout text~~ and additions in underlined text:

D. Prohibited Home-Based Business Uses.

1. The operation of a ~~weapons merchant is strictly prohibited as a~~ home-based business~~. This includes~~ involving the sale, mail order, trade, manufacture, display, storage, or repair of any sort of ~~weapon, ammunition,~~ "explosive" or "improvised explosive device" and/or ~~material including all~~ "prohibited weapons" ~~prohibited~~ as defined under ARS Section 13-3101.

2. Barber and beauty shops, nail salons, commercial stables, cosmetologists, pet grooming or boarding, embalmers and morticians, human and animal medical/dental services, massage therapists, restaurants, storage, all auto-related service and repair, automotive sales of two or more vehicles on the property at any given time.

SECTION 3. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 4. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 5 The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the town and on the town's website, and to publish this Ordinance as required by A.R.S. 9-812; 9-813 and 39-204 (C)(3).

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 26th DAY OF FEBRUARY, 2026.

Johann Wallace, Mayor

ATTEST:

Brandye Thorpe, Town Clerk

Approved as to Form:

Thomas Benavidez, Town Attorney