

Ordinance No. 795

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 10-04-030 "DISCHARGE OF WEAPONS" IN ARTICLE 10-04 "WEAPONS (DISCHARGE)" IN CHAPTER 10 "OFFENSES" OF THE TOWN CODE TO CONFORM WITH REVISIONS TO ARIZONA LAW WHICH FURTHER RESTRICT LOCAL REGULATION OF DISCHARGES OF FIREARMS DURING HUNTING SEASON; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, on April 16, 2014, the Governor of Arizona signed into law H.B. 2483, which amended the Arizona Revised Statutes related to (among other things) the lawful discharge of firearms within municipal boundary limits during an open season established by the Arizona game and fish commission for the lawful taking of wildlife; and

WHEREAS, prior to the statutory amendment, A.R.S. §13-3107(B) authorized a city or town to adopt an ordinance restricting the discharge of a firearm within one-fourth mile of an occupied structure; and

WHEREAS, the recent statutory amendment specifies that a city or town may only enact an ordinance restricting the lawful discharge of a firearm within one-fourth of a mile of an occupied structure if the owner or occupant of the structure has not given consent during an open season for the lawful taking of wildlife; and

WHEREAS, staff proposes to amend Article 10-04 of the Town Code to conform to the provisions of H.B. 2483 and to clarify that pursuant to A.R.S. §13-3107, it is unlawful to discharge a firearm within one mile of an occupied structure within the limits of the Town of Prescott Valley except during open hunting seasons as provided in H.B. 2483; and

WHEREAS, the Town Council hereby finds that these amendments are in the best interests of the community and are designed to further the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That Section 10-04-030 "Discharge of Weapons" in Article 10-04 "WEAPONS (DISCHARGE)" in Chapter 10 "OFFENSES" of the Town Code of the Town of Prescott Valley, Arizona is hereby amended to read as follows:

10-04-030 Discharge of Weapons.

- A. Except as provided in paragraph B of this section, ~~it~~ it is unlawful for any person other than a peace officer on duty to discharge a firearm within one-fourth mile of an occupied structure, as defined in A.R.S. §13-3101, within the limits of the Town of Prescott Valley.

B. During an open season established by the Arizona game and fish commission for the lawful taking of wildlife a person may discharge a firearm within one-fourth mile of an occupied structure with the consent of the owner or occupant of the structure. For the purposes of this paragraph B:

1. "Occupied Structure" means any building in which, at the time of the firearm's discharge, a reasonable person from the location where a firearm is discharged would expect a person to be present.

BC. It is unlawful for any person other than a peace officer on duty to discharge a firearm in Town parks and preserves except as follows:

1. On a properly supervised range as defined in A.R.S. §13-3107.
2. In an area approved as a hunting area by the Arizona game and fish department. Any such area may be closed when deemed unsafe by the director of the Arizona game and fish department.
3. To control nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.
4. By special permit of the Prescott Valley Chief of Police.

CD. It is unlawful to discharge deadly weapons (other than firearms) within the Town limits in an unreasonable or unsafe manner. However, nothing in this Article shall be construed as prohibiting private property owners, or their invitees, from engaging in bow and arrow or crossbow target practice on the owners' private property under adult supervision in a reasonable and safe manner.

DE. Nothing in this Article shall be construed as prohibiting a person from discharging a weapon:

1. As allowed pursuant to A.R.S. §13-401 *et seq.*
2. As required by an animal control officer in performing duties specified in A.R.S. §9-499.04.
3. In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

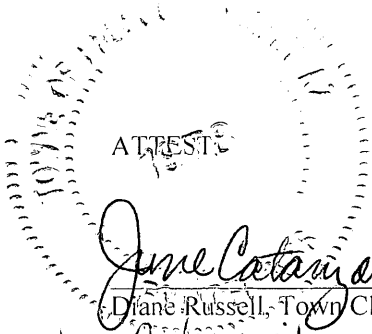
EF. Any violation of this Section 10-04-030 shall be punished as a class 2 misdemeanor.

SECTION TWO. That all other Chapters, Articles, and Sections of the Town Code, not herein amended, shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 28th day of August, 2014.



ATTEST

June Catanzarite

Diane Russell, Town Clerk

Deputy

June Catanzarite

APPROVED AS TO FORM:

Lora Lee Nye

Harvey C. Skoog, Mayor

Lora Lee Nye, Vice Mayor

Ivan Legler

Ivan Legler, Town Attorney