

## **RESOLUTION NO. 1850**

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING ADMINISTRATIVE POLICY NO. 1-07 "TOWN FACILITIES USAGE" OF THE PRESCOTT VALLEY POLICIES AND PROCEDURES MANUAL TO CONFORM TO RECENT AMENDMENTS TO A.R.S. §11-1024; PROVIDING THAT IF ANY PROVISION IN SAID POLICY 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 RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, by Resolution No. 1029 (dated July 26, 2001), the Town Council adopted the "Prescott Valley Policies and Procedures Manual" which consolidated all Town policies into a single notebook made up of individual, numbered policies on various topics; and

WHEREAS, by Resolution No. 1126 (dated October 10, 2002), Council adopted Policy No. 1-07 "Town Facilities Usage" ("Policy No. 1-07") which provides guidance to Town staff for the lawful, timely, effective, equitable, and consistent administration of the various types of real and personal property in which the Town has an interest; and

WHEREAS, by Resolution No. 1349 (dated May 26, 2005), Policy No. 1-07 was amended to provide authority for Town staff to direct persons occupying any Town facility to immediately vacate the premises under certain circumstances; and

WHEREAS, by Resolution No. 1408 (dated February 9, 2006), Policy No. 1-07 was amended to prohibit paintball games or similar activities in all Town facilities unless expressly authorized by staff; and

WHEREAS, by Resolution No. 1535 (dated October 11, 2007), Policy No. 1-07 was amended to implement the Smoke-Free Arizona Act adopted by voters on November 7, 2006, which prohibits smoking in all public places and places of employment in the state; and

WHEREAS, by Resolution No. 1745 (dated April 28, 2011), Policy No. 1-07 was amended to conform to amendments to Arizona Revised Statutes related to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms and to extend the comprehensive Town Facilities Usage regulations to the joint-use facility located west of the current Civic Center; and

WHEREAS, on April 5, 2013, the Governor of Arizona signed into law H.B. 2401 "Handling of Animals", amending the definition of "service animal" to include only dogs and miniature horses and clarifying the circumstances under which individuals with disabilities who use service animals may enter a public place that otherwise prohibits animals; and

WHEREAS, Town staff proposes that Policy No. 1-07 "Town Facilities Usage" be amended to conform to the provisions of H.B. 2401 "Handling of Animals" as they relate to the entry of service animals in and around Town facilities and property; and

WHEREAS, the Town Council finds that these proposed amendments to Policy No. 1-07 meet the health, safety and welfare needs of the community;

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

1. That Policy No. 1-07 “Town Facilities Usage” (adopted on October 10, 2002) of the *Prescott Valley Policies and Procedures Manual* be hereby amended to read as follows:

...

**5.0 PROCEDURES**

...

5.1 General

...

5.1.10 Miscellaneous Requirements

...

B. Animals

...

2. Individuals with disabilities who use service animals, as defined in A.R.S. §11-1024, shall be permitted entry into the Civic Center Complex if the work or tasks performed by the service animal are directly related to the individual’s disability. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks pursuant to A.R.S. §11-1024(A).

2.3. No domesticated animal or wildlife, other than ~~certified assistance dogs~~ service animals, as defined in A.R.S. §11-1024, shall be permitted in the Civic Center Complex without the express consent of Staff.

3.4. No domestic animal or wildlife, other than ~~certified assistance dogs~~ service animals, as defined in A.R.S. §11-1024, shall be permitted to be “at large” in the parks or recreation areas. All such animals or wildlife shall be restrained by a cage or a leash of not more than six (6) feet in length and of sufficient strength to control the animals or wildlife.

...

4.5. The owner or person in custody of a dog shall immediately pick up all dog droppings (fecal matter), place them in a closed or sealed container, and deposit them in a trash receptacle or remove them from Facilities. This requirement shall not apply in the case of ~~certified assistance dogs~~ service animals.

5.6. Users shall not leave, place or distribute food of any kind in any Facility for the purpose of feeding wildlife.

2. That, if any provision in this Resolution [or in said Policies and Procedures] is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

3. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 22<sup>nd</sup> day of August, 2013.

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Harvey C. Skoog, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney