

WEAPONS (DISCHARGE)

SECTION ONE. That Article 10-04 “WEAPONS (DISCHARGE, CARRYING, POSSESSION AND SALE TO MINORS)” in Chapter 10 “OFFENSES” of the Town Code of the Town of Prescott Valley, Arizona, be hereby renamed “WEAPONS (DISCHARGE).”

SECTION TWO. That Section 10-04-010 “Purpose” in Article 10-04 “WEAPONS (DISCHARGE)” in Chapter 10 “OFFENSES” of the Town Code be hereby amended to read as follows:

10-04-010 Purpose.

The purpose of this Article is to regulate, as allowed by State law, the ~~carrying, possession, discharge and sale~~ of weapons within the Town of Prescott Valley in order to protect the health, safety and welfare of visitors and residents of the Town.

(Ord. No. 189, Enacted, 11/10/88; Ord. No. 307, Amended, 10/14/93; Ord. No. 786, Amended, 1/23/14)

SECTION THREE. That Section 10-04-020 “Definitions” in Article 10-04 “WEAPONS (DISCHARGE)” in Chapter 10 “OFFENSES” of the Town Code be hereby amended to read as follows:

10-04-020 Definitions.

- A. “Deadly Weapon” for purposes of this Article means anything designed for lethal use (including a firearm). ~~The term shall also include any firearm, explosive, bow and arrow, crossbow, BB gun, air gun, pellet gun, dart gun, slingshot, gas-operated gun and prohibited weapons as defined in ARS §13-3101. Weapon does not include blasting under controlled conditions by a person or entity with lawful authority to blast.~~
- B. “Discharge” means to expel a projectile from a weapon.
- C. “Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon which will expel, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition.
- D. “Peace Officers” means any person vested by law with a duty to maintain public order and make arrests.

(Ord. No. 189, Enacted, 11/10/88; Ord. No. 759, Amended, 05/12/11; Ord. No. 759, Amended, 05/12/11 Ord. No. 786, Amended, 1/23/14)

SECTION FOUR. That Section 10-04-030 “Discharge of Weapons” in Article 10-04 “WEAPONS (DISCHARGE)” in Chapter 10 “OFFENSES” of the Town Code be hereby amended to read as follows:

10-04-030 Discharge of Weapons.

- ~~A. A person who with criminal negligence discharges a firearm within or into the limits of the Town of Prescott Valley shall be charged with a class 1 misdemeanor.~~
- ~~B. This section does not apply if the firearm is discharged:~~
- ~~1. As allowed pursuant to Title 13, Chapter 4, of the Arizona Revised Statutes.~~
 - ~~2. On a properly supervised range.~~
 - ~~3. To lawfully take wildlife during an open season established by the Arizona Game and Fish Commission, subject to the limitations prescribed by Title 17 of the Arizona Revised Statutes (and related Arizona Game and Fish Commission rules and orders). In no event may discharge of a firearm occur within one-fourth mile of an occupied structure. In this regard, "take" has the same meaning as set forth in ARS §17-101.~~
 - ~~4. For the control of nuisance wildlife by permit from the Arizona Game and Fish Department or the United States Fish and Wildlife Service.~~
 - ~~5. By special permit of the Chief of Police of the Town of Prescott Valley.~~
 - ~~6. As required by an Animal Control Officer in the performance of duties as specified in ARS §9-499.04.~~
 - ~~7. Using blanks.~~
 - ~~8. More than one mile from any occupied structure as defined in ARS §13-3101.~~
 - ~~9. 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.~~
- A. 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. 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.

C. Subsection 10-04-030(A) of It is unlawful to discharge deadly weapons (other than firearms) within the Town limits in an unreasonable or unsafe manner. However, nothing in this Section Article shall not 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.

D. 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.

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

D. For the purpose of this section, "properly supervised range" means a range that is any of the following:

1. Operated by a club affiliated with the National Rifle Association of America, the Amateur Trapshooting Association, the National Skeet Shooting Association or any other nationally recognized shooting organization, or by any public or private school.

2. Approved by any agency of the federal government, this state, Yavapai County or the Town of Prescott Valley within which the range is located.

3. Operated with adult supervision for shooting air or carbon dioxide gas operated guns, or for shooting in underground ranges on private or public property.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Repealed, 05/26/88, 11-01-210; Ord. No. 189, Enacted, 11/10/88; Ord. No. 252, Amended, 03/14/91; Ord. No. 273, Amended, 04/09/92; Ord. No. 759, Amended, 05/12/11; Ord. No. 786, Amended, 1/23/14)

SECTION FIVE. That Section 10-04-040 "Carrying of Weapons at Public Establishments and Public Events" in Article 10-04 "WEAPONS (DISCHARGE)" in Chapter 10 "OFFENSES" of the Town Code be hereby repealed in its entirety and reenacted to read as follows:

10-04-040 ~~Carrying of Weapons at Public Establishments and Public Events.~~ Reserved.

- ~~A. Any person, other than a Peace Officer on duty, carrying a weapon, upon entering any public establishment or attending a public event, may be required by the operator of the establishment or the sponsor of the public event to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event for temporary and secure storage pursuant to ARS §13-3102.01. If the person in possession of the weapon does not wish to relinquish the weapon, he shall immediately leave the premises of the public establishment or public event.~~
- ~~B. Any person who violates Subsection 10-04-040(A) shall be guilty of a misdemeanor and, upon conviction, shall be punishable for a class 1 misdemeanor.~~

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Repealed, 05/26/88, 11-01-210; Ord. No. 189, Enacted, 11/10/88; Ord. No. 759, Amended 05/12/11; Ord. No. 786, Amended,1/23/14)

SECTION SIX. That Section 10-04-050 “Giving or Selling Weapons, Ammunition or Dischargeable Toy Pistols to Minors” in Article 10-04 “WEAPONS (DISCHARGE)” in Chapter 10 “OFFENSES” of the Town Code be hereby repealed in its entirety and reenacted to read as follows:

10-04-050 ~~Giving or Selling Weapons, Ammunition or Dischargeable Toy Pistols to Minors.~~Reserved.

- ~~A. Except as provided in Subsection 10-04-050(B), a person who sells or gives to a minor, without written consent of the minor’s parent or legal guardian, a weapon, ammunition or a toy pistol by which dangerous and explosive substances may be discharged is guilty of a class 1 misdemeanor.~~
- ~~B. The temporary transfer of firearms and ammunition by firearms safety instructors, hunter safety instructors, competition coaches or their assistants shall be allowed if the minor’s parent or guardian has given consent for the minor to participate in activities such as firearms or hunting safety courses, firearms competition or training. With the consent of the minor’s parent or guardian, the temporary transfer of firearms and ammunition by an adult accompanying minors engaged in hunting or formal or informal target shooting activities shall be allowed for those purposes.~~

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 178, Repealed, 05/26/88, 11/01/10; Ord. No. 189, Enacted, 11/10/88; Ord. No. 759, Amended 05/12/11; Ord. No. 786, Amended,1/23/14)

SECTION SEVEN. That Section 10-04-060 “Minors Prohibited From Carrying or Possessing Firearms” in Article 10-04 “WEAPONS (DISCHARGE)” in Chapter 10 “OFFENSES” of the Town Code be hereby repealed in its entirety and reenacted to read as follows:

10-04-060 ~~Minors Prohibited From Carrying or Possessing Firearms.~~Reserved.

- ~~A. Except as provided in Subsection 10-04-060(B), an unemancipated person who is under eighteen (18) years of age and who is unaccompanied by a parent, grandparent or guardian, or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the unemancipated person’s parent or guardian shall not~~

~~knowingly carry or possess on his person, within his immediate control, or in or on a means of transportation, a firearm in any place that is open to the public or on any street or highway or on any private property except private property owned or leased by the minor or the minor's parent, grandparent or guardian.~~

~~B. This Section 10-04-060 does not apply to a person who is fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age and is any of the following:~~

~~1. Engaged in lawful hunting or shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.~~

~~2. Engaged in lawful transportation of an unloaded firearm for the purpose of lawful hunting.~~

~~3. Engaged in lawful transportation of an unloaded firearm between the hours of 5:00 a.m. and 10:00 p.m. for the purpose of shooting events or marksmanship practice at established ranges or other areas where the discharge of a firearm is not prohibited.~~

~~4. Engaged in activities requiring the use of a firearm that are related to the production of crops, livestock, poultry, livestock products, poultry products or ratites or in the production or storage of agricultural commodities.~~

~~C. If the minor is not exempt under Subsection 10-04-060(B) and is in possession of a firearm, a Peace Officer shall seize the firearm at the time the violation occurs.~~

~~D. In addition to any other penalty provided by law, a person who violates Subsection 10-04-060(A) is subject to the following penalties:~~

~~1. If adjudicated a delinquent juvenile for an offense involving an unloaded firearm, a fine of not more than two hundred fifty dollars (\$250.00) and the court may order the suspension or revocation of the person's driver license until the person reaches eighteen (18) years of age. If the person does not have a driver license at the time of the adjudication, the court may direct that the department of transportation not issue a driver license to the person until the person reaches eighteen (18) years of age.~~

~~2. If adjudicated a delinquent juvenile for an offense involving a loaded firearm, a fine of not more than five hundred dollars (\$500.00) and the court may order the suspension or revocation of the person's driver license until the person reaches eighteen (18) years of age. If the person does not have a driver license at the time of the adjudication, the court may direct that the department of transportation not issue a driver license to the person until the person reaches eighteen (18) years of age.~~

~~3. If adjudicated a delinquent juvenile for an offense involving a loaded or unloaded firearm, if the person possessed the firearm while the person was the driver or an occupant of a motor vehicle, a fine of not more than five hundred dollars (\$500.00) and the court shall order the suspension or revocation of the~~

~~person's driver license until the person reaches eighteen (18) years of age. If the person does not have a driver license at the time of adjudication, the court shall direct that the department of transportation not issue a driver license to the person until the person reaches eighteen (18) years of age. If the court finds that no other means of transportation is available, the driving privileges of the child may be restricted to travel between the child's home, school and place of employment during specified periods of time according to the child's school and employment schedule.~~

- ~~E. Firearms seized pursuant to Subsection 10-04-060(C) shall be held by the law enforcement agency responsible for the seizure until the charges have been adjudicated or otherwise disposed of or the person is convicted. Upon adjudication or conviction of a person for a violation of this Section 10-04-060, the court shall order the firearm forfeited. However, the law enforcement agency shall return the firearm to the lawful owner if the identity of that person is known.~~

- ~~F. If the court finds that the parent or guardian of a minor found responsible for violating this Section 10-04-060 knew or reasonably should have known of the minor's unlawful conduct and made no effort to prohibit it, the parent or guardian is jointly and severally responsible for any fine imposed pursuant to this Section or for any civil damages resulting from the unlawful use of the firearm by the minor.~~

- ~~G. This Section 10-04-060 is supplemental to any other law imposing a criminal penalty for the use or exhibition of a deadly weapon. A minor who violates this Section may be prosecuted and adjudicated delinquent for any other criminal conduct involving the use or exhibition of a deadly weapon.~~

- ~~H. A person who violates Subsection 10-04-060(A) is guilty of a class 1 misdemeanor.~~

(Ord. No. 189, Enacted, 11/10/88; Ord. No. 307, Rep&ReEn, 10/14/93; Ord. No. 393, Amended, 07/11/96; Ord. No. 614, Amended, 02/10/05; Ord. No. 759, Amended 05/12/11; Ord. No. 786, Amended, 1/23/14)