

Ordinance No. 786

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT “WEAPONS (DISCHARGE)” DECLARED BY RESOLUTION NO. 1863 TO BE A PUBLIC RECORD, RENAMING ARTICLE 10-04 “WEAPONS (DISCHARGE, CARRYING, POSSESSION AND SALE TO MINORS)” IN CHAPTER 10 “OFFENSES” OF THE TOWN CODE TO “WEAPONS (DISCHARGE)” AND CONFORMING THE SAME TO REVISIONS OF ARIZONA LAW; SETTING FORTH IN FULL THE PENALTY CLAUSES PER ARS §9-803; 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 November 10, 1988, the Town Council adopted Ordinance No. 189, enacting a new Article 10-04 “Discharge, Carrying and Sale of Weapons to Minors” to (a) regulate the discharge of weapons within the Town limits, (b) regulate the giving or selling to minors of weapons, ammunition, or toy pistols by which dangerous and explosive substances may be discharged, and (c) allow “operators” or “sponsors” to regulate the carrying of weapons by persons in public establishments or while attending public events; and

WHEREAS, Town Code Section 10-04-030 (regulating the discharge of weapons within Town limits) was later clarified to permit lawful hunting on State lands located within the Town, while still protecting nearby residents (see Ordinance Nos. 252 and 273); and

WHEREAS, as state law pertaining to the regulation of weapons continued to evolve over the years, conforming revisions were made to Town Code Chapter 10 (see Ordinance Nos. 307, 393 and 533); and

WHEREAS, on April 16, 2010, the Governor of Arizona signed into law S.B. 1108 “Weapons” which substantially amended the Arizona Revised Statutes related to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms; and

WHEREAS, on May 12, 2011, the Town Council adopted Ordinance No. 759, which substantially amended Chapter 10 to conform to S.B. 1108; and

WHEREAS, staff now desires to further amend Chapter 10 to clarify any remaining ambiguities related to regulation of weapons other than firearms and repeal those sections that unnecessarily duplicate the state’s regulations; and

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

WHEREAS, A.R.S. §9-802 permits adoption of public records by reference, and the document attached hereto “WEAPONS (DISCHARGE)” has been declared by Resolution No. 1863 to be such a public record;

WHEREAS, A.R.S. §9-803 requires penalty clauses in such public records to be set forth in full in the adopting ordinance;

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

SECTION ONE. That that certain document attached hereto entitled “WEAPONS (DISCHARGE)” declared by Resolution No. 1863 to be a public record and on file in the office of the Town Clerk for public review, be hereby adopted as if fully set forth herein in accordance with A.R.S. §9-802.

SECTION TWO. That the following penalty clause contained in Section 10-04-030 “Discharge of Weapons” is hereby enacted and set forth as follows:

10-04-030 Discharge of Weapons

...

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

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

SECTION FOUR. 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 FIVE. 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 23rd day of January, 2014.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney