

## **Ordinance No. 759**

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 "AMENDMENTS CHAPTER 10 'OFFENSES'" DECLARED BY RESOLUTION NO. 1746 TO BE A PUBLIC RECORD, AMENDING ARTICLES 10-02 "TOWN PROPERTY" AND 10-04 "WEAPONS (DISCHARGE, CARRYING, POSSESSION AND SALE TO MINORS)" IN CHAPTER 10 "OFFENSES" OF THE TOWN CODE TO CONFORM WITH REVISIONS TO ARIZONA LAW AND TO CORRESPOND WITH CHANGES TO THE TOWN FACILITIES USAGE POLICY; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE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 October 10, 2002, the Town Council first adopted comprehensive Town Facilities Usage regulations by Resolution No. 1126; and

WHEREAS, the Council amended said regulations on May 26, 2005 (Resolution No. 1349), February 9, 2006 (Resolution No. 1408), and October 11, 2007 (Resolution No. 1535); and

WHEREAS, the Town recently completed construction of a new joint-use facility located west of the current Civic Center, and desires to extend its comprehensive Town Facilities Usage regulations to that new facility; 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, Town staff proposes to amend Chapter 10 "Offenses" of the Town Code to conform to the provisions of S.B. 1108 "Weapons" as they relate to the possession and carrying of weapons in and around Town property; and

WHEREAS, review by Town staff has resulted in a desire to update a number of provisions in the Town Facilities Usage regulations, including a desire to extend the prohibition against glass container use to all of the Town's parks, playgrounds and outdoor recreational areas for the welfare and safety of the users of such properties; and

WHEREAS, any such revisions to the comprehensive Town Facilities Usage regulations necessitates certain revisions to Chapter 10 "Offenses" of the Town Code; and

WHEREAS, in the course of making these conforming revisions to Chapter 10 "Offenses" of the Town Code, staff has compared all of the statutory and regulatory citations in Chapter 10 "Offenses" to current statutes, regulations and ordinances and (as a matter of housekeeping) proposes to update the citations accordingly; 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 "AMENDMENTS CHAPTER 10 'OFFENSES'" has been declared by Resolution No. 1746 to be such a public record;

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 "AMENDMENTS CHAPTER 10 'OFFENSES'" declared by Resolution No. 1746 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 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 \_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Harvey C. Skoog, Mayor

ATTEST:

\_\_\_\_\_  
Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney