

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: September 22, 2011**

SUBJECT: Amendment to Town Code 10-04-030 “Discharge of Weapons”

SUBMITTING DEPARTMENT: Police

PREPARED BY: Lieutenant James Edelstein for Chief Bill Fessler

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading

ATTACHMENTS: a) Ordinance No. 765

SUMMARY/BACKGROUND: On April 29, 2011, Governor Brewer signed Senate Bill 1334 (effective July 20, 2011) to permit the discharge of a firearm within the limits of any municipality while lawfully taking wildlife during an open season established by the Game and Fish Commission (subject to hunting and fishing laws and Commission rules and orders). The Bill preempted the former authority of chiefs of police to approve or to close areas within municipal limits to lawful hunting with firearms. It also preempted local ordinances, rules or regulations that limit the lawful take of wildlife during an open season (in a manner inconsistent with Title 17 and Commission rules and orders) or that prohibit use of firearms, pneumatic devices (air guns) and archery equipment for lawfully taking wildlife. Municipalities may still restrict the discharge of a firearm within ¼ mile of an occupied structure, and prohibit use of firearms or other hunting equipment when that equipment is not being used for the lawful take of wildlife pursuant to Commission order (e.g. target practice).

The Council recently adopted Ordinance No. 759 (May 12, 2011) amending portions of Town Code Chapter 10 to conform to prior legislation limiting municipal authority to restrict possession and use of firearms within local jurisdictions. Senate Bill 1334 requires an additional amendment.

The Police Department has recently met with local Game and Fish officials in an effort to cooperate in the administration of these new requirements to accommodate valid hunting while ensuring safety of citizens within the municipal limits. They have indicated a desire to work with Town staff to identify the areas prohibited from hunting and to communicate with hunters about those areas. Staff will also attempt to educate residents in areas that are likely to see hunters in order to inform them about what hunters can and cannot do under current law.

OPTION ANALYSIS: The Council may approve this amendment to Town Code 10-04-030 or decline to adopt the amendment at this time.

ACTION OPTION: [the Mayor instructs the Town Clerk to read Ordinance No. 765 by title only for the second reading, then asks “Shall the Ordinance Pass?”] **VOTE.**

RECOMMENDATION: Staff recommends adopting Ordinance No. 765 for the purpose of conforming Town Code §10-04-030 with recent revisions to Arizona statutes.

FISCAL ANALYSIS: Aside from additional administrative efforts to coordinate with local officials of the Game and Fish Department, adoption of the proposed Ordinance is not expected to have any additional fiscal impact on the Town.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____