

**Ordinance No. 765**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 10-04-030 “DISCHARGE OF WEAPONS” IN ARTICLE 10-04 “WEAPONS (DISCHARGE, CARRYING, POSSESSION AND SALE TO MINORS)” IN CHAPTER 10 “OFFENSES” OF THE TOWN CODE TO CONFORM WITH RECENT REVISIONS TO ARIZONA LAW; 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 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); and

WHEREAS, Town staff proposes to amend Section 10-04-030 “Discharge of Weapons” in the Town Code to conform to the provisions of SB 1334;

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

SECTION ONE. That Section 10-04-030 “Discharge of Weapons” in 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 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. ~~In an area recommended as a hunting area by the Arizona game and fish department, approved and posted as required by the Chief of Police of the Town of Prescott Valley, but any such area may be closed when deemed unsafe by the Chief of Police or the director of the Arizona game and fish department~~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.
- C. Subsection 10-04-030(A) of this Section shall not be construed as prohibiting private property owners, or their invitees, from engaging in bow and arrow or crossbow target practice on their private property at their own risk and in a reasonably safe manner, under adult supervision.
- 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. 765, Amended, 09/22/11)

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 22<sup>nd</sup> day of September, 2011.

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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