

ORDINANCE NO. 681A

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 93.13 TO THE CODE OF THE TOWN OF PAYSON, PROHIBITING THE DISCHARGE OF CERTAIN WEAPONS IN, UPON, OR INTO ANY MUNICIPAL PARK.

WHEREAS, the discharge of a bow and arrow, cross bow, pellet/bb gun, paint ball gun, and other similar weapons can result in damage to property; injury to ducks, geese, and other animals; and bodily injury or death to persons; and

WHEREAS, unclaimed or unattended spent arrows present a danger to both ducks, geese, other animals and children; and

WHEREAS, the Mayor and Common Council find that the discharge of a bow and arrow, crossbow, pellet/bb gun, paint ball gun, and other similar weapons in, upon, or into municipal parks is an unreasonable, dangerous act; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 681A is necessary and appropriate to protect the health, safety, and welfare of the citizens of the Town of Payson as a lawful exercise of police power vested in the Town by the State of Arizona; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by adding Section 93.13 of the Code to the Town of Payson for these purposes,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 93.13 is hereby added to Chapter 93 of Title IX of the Code of the Town of Payson, and as added shall read as follows:

§ 93.13 DISCHARGE OF WEAPONS PROHIBITED

- (A) No person shall for any reason discharge a bow and arrow, crossbow, pellet/bb gun, paint ball gun, or other similar weapon in, upon, or into any municipal park.
- (B) Any person who is found guilty of a violation of this section that causes or results in injury to any person, duck, goose, or any other animal, shall pay a minimum fine in the amount of \$500.00.
- (C) The provisions of this section shall not apply to any organized events or functions approved in advance in writing by the Parks and Recreation Director.

Section 2. All violations of Chapter 93 of Title IX of the Code of the Town of Payson shall be punishable as class one misdemeanor violations pursuant to Section 10.99 of the Code of the Town of Payson.

Prepared by Town of Payson Legal Department

March 3, 2006 (8:16am)

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Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 681A is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance Number 681A. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 681A and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2006, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

Barbara G. Brewer, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney