ORDINANCE NO. 805

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.18 OF THE CODE OF THE TOWN OF PAYSON, RELATING TO DISCHARGE OF AIR, GAS OPERATED, ELECTRIC AND SPRING OPERATED GUNS.
(BB, PELLET, AIRSOFT, AND PAINTBALL GUN REGULATION)

WHEREAS, the discharge of firearms, B-B guns, pellet guns, airsoft guns, paint-ball guns, or other similar instruments can cause damage to property, injury to animals, bodily injury, and even serious bodily injury in certain instances;

WHEREAS, although A.R.S. section 13-3107 prohibits the discharge of a firearm within the Town limits, there is no comparable restriction on the discharge of B-B guns, pellet guns, airsoft guns, paint-ball guns, or other similar instruments;

WHEREAS, the Town of Payson has found that the adoption of this Ordinance 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 130.18 of the Code to the Town of Payson,

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

Section 1. That Section 130.18 of Chapter 130 of Title VIII of the Code of the Town of Payson, is hereby added and as added shall read as follows:

130.18 Discharge of air, gas, spring, or electric guns.

A. It is unlawful for any person to fire or discharge any air, gas-operated, electric, or spring operated gun, commonly referred to as BB guns, pellet guns, airsoft guns, paintball guns, or similar instruments.

B. The prohibitions of this section shall not apply:

1. On private grounds or premises if (i) such gun is fired or discharged in a manner not likely to endanger any persons or property, (ii) any projectile fired or discharged does not leave such grounds or premises, and (iii) a person in lawful possession of the grounds or premises allows the gun to be fired or discharged.

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2. When public or private grounds or premises are utilized for the purpose of an organized meet or shooting match involving the use of such weapons and such meet or shooting match has been authorized by the owner or controller of such premises and written permission for same obtained from the Chief of Police.

3. If done by a government agent in the furtherance of his/her duties.

C. The provisions of this section shall not apply to any instrument defined as a firearm under State Law.

Section 2. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance and each section, subsection, or portion thereof despite the fact that any one or more sections, subsections, 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 _____, 2011, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney