

TOWN OF PINETOP-LAKESIDE

RESOLUTION NO. 23-1655

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, DECLARING AS PUBLIC RECORD A CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "TOWN CODE AMENDMENT TO TITLE 9, ADDING CHAPTER 9.20 WEAPONS."

WHEREAS, that certain document entitled "Town Code amendment to Title 9, adding Chapter 9.20 Weapons," attached hereto as Exhibit "A", three (3) copies of which shall be filed in the Office of the Town Clerk pursuant to this Resolution, shall remain on file with the Town Clerk.

WHEREAS, A.R.S. §9-802 permits the enactment and publication by reference of a code or public record, including statute, rule, or regulation of the municipality, in the interest of economy, and

WHEREAS, the document entitled "Town Code Amendment to Title 9, adding Chapter 9.20 Weapons," to be adopted by Ordinance No. 23-457, which would qualify for enactment by reference.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Town Council of the Town of Pinetop-Lakeside hereby declare that the document entitled "Town Code amendment to Title 9, adding Chapter 9.20 Weapons," is hereby declared a Public Record for the purpose of adoption by reference pursuant to Ordinance No. 23-457, and order that three (3) copies of the document entitled "Town Code Amendment to Title 9, adding Chapter 9.20 Weapons," be permanently filed in the Office of the Town Clerk and available for public inspection.

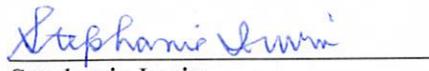
PASSED AND ADOPTED at a regular meeting by the Mayor and Town Council of the Town of Pinetop-Lakeside, on this 2nd day of February 2023.



ATTEST:


Kristi Salskov
Town Clerk

TOWN OF PINETOP-LAKESIDE


Stephanie Irwin
Mayor

APPROVED AS TO FORM:


William J. Sims, III
Town Attorney

EXHIBIT "A"

Town Code amendment to Title 9, adding Chapter 9.20 Weapons

Chapter 9.20

WEAPONS

Sections:

- 9.20.010 Purpose.**
- 9.20.020 Definitions.**
- 9.20.030 Firearms Discharge.**
- 9.20.040 Weapons in Public Establishment or Event.**

9.20.010 Purpose.

The purpose of this Article is to regulate, as allowed by State law, the discharge of firearms and the carrying of firearms upon entering a public establishment or public event within the Town of Pinetop-Lakeside in order to protect the health, safety and welfare of visitors and residents of the Town.

9.20.020 Definitions.

- A. "Discharge" means to expel a projectile from a firearm.
- B. "Firearm" means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon which will expel, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive. Firearm does not include a firearm in permanently inoperable condition.
- C. "Deadly Weapon" means anything that is designated for lethal use. The term includes a firearm.

9.20.030 Firearms.

- A. No person shall negligently discharge any firearm within the town limits.
- B. This section does not apply if the firearm is discharged:
 - 1. As allowed pursuant to A.R.S. §13-401 et seq.
 - 2. On a properly supervised range, as defined by A.R.S. §13-3107.
 - 3. During an open season established by the Arizona Game and Fish Commission for the lawful taking of wildlife, a person may discharge a firearm within one-quarter mile of an occupied structure with the consent of the owner or occupant of the structure. For the purposes of this paragraph:

- a) "Occupied Structure" means any building in which, at the time of the firearm's discharge, a reasonable person from the location where a firearm is discharged would expect a person to be present.
 - b) "Take" has the same meaning prescribed in A.R.S. §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.
 - 6. As required by an animal control officer in the performance of duties as specified in A.R.S. §9-499.04.
 - 7. Using blanks.
 - 8. More than one mile from any occupied structure as defined in A.R.S. §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. Violating the provisions of this section is a class 1 misdemeanor and punishable in accordance with Chapter 1.20 of the code.

State law reference – Unlawful discharge of firearms; exemptions; classification; definitions, A.R.S. §13-3107.

9.20.040 Weapons in Public Establishment or Event.

- A. Any person other than a peace officer on duty carrying a firearm, upon entering any public establishment or attending a public event and carrying a deadly weapon on his person, may be required by the operator of the establishment or the sponsor of the event to remove the weapon and place it in the custody of the operator of the establishment or the sponsor of the event for temporary and secure storage.
- B. Temporary and secure storage of the weapons pursuant to A.R.S. §13-3102.01:
 - 1. If an operator of a public establishment or a sponsor of a public event requests that a person carrying a deadly weapon remove the weapon, the operator or sponsor shall provide temporary and secure storage. The storage shall be readily accessible on entry into the establishment or event and allow for the immediate retrieval of the weapon on exit from the establishment or event.
 - 2. In accordance with ARS Section 13-3102.01, if the holder of a license issued pursuant to Title 4 of the Arizona Revised Statutes posts a notice that prohibits possession of weapons on the licensed premises of a public establishment or public event, the licensee does not have to provide temporary storage.
 - 3. The operator of the establishment or the sponsor of the event or the employee of the operator or sponsor or the agent of the sponsor, including a public entity or public employee, is not liable for acts or omissions pursuant to this section unless the operator, sponsor, employee, or agent intended to cause injury or was grossly negligent.
 - 4. For the purposes of this section, "public establishment" and "public event" have the same meanings prescribed in section 13-3102.

- C. Failure to comply with the requirement of an operator of a public establishment or sponsor of a public event to remove a weapon is a class 1 misdemeanor in accordance with Chapter 1.20 of the code.

State law reference – Misconduct involving weapons; defenses; classification; definitions, A.R.S. §13-3102(A)(10). Storage of deadly weapons; definitions, A.R.S. §13-3102.01 A-D.