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Council Meeting City of Surprise, Arizona Council Action Sept. 25, 2008

Archery Ordinance Report

Summary:

An archery ban was proposed by City Leaders.

Once discovered the archery community (Arizona State Archery Association, ASAA) collected information from the ATA, NFAA, and from volunteer legal advice.

City leaders were eager to work with the archery community.

ASAA offered statement letter of the benefits of continuing to allow archery in the City.

ASAA member attendees:

- Chip Heffelfinger (Collegiate Archery Alumni, Arizona Archery Team, Police Detective, City resident) Speaker
- Eric Bennett (2008 USAA Paralympic Team, City resident) Speaker
- Kari J Granville (USAA Overall Indoor, Field, FITA Champion and USAA World Team Member, Sun Devil Archery Club Leader, Attorney) Speaker at length
- Lynn Van Patter (State Membership coordinator) Yielded time
- Skylar Van Patter
- Janice Price, Yielded time
- Bob Pian (State Archery Association President) Yielded time

Others:

- Arizona Game and Fish Department, Speaker
- Former Boy Scout Leader, Speaker
- Large parcel property owner representative, Speaker
- Boy Scout Troop in the audience.
- Police Chief

After the compelling testimony, "bow and arrow" text was removed from the proposed ban ordinance and the remaining text of the ordinance was passed. The City plans to work with the Archery community to develop archery specific law, potentially creating a "Best Code Model Ordinance"

Details:

Introduction:

Governing bodies (Town, City, County, and State) often offer multiple public notices of changes and additions to laws and ordinances. In mid September, 2008, thanks to an article in the paper, John E Heffelfinger (Collegiate Archery Alumni and AZ State Team Member) came across just such a situation that involved the potential of an "Archery Ban" in his place of residence, City of Surprise Arizona. John quickly emailed the local archery community including the Arizona State Archery Association (ASAA) leadership. The emails began to circulate and details about the proposed ordinance were provided by the City of Surprise's community services liaison. The Council was scheduled to vote in less than a week.

Contact with the customer service staff gave the City of Surprise's Chief of Police contact information as to who was inquiring and about the ordinance and the Chief personally called the ASAA leadership. The Chief reported that the community interest was plentiful but that much of it was less than constructive. The Police Chief quickly offered that the ban was not intended to prevent archery at school, parks and recreation, businesses, ranges, or clubs etc. The Chief's interest was primarily providing an easily understood and easily enforceable ordinance as a tool of law enforcement and invited proposals be discussed with him and the City Attorneys office.

Coordination:

With the next council meeting less than a week away, a "call for help" email was sent to the Arizona target archery community as well as the USA Archery/National Archery Association (USAA/NAA), NFAA (National Field Archery Association), Archery Trade Association (ATA) and the Arizona Game and Fish Department (AZGFD). Attention and help poured in quickly. Interested citizen archers called their city council representatives to express the need and desire to be able to continue to be able to safely take part in archery at home. The ATA provided a wealth of information including a 2006 article from "Archery Trade ATA News and Views" regarding "Archery Bans" and archery specific ordinances from the very few government entities with archery law. The NFAA offered the resources of its liability insurance carrier (Sadler Co, Insurance) even though the ASAA is officially related to the NFAA through shared individual members.

Initial Response:

The group that formed to address the potential archery ban ordinance could not have been cast better. Individual Surprise citizens who are also archery sport advocates along with volunteer archery legal advice were encouraged and coordinated by the ASAA leadership. The first official response was in the form of a letter to the Mayor and Council with copies to the City Manager, City Clerk and Chief of Police. The letter was emailed and hand delivered. The letter addressed the following local and statewide topics:

- Safety and positive community opinion.
- Archery in the Schools
- After School Archery Program, Parks and Recreation, Youth Clubs.
- Collegiate Archery
- Olympic, World and National Championship archery
- Senior Olympics
- Paralympics
- Businesses and stores.
- Growth of target archery.

24 hours before City Council Meeting:

The council meeting agenda indicated that the item was on consent agenda. The Chief of Police indicated that because of the interest and input, the item would be removed from the consent agenda. Citizen calls to their council representatives, official archery community statement letter and Chief of Police input are credited with this action. The public would now be able to comment about ordinance to the council.

The citizen archers prepared their personal statements. Volunteer legal advice researched and developed proposals. Chief of Police continued to communicate and keep the ASAA leadership informed. Archers from neighboring communities made plans to attend. The Archery community continued to coordinate and share information.

Council Meeting:

The council meets in a preliminary session one hour before the public meeting. The public meeting takes place immediately following the preliminary meeting. Public that wishes to speak to the council are to fill out a form to request to speak. Typically each person is allowed three minutes to speak and a timer and light system is used to keep track of time. As if scripted the presentation fell into order like this:

Eric Bennett (2008 USAA Paralympic Team, Surprise resident) Eric first apologizes for not being at the first reading of the proposed ordinance because he was overseas representing the USA, Arizona and the City of Surprise at the Paralympic Games in Beijing China. Bennett reports that it is essential that he be able to shoot up to 300 arrows a day and he does so in his "back yard" and in a parking lot with property owner permission. By doing so, he can continue to be competitive at the national and international level. Eric goes on to mention his family's joy of archery and becomes emotional with regard to the hope of sharing the joy with his son. Eric expresses a desire to reach out to the community and teach others, especially youth. In closing he asks to be allowed to continue on.

John Heffelfinger (Collegiate Archery Alumni, Arizona Archery Team, Police Detective, new Surprise resident) John lists his and his family's long time participation in archery. He notes that an archery ban would prevent schools, businesses and youth programs from taking part in the sport of archery. John offers that as a public servant himself, he recognizes the need for safety and offers the idea of permitting. Like Bennett, Heffelfinger goes on to talk about how he learned archery from his dad and is looking forward to teaching his child and continue the family activity. John closed asking that the council reconsider the broad ramifications of an archery ban.

Senior Archer (Surprise resident) This archer notes that he served as a Boy Scout leader for years and never had a problem. He continues to take part in archery with friends and family and especially his grandchildren. All are conducted with order safely and without incident for years. There is no need to ban archery.

Surprise property owner (Surprise resident and large property owner that represents himself and his neighbors that also live on large properties) This archer representative reports that he would like to continue to safely shoot on his property. Archery is a wonderful sport. They understand the need to be responsible and do so with great care and they have not had any problems. He closes that he has had the pleasure of shooting with Eric.

Kari J Granville (USAA Overall Indoor, Field, FITA Champion and USAA World Team Member, Sun Devil Archery Club Leader, Attorney) Kari J Granville is offered additional time to speak by way of time yielded from others. Kari mentions regret for not attending the previous meeting, but it could not be avoided as she was competing for Team USA in Wales. Granville spoke at length to the law as it relates to Arizona Revised Statutes as well as constitutional principals and the trail blazing nature of creation of archery specific law. Granville notes that there are zero archery legal cases in AZ and archery injuries tend to be a person spraining an ankle while walking on a field, and not related specifically to archery. She offered proposed text and also offered proposed permit policy should the council be so inclined. The presentation clearly offers that it would likely be a mistake in law to proceed with the proposal as is. Granville closes with the idea that this maybe the opportunity to collaborate to create a Best Code model.

AZGFD officer: (AZ GFD Archery and Bowhunting Coordinator is out of town and unavailable) The Officer indicates that AZGFD is charged with wildlife management and as a result needs the use of a variety of tools including those listed in the ban to execute their mission including the management of animals that stray into place where they don't belong. He offers that the sport of target archery is a part of the AZGFD mission and they are involved with youth archery. The AZGFD and Granville offers proposal similar to each other.

City of Surprise Police Chief: The Chief spoke of the need to develop law that is readily understood and easily enforceable. The idea is to create a "bright line" that law enforcement can clearly identify and use to determine when an action is lawful and when it is not.

By coincidence a Boy Scout Troop was in the Council meeting audience to observe city government. When referring to youth and clubs, speakers would glance back to the scouts in their scout uniforms. The impression was very supportive.

Council Action:

After the call to the public with regards to the ordinance in question, the Surprise City Council offered that the intent was to support the needs of law enforcement and it was obvious that there is a need to consider archery separately from the rest of the proposed ordinance. Motion to remove archery from the ban passed unanimously.

Future:

The City of Surprise and the ASAA representation are to meet and develop archery specific regulations. The potential is for a "Best Code Model Ordinance" to be created.

Advice for others:

- Identify a coordinator that can keep the communication flowing smoothly, quickly and with the right people. The coordinator's job is to make contacts, inform, provide the letters and take action all in a timely manner.
- In hindsight: It is suggested that community target archery leaders seek out Park and Recreation leadership and offer to inform them about target archery and opportunities before archery is a local issue.
- In hindsight: It is suggested that periodically, the archery community visit with law enforcement to discuss the need, if any, for archery specific ordinances.
- In hindsight: Often the City Council preliminary meeting is where the Council members have a light pre dinner before the meeting. Often guests are welcome to informally discuss issues. Should your community be faced with an issue, offer to attend the preliminary Council meeting to speak informally.
- In hindsight: The Archery Community coordinator should establish the council meeting order of speakers and upon review of the points each speaker wishes to make, suggest what topics should be emphasized.

Luck:

Having the Scouts in the audience was lucky. Consider inviting scouts in uniform.

Also: The City of Surprise took note of the professional and well spoken target archery representatives. Post meeting: the Parks and Recreation department invited the archery leadership to discuss the potential offering archery programs in the City.

Conclusion:

In just over a week the Arizona Archery Community, gathered a task force, collected information, created a plan, presented and reach a positive initial outcome.

The next step is to document the various viable long term archery specific use concepts and report on the ultimate solution.

Information to date.

Bob Pian

President, Arizona State Archery Association