

ORDINANCE 103-97

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, RELATING TO PARKS AND RECREATION; CREATING A NEW CHAPTER 15, PARKS AND RECREATION, INCLUDING TWO NEW ARTICLES. ARTICLE 15-1, PARKS AND RECREATION ADVISORY BOARD, INCLUDING SIX NEW SECTIONS, 15-1-1 ESTABLISHMENT, 15-1-2, POWERS AND DUTIES, 15-1-3, MEMBERSHIP, 15-1-4, ORGANIZATION; MEETINGS, 15-1-5, COMPENSATION, AND 15-1-6, REMOVAL FROM OFFICE; FILLING OF VACANCIES, AND ARTICLE 15-2, PUBLIC PARK RULES; ADOPTING BY REFERENCE, PURSUANT TO A.R.S. § 9-802, "TOWN OF QUEEN CREEK PUBLIC PARK REGULATIONS"; ESTABLISHING AN EFFECTIVE DATE AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA:

Section 1 That the Queen Creek Town Code is hereby amended by creating a new Chapter 15, Parks and Recreation, including two new articles, Article 15-1, Parks and Recreation Advisory Board, including six new sections, 15-1-1 Establishment, 15-1-2, Powers and Duties, 15-1-3, Membership, 15-1-4, Organization; Meetings, 15-1-5, Compensation, and 15-1-6, Removal from Office; Filling of Vacancies, and Article 15-2, Public Park Rules, to read as follows:

CHAPTER 15 PARKS AND RECREATION

ARTICLE 15-1 PARKS AND RECREATION ADVISORY BOARD

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| 15-1-1 | ESTABLISHED |
| 15-1-2 | POWERS AND DUTIES |
| 15-1-3 | MEMBERSHIP |
| 15-1-4 | ORGANIZATION; MEETINGS |
| 15-1-5 | COMPENSATION |
| 15-1-6 | REMOVAL FROM OFFICE; FILLING OF VACANCIES |

SECTION 15-1-1 ESTABLISHED

THERE SHALL BE A PARKS AND RECREATION ADVISORY BOARD FOR THE TOWN WHICH SHALL CONSIST OF NO MORE THAN SEVEN MEMBERS.

SECTION 15-1-2 POWERS AND DUTIES

THE PARKS AND RECREATION ADVISORY BOARD SHALL HAVE THE POWERS AND DUTIES TO

- A. ACT IN ADVISORY CAPACITY TO THE TOWN COUNCIL, THE TOWN MANAGER OR DESIGNEE IN ALL MATTERS RELATING TO PARKS AND RECREATION.
- B. ASSIST IN THE PLANNING OF A RECREATIONAL PROGRAM FOR THE CITIZENS OF THE TOWN; PROMOTE AND STIMULATE INTEREST THEREIN.
- C. PERFORM SUCH OTHER DUTIES NOT INCONSISTENT WITH THIS CHAPTER AS MAY BE REQUESTED BY THE TOWN COUNCIL.

SECTION 15-1-3 MEMBERSHIP

APPOINTMENTS TO THE PARKS AND RECREATION ADVISORY BOARD SHALL BE MADE BY THE MAYOR FROM AMONG RESIDENTS OF THE TOWN. ADULT APPOINTEES SHALL BE REGISTERED VOTERS WITHIN THE TOWN. APPOINTMENTS SHALL BE FOR A TERM OF THREE YEARS EXCEPT FOR THE TERM OF AT LEAST TWO BOARD MEMBERS, WHO SHALL BE RESIDENT HIGH SCHOOL STUDENTS, AND WHO SHALL HAVE ONE-YEAR TERMS BEGINNING ON THE FIRST DAY OF THE SCHOOL YEAR. MEMBERS FIRST APPOINTED SHALL CLASSIFY THEMSELVES BY AGREEMENT OR LOT SO THAT EACH SUCCEEDING JANUARY 1, THE TERMS OF THREE OF THE ADULT MEMBERS SHALL EXPIRE.

SECTION 15-1-4 ORGANIZATION; MEETINGS

- A. AS SOON AS PRACTICABLE FOLLOWING THE FIRST DAY OF JANUARY OF EACH YEAR, THE ADVISORY BOARD SHALL ORGANIZE BY ELECTING ONE OF ITS MEMBERS TO SERVE AS THE PRESIDING OFFICER AT THE PLEASURE OF THE ADVISORY BOARD. THE ADVISORY BOARD MAY APPOINT OTHER OFFICERS AS MAY BE REQUIRED.
- B. THE AFFIRMATIVE VOTE OF A MAJORITY OF THE ADVISORY BOARD SHALL BE NECESSARY FOR IT TO TAKE ANY ACTION EXCEPT TO ADJOURN.

SECTION 15-1-5 COMPENSATION

THE MEMBERS OF THE ADVISORY BOARD SHALL SERVE WITHOUT COMPENSATION FOR THEIR SERVICES BUT MAY RECEIVE REIMBURSEMENT FOR NECESSARY TRAVEL AND OTHER EXPENSES INCURRED ON OFFICIAL DUTY WITH PRIOR AUTHORIZATION OF THE TOWN MANAGER.

SECTION 15-1-6 REMOVAL FROM OFFICE

- A. THE TOWN COUNCIL MAY REMOVE ANY MEMBER OF THE PARKS AND RECREATION ADVISORY BOARD FROM OFFICE AT ANY TIME.
- B. ANY VACANCIES ON THE PARKS AND RECREATION ADVISORY BOARD WILL BE FILLED BY APPOINTMENT BY THE MAYOR. UPON A VACANCY

OCCURRING, LEAVING AN UNEXPIRED PORTION OF A TERM, ANY APPOINTMENT TO FILL SUCH VACANCY SHALL BE FOR THE UNEXPIRED PORTION OF SAID TERM.

ARTICLE 15-2 PUBLIC PARK REGULATIONS

- 15-2-1 ADOPTION BY REFERENCE
- 15-2-2 ENFORCEMENT AND PENALTY

SECTION 15-2-1 ADOPTION BY REFERENCE

THE "TOWN OF QUEEN CREEK PUBLIC PARK REGULATIONS," THREE COPIES OF WHICH ARE ON FILE IN THE TOWN CLERK'S OFFICE, IS HEREBY ADOPTED BY REFERENCE AS IF SET OUT AT LENGTH IN THIS CODE.

SECTION 15-2-2 ENFORCEMENT AND PENALTY

- A. THE TOWN MANAGER, OR DESIGNEE OR ANY LOCAL LAW ENFORCEMENT OFFICER, IS AUTHORIZED TO EJECT FROM ANY PARK, RETENTION BASIN OR WASH ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER OR WHO ENGAGES IN ANY DISORDERLY OR DISRUPTIVE BEHAVIOR IN A PARK, RETENTION BASIN, OR WASH.
- B. THE TOWN MANAGER, OR DESIGNEE OR ANY LOCAL LAW ENFORCEMENT OFFICER SHALL HAVE THE AUTHORITY TO SEIZE AND CONFISCATE ANY PROPERTY, THING OR DEVICE IN THE PARK, RETENTION BASIN, OR WASH USED IN VIOLATION OF THIS CHAPTER.
- C. AFTER THE TOWN MANAGER, OR DESIGNEE OR ANY LOCAL LAW ENFORCEMENT AGENT REQUESTS THAT A PERSON LEAVE A PARK, RETENTION BASIN, OR WASH, IT SHALL BE UNLAWFUL FOR SUCH PERSON TO REMAIN IN THE PARK, RETENTION BASIN, OR WASH OR TO RETURN TO THE SAME PARK, RETENTION BASIN, OR WASH WITHIN TWENTY-FOUR (24) HOURS OF THE REQUEST TO LEAVE.
- D. ANY PERSON CONVICTED OF A VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE GUILTY OF A CLASS ONE MISDEMEANOR AND SHALL BE PUNISHED BY A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) OR BY IMPRISONMENT NOT TO EXCEED SIX (6) MONTHS, OR BY BOTH FINE AND IMPRISONMENT.

Section 2. Pursuant to A.R.S. § 9-802, that certain document known as "Town of Queen Creek Public Park Regulations," three copies of which are on file in the office of the Town Clerk and which are available for public inspection during normal business hours, which document was made a public record within the meaning of A.R.S. § 9-801 by Resolution 120-07 of the Town of Queen Creek, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 3 The provisions of this ordinance and the public record adopted herein are effective from and after May 1, 1997.

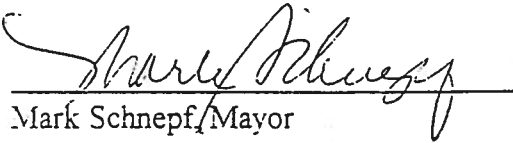
Section 4 Any person found guilty of violating any provision of these amendments to the Town Code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

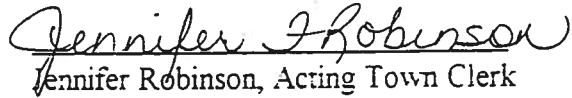
Section 5 If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Queen Creek, Arizona, this 19th day of March, 1997.

FOR THE TOWN OF QUEEN CREEK:

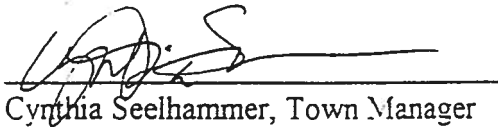
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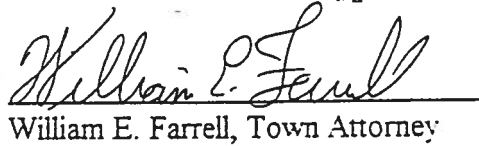

Mark Schnepf, Mayor


Jennifer Robinson, Acting Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Cynthia Seelhammer, Town Manager


William E. Farrell, Town Attorney

TOWN OF QUEEN CREEK PUBLIC PARK REGULATIONS

SECTION 1 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

TOWN: the Town of Queen Creek.

DIRECTOR: The Town Manager or Designee.

INTOXICATING LIQUOR: Any alcoholic beverage made by fermentation or distillation, which, when used in sufficient quantities, ordinarily or commonly produces entire or partial intoxication. Any liquor intended for use as a beverage or capable of being so used, which contains more than one-half of one percent (.005%) of alcohol by volume.

PARK: A playground, recreation center, public open space, or any other area in the Town owned or used by the Town and devoted to active or passive recreation, including all internal roadways, internal and adjacent parking lots, and internal and adjacent sidewalks or pathways which are established or maintained by the Town, including retention basin areas and washes within the boundary of the park, but excluding all drainage retention basins not identified by the Town as parks through on-site signage.

RETENTION BASIN: an open space with turf and landscaping set aside for retention of runoff from adjacent lands, not located inside the boundary of parks, that are owned by the Town of Queen Creek.

WASH: any natural watercourse including the immediately adjacent banks of any such wash.

SECTION 2 SANITATION

(A) Pollution of Waters. No person in a park, retention basin, or wash shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park, retention basin, wash or any stream, storm, sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(B) Refuse and Trash. No person in a park, retention basin, or wash shall bring in or shall dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash. No such refuse or trash shall be placed in any waters or in contiguous to any park, retention basin, or wash or left anywhere on the grounds thereof but shall be placed in the

proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park, retention basin, or wash by the person responsible for its presence and properly disposed of elsewhere.

(C) Sanitary Facilities. It shall be unlawful for any person in a park, retention basin, or wash to urinate or stool outside any sanitary facility provided in the park Retention basin, or wash.

SECTION 3 RECREATIONAL ACTIVITIES

(A) Bathing and Swimming. No person in a park, retention basin, or wash shall swim, bathe, or wade in any waters or waterways in or adjacent to any park, retention basin, or wash, except in such waters and at such places as are provided therefor and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing or congregate thereat when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(B) Boating. No person in a park, retention basin, or wash shall bring into or operate any boat, raft, or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating by the Director. The Director is authorized to designate places for boats, rafts, or watercraft which are not motor powered separately from such craft that are motor powered. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

(C) Golfing. No person in a park, retention basin, or wash shall use any portion of a park Retention basin, or wash for golfing purposes or make use of any golf club or golf ball in any park Retention basin, or wash, except in places designated for golfing by the Director.

(D) Motor Vehicles. No person in a park, retention basin, or wash shall bring into or operate any motor vehicle of any type, including but not limited to, any automobile, motorcycle or motorbike except for the purpose of ingress and egress to the park, retention basin or wash on roadways designated for such use. Any person operating a motor vehicle or bicycle in a park shall obey all traffic control signs or devices posted or placed in the park retention basin, or wash.

(E) Horseback Riding. Horseback riding shall be permitted in every park, retention basin, or wash, except where such use is posted as prohibited. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to graze or go unattended. Horses shall be hitched to hitching posts only.

(F) Animals. Animals shall be allowed in all areas of every park, retention basin, or wash, except where specifically posted as prohibited. All animals shall be restrained at all times, and if leashed, leashes shall not be greater than ten feet (10') in length. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any portion of a park, retention basin, or wash, unless such owner or custodian immediately removes and disposes of all feces deposited by

such animal by the following methods:

1. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
2. Removal of such bag or container to the proper receptacle and disposition thereafter in a manner as otherwise may be permitted by law.

SECTION 4 INTOXICATING LIQUOR; PROHIBITIONS; PERMITS; DEPOSIT

(A) No person in a Town park, retention basin, or wash shall consume or have in his possession or custody, any intoxicating liquor except under the conditions set forth in Paragraph (B) below.

(B) Paragraph (A) shall not apply to those premises within a Town park, retention basin, or wash where the sale of intoxicating liquor is being governed by a special event license or other intoxicating liquor license or permit issued by the State Liquor Department. During those events or activities on park premises that are governed by a State liquor license or permit, the sale and consumption of liquor on those premises at those times shall be subject to all terms and conditions of State law, the State liquor license or permit, and all applicable contracts involving the sale of liquor on those premises; at all other times, consumption of intoxicating liquor on park, retention basin, or wash premises is prohibited unless authorized under a Town permit as follows. Paragraph (A) shall also not apply to persons who possess or consume beer in accordance with all terms and conditions of a permit from the Director.

(C) The Director is authorized to issue permits allowing the consumption and possession of beer in all Town parks and to adopt fees, rules and regulations for the issuance of such permits. Such beer permits are available only for persons of legal drinking age who are attending a State picnic, family reunion, company picnic, special event, or similar gathering. Permits shall identify the name of the group; the name and signature of the responsible party for that group; and the date and specific park location for the authorized event or activity. Any permit granted under this section shall be valid only for those areas listed on the face thereof. The Town permit shall state that the authority it confers to possess or consume beer is contingent on compliance with all terms of the permit, park rules, Town ordinances, and State law. If the Town permit is not complied within any respect, the permit is null and void and the prohibition described in Paragraph (A) is reinstated. Requests for beer permits under this subsection shall be made no later than seventy-two (72) hours in advance of the event for which the permit is required. Unless authorized under a State liquor license or a Town permit, it is unlawful to possess or consume any alcoholic beverage in a Town park, retention basin, or wash.

(D) A beer permit shall only be issued upon the applicant meeting the terms set forth above and upon applicant's payment of a refundable damage deposit to the Town in an amount to be determined by the Town of Queen Creek Parks and Recreation Advisory Board.

SECTION 5 PARK, RETENTION BASIN, AND WASH PROPERTY

Except as specifically authorized by the Director, no person in a park, retention basin, or wash shall:

- (A) Glass Containers. Have in his possession or custody a glass container of any kind or description.
- (B) Disfiguration or Removal of Park, Retention Basin, or Wash Improvements. Deface, disfigure, injure, tamper with, displace, or remove any turfgrass, landscape material, playground equipment, picnic table, bench, fire pit, grill, paving, water fountain, public utility line or part or appurtenance thereof, sign, monument, marker, fencing, rest room fixtures, or any other park equipment, facility, property, structure, or improvement of any kind whatsoever.
- (C) Disfiguration or Removal of Park, Retention Basin, or Wash Natural Resources. Disfigure, displace, remove, or excavate, as applicable, any soil, rock, stone, sand, street, shrubs, cactus, plant material, or other natural resource of any description.
- (D) Animals. Hunt, harm or remove from or release into the park any animals; fish, birds or reptiles without approval of the Director.
- (E) Fires. Start or sustain a fire, except for the combustion of charcoal in fire pits, grills, or other areas, as designated and approved for such use by the Director.
- (F) Interference With Persons or Activities. Unreasonably disturb or interfere with any person or party occupying any area or participating in any activity organized or authorized by the Director.
- (G) Vending, Advertising and Signage. Expose or offer for sale or hire any service or article, including food, beverages and confectionary articles; announce, advertise or call the public attention to any service or article for sale or hire; or paste, glue, tack or otherwise post any sign, placard or advertisement.
- (H) Vehicle Repair. Undertake mechanical repair or maintenance of any vehicle, including but not limited to, automobile oil changes or engine tune-ups, except in the case of any emergency where the vehicle is not operable.

SECTION 6 PARK OPERATIONS

- (A) Hours. Except for unusual and unforeseen emergencies, parks, retention basins, or washes shall be open to the public every day of the year during designated hours. The opening and closing hours for each park, retention basin, or wash shall be posted therein. It shall be unlawful for a person to remain in a park, retention basin, or wash or to enter a park, retention basin, or wash except during the designated hours, unless a permit is obtained pursuant to Paragraph (C) of this Section.

(B) Closed Areas. Any section or part of any park, retention basin, or wash may be declared closed to the public by the Director at any time and for any interval of time, either entirely or or merely to certain uses, as the Director shall find reasonably necessary. No person shall enter any closed area of a park, retention basin, or wash if such entry is prohibited, nor shall any person utilize any portion of a park, retention basin, or wash if such utilization is prohibited.

(C) Permit. A permit shall be obtained from the Director by any person desiring to remain in a park, retention basin, or wash or enter a park, retention basin, or wash other than during designated hours. A permit shall also be obtained from the Director by any person desiring to hold any organized event involving fifteen (15) or more persons for the purposes of civic, religious, cultural, sporting or educational activities. No permit shall be issued unless the applicant deposits with the Town a refundable damage deposit in an amount to be determined by the Town of Queen Creek Parks and Recreation Advisory Board.

Process. A person seeking issuance of a permit hereunder shall file a request with the Director no later than seventy-two (72) in advance of the event for which the permit is required. The request shall state:

- (a) The name and address of the applicant; and
- (b) The name and address of the person, persons, corporation, or association operating the activity, if any; and
- (c) The reason the permit is requested.