

ORDINANCE 675-18

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING ARTICLE 15-2 PUBLIC PARK REGULATIONS, SECTION 15-2-1 ADOPTION BY REFERENCE OF THE TOWN CODE CHAPTER 15, PARKS AND RECREATION.

WHEREAS, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; and

WHEREAS, the Town Council has determined that it is in the best interest of the residents of Queen Creek to make certain changes to the Town Code Chapter 15, as further set forth in Exhibit "A", which is attached hereto and incorporated herein by reference.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

- Section 1. The Queen Creek Town Code Chapter 15 Parks and Recreation is amended as set forth in Exhibit "A,"
- Section 2. If any section, subsection, clause, phrase or portion of this ordinance or any part of these amendments to Town Code Chapter 15, is for any reason held invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
- Section 3. Any person, firm, or corporation violating this ordinance or any part thereof, is subject to a civil penalty in the amount of \$250.00 to \$2000.00 per day and upon subsequent violations is guilty of a petty offense or class one misdemeanor.
- Section 4. At least one paper copy and one electronic copy of this ordinance and exhibits are to be filed in the office of the Town Clerk.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Queen Creek, Arizona, this 15th day of August 2018.

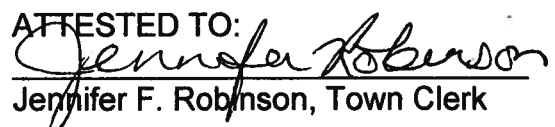
FOR THE TOWN OF QUEEN CREEK:


Gail Barney, Mayor

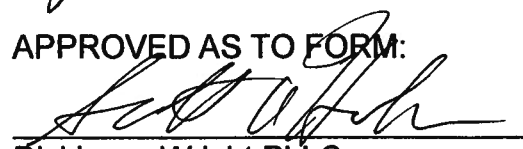
REVIEWED BY:


John Kross, Town Manager

ATTESTED TO:


Jennifer F. Robinson, Town Clerk

APPROVED AS TO FORM:


Dickinson Wright PLLC
Attorneys for the Town

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 the 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 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 or 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.

(G)FISHING. NO PERSON MAY FISH IN ANY BODY OF WATER WITHIN A PARK WITHOUT A VALID STATE FISHING LICENSE OR COMMUNITY FISHING LICENSE ISSUED BY THE ARIZONA GAME AND FISH DEPARTMENT. NO PERSON MAY EXCEED THE LEGAL BAG LIMIT AS DETERMINED BY THE FISHING REGULATIONS OF THE ARIZONA GAME AND FISH DEPARTMENT. THE TAKING OF ANY FISH FOR ANY PURPOSE FROM ANY BODY OF WATER WITHIN A PARK BY ANY MEANS OTHER THAN A POLE OR LINE IS PROHIBITED. FISHING IS PERMITTED ONLY IN BODIES OF WATER APPROVED FOR FISHING BY THE DIRECTOR AND IN ACCORDANCE WITH RULES PROMULGATED BY THE DIRECTOR.

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 **COMMITTEE**.

SECTION 5 PARK, RETENTION BASIN, OR 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, track 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 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 purpose 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 determined by the Town of Queen Creek Parks and Recreation Advisory Board **COMMITTEE**.

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 persons, corporation, or association operating the activity, if any; and
- (c) The reason the permit is requested.