

ORDINANCE 847-24

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE QUEEN CREEK TOWN CODE CHAPTER 9, OFFENSES, BY AMENDING ARTICLE 9-8, TOWN PROPERTY, PARKS, AND RECREATION; AMENDING ARTICLE 9-5, HEALTH AND SANITATION; AND AMENDING ARTICLE 9-21, PENALTIES; AND AMENDING CHAPTER 15, PARKS AND RECREATION, BY AMENDING ARTICLE 15-1, DEFINITIONS.

WHEREAS, the Town Council has determined that it is in the best interest of the Town, and important to the health, welfare, and safety of the Town and its residents, to update and amend Chapter 9, Offenses; and Chapter 15 Parks and Recreation, and provide necessary updates in the Town Code and the enforcement thereof; and

WHEREAS, A.R.S. § 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forth such provisions, providing that the adopting ordinance is published in full, but exhibits to the ordinance need not be published in full so long as certain requirements are fulfilled;

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

- Section 1. The attached Exhibit A is declared to be a public record and is adopted and incorporated herein by this reference.
- Section 2. The Queen Creek Town Code, Chapter 9, Offenses, including Article 9-5, Health and Sanitation; Article 9-8, Town Property, Parks, and Recreation; and Article 9-21, Penalties; are amended as set forth in Exhibit A hereto.
- Section 3. The Queen Creek Town Code, Chapter 15, Parks and Recreation, including Article 15-1, Definitions; are amended as set forth in Exhibit A hereto.
- Section 4. The amendments to the Queen Creek Town Code include the following penalties in the referenced Sections:

(Additions are shown by ALL-CAPS; deletions are shown by ~~double strikethrough~~)

Article 9-5 Health and Sanitation

9-5-8 CAMPING

D. CAMPING; VIOLATIONS; PENALTIES.

1. A VIOLATION OF THIS SECTION (9-5-8) IS A CLASS 3 MISDEMEANOR
2. THE COURT MAY IMPOSE RESTITUTION FOR ANY ECONOMIC LOSSES OR EXPENSES INCURRED TO REMOVE ALL LITTER, DEBRIS, GARBAGE, TRASH, AND ANY OTHER MATERIAL FROM THE SITE PLACED BY THAT PERSON WITHOUT THE CONSENT OF THE LAWFUL OWNER OF THE PROPERTY.

- E. CAMPING; VIOLATIONS; PUBLIC NUISANCE; NOTICE.
1. ANY CAMPSITE ESTABLISHED IN THE TOWN ON PRIVATE PROPERTY IN VIOLATION OF THIS SECTION (9-5-8) IS DECLARED TO BE A PUBLIC NUISANCE, AND UPON A DETERMINATION THAT SUCH A CAMPSITE CONSTITUTES AN IMMEDIATE THREAT TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS IN THE TOWN, INCLUDING PERSONS USING THE CAMPSITE, THE POLICE DEPARTMENT IS AUTHORIZED AND EMPOWERED TO REMOVE ANY SUCH CAMPSITE, INCLUDING CAMPING PARAPHERNALIA, PERSONAL PROPERTY, LITTER, DEBRIS, GARBAGE, TRASH, OR OTHER ASSOCIATED MATERIALS AND DISPOSE OF THE ITEMS IN ACCORDANCE WITH ARTICLE 4-4.
 2. IF PERSONS ARE OCCUPYING THE CAMPSITE AT THE TIME, THEN BEFORE REMOVING THE CAMPSITE, THE POLICE DEPARTMENT SHALL WARN THE PERSON OR PERSONS OCCUPYING THE CAMPSITE THAT THEY ARE IN VIOLATION OF THIS CHAPTER AND SHALL GIVE THEM A REASONABLE OPPORTUNITY TO REMOVE THE CAMPSITE INCLUDING ANY CAMPING PARAPHERNALIA, PERSONAL PROPERTY, LITTER, DEBRIS, GARBAGE, TRASH, OR OTHER ASSOCIATED MATERIALS.
 3. IF ANY PROPERTY OR MATERIALS USED FOR CAMPING ARE LEFT UNATTENDED, UNCLAIMED, OR ABANDONED ON TOWN PROPERTY, THE TOWN MAY REMOVE AND DISPOSE OF THE ITEMS IN ACCORDANCE WITH ARTICLE 4-4.

Article 9-8 ~~Parks and Recreation~~ TOWN PROPERTY, PARKS, AND RECREATION

9-8-5 Town Property

- A. Except as specifically authorized by the Town, it is unlawful for any person or organization in a Town Property to:

...

D= 4. Animals.

- a. ~~Hunt, harm, or remove~~ Remove from or release into any Town Property any animals, fish, birds, ~~or~~ reptiles, OR OTHER WILDLIFE EXCEPT AS AUTHORIZED BY SUBSECTION 9-8-3.G OR ~~without~~ prior ~~written approval of~~ AUTHORIZATION FROM the Town.
- b. FEED, TOUCH, HUNT, MOLEST, HARM, FRIGHTEN, KILL, TRAP, PURSUE, CHASE, TEASE, SHOOT OR THROW OBJECTS AT ANY ANIMALS, FISH, BIRDS, REPTILES, OR OTHER WILDLIFE (INCLUDING EGGS OR NESTS) EXCEPT AS AUTHORIZED BY SUBSECTION 9-8-3.G OR WITH PRIOR AUTHORIZATION FROM THE TOWN.

...

12. CAMPING. CAMP ON TOWN PROPERTY EXCEPT WHERE SPECIFICALLY AUTHORIZED BY THE TOWN.

...

- c. A VIOLATION OF THIS SUBSECTION (9-8-5.K) IS A CLASS 3 MISDEMEANOR.
- d. THE POLICE DEPARTMENT IS AUTHORIZED AND EMPOWERED TO REMOVE ANY SUCH CAMPSITE, INCLUDING CAMPING PARAPHERNALIA, PERSONAL PROPERTY, LITTER, DEBRIS, GARBAGE, TRASH, OR OTHER ASSOCIATED MATERIALS AND DISPOSE OF THE ITEMS IN ACCORDANCE WITH ARTICLE 4-4.
- e. IF PERSONS ARE OCCUPYING THE CAMPSITE AT THE TIME, THEN BEFORE REMOVING THE CAMPSITE, THE POLICE DEPARTMENT SHALL WARN THE PERSON OR PERSONS OCCUPYING THE CAMPSITE THAT THEY ARE IN VIOLATION OF THIS CHAPTER AND SHALL GIVE THEM A REASONABLE OPPORTUNITY TO REMOVE THE CAMPSITE INCLUDING ANY CAMPING PARAPHERNALIA, PERSONAL PROPERTY, LITTER, DEBRIS, GARBAGE, TRASH, OR OTHER ASSOCIATED MATERIALS.
- f. IF ANY PROPERTY OR MATERIALS USED FOR CAMPING ARE LEFT UNATTENDED, UNCLAIMED, OR ABANDONED ON TOWN PROPERTY, THE TOWN MAY REMOVE AND DISPOSE OF THE ITEMS IN ACCORDANCE WITH ARTICLE 4-4.
- g. THE COURT MAY IMPOSE RESTITUTION FOR ANY ECONOMIC LOSSES OR EXPENSES INCURRED TO REMOVE ALL LITTER, DEBRIS, GARBAGE, TRASH, AND ANY OTHER MATERIAL FROM THE CAMPSITE.

B. VIOLATION

- a. ANY VIOLATION OF THIS SECTION (9-8-5) AUTHORIZES THE TOWN OR AUTHORIZED ENFORCEMENT AGENT TO ORDER THE PERSON TO LEAVE THE PROPERTY. REFUSAL TO LEAVE THE PROPERTY OR A RETURN TO THE PROPERTY IN WHICH THE VIOLATION OCCURRED THE SAME DAY SUBSEQUENT TO AN ORAL OR WRITTEN ORDER UNDER THIS SECTION (9-8-5) IS A CLASS 3 MISDEMEANOR.
- b. VIOLATION OF SUBSECTION B, C, AND D.2 IS A CLASS 1 MISDEMEANOR.

9-8-6 ~~Park Operations;~~ TOWN PROPERTY; HOURS OF OPERATIONS; CLOSURES

It is unlawful for any person or organization to:

- A. Hours. ENTER OR remain in a Town Property ~~or to enter a Town Property except during designated~~ ANY hours IN WHICH THE TOWN PROPERTY IS CLOSED TO THE PUBLIC unless a permit is obtained from the Town. UNLESS OTHERWISE POSTED, ALL TOWN PROPERTY WILL BE OPEN BETWEEN 5:30 A.M. AND 10:00 P.M.
- B. Closed Areas. Enter or remain in any closed OR PROHIBITED area of a Town Property ~~if such entry is prohibited~~, or TO utilize any portion of a Town Property if such utilization is prohibited. Any SEGMENT ~~section~~ or part of any Town Property may be declared closed OR PROHIBITED to the public by THE TOWN OR AN ~~the~~ Authorized Enforcement Agent at any time, and for any interval of time, either entirely or ~~merely~~ to SPECIFIC ~~certain~~ uses as ~~the~~ Authorized Enforcement Agent ~~shall find~~ reasonably necessary.
- C. Violation of this Section (9-8-6) is a ~~Civil Offense~~ CLASS 3 MISDEMEANOR.

9-8-7 Penalty; ~~Ejection; Suspension; Seizure~~ ORDER TO LEAVE

- A. Penalty. Unless otherwise specified, a violation of this Article is a Civil Offense.
- B. ~~Ejection.~~ ORDER TO LEAVE
 - 1. Authorized Enforcement Agents MAY ORDER A ~~are authorized to eject from any Town Property~~ any person who violates any provision of this Article, PARK RULES AND REGULATIONS, the Town Code, or State Statute TO IMMEDIATELY LEAVE THE TOWN PROPERTY IN WHICH THE VIOLATION OCCURRED.
 - 2. ~~After the Authorized Enforcement Agent requests that a person leave a Town Property, it is unlawful for such person to remain or to return to the same Town Property.~~ NO PERSON MAY REMAIN IN OR ON A TOWN PROPERTY OR RETURN TO SUCH PROPERTY ON THE SAME DAY AFTER SUCH PERSON HAS BEEN ORDERED TO LEAVE THE PROPERTY.
 - 3. ~~It is a Class 1 Misdemeanor for a person to refuse to leave a Town Property after a lawful order to leave by an Authorized Enforcement Agent, or to return to the same Town Property in violation of the lawful order to leave.~~ VIOLATION OF THIS SUBSECTION (9-8-7.B) IS A CLASS 3 MISDEMEANOR.
- ~~C. Temporary Suspension. An Authorized Enforcement Agent may suspend a person's privilege to use all or portions of Town properties~~

Article 9-21 Penalties

9-21-2 Civil Offenses And Misdemeanors

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- E. A PERSON WHO HAS COMMITTED A CLASS 2 OR CLASS 3 MISDEMEANOR VIOLATION OF THIS CHAPTER AFTER HAVING

PREVIOUSLY BEEN CONVICTED FOR THE SAME VIOLATION
WITHIN A TWENTY-FOUR (24) MONTH PERIOD SHALL BE
CHARGED WITH A CLASS 1 MISDEMEANOR. IN APPLYING THE
TWENTY-FOUR (24) MONTH PROVISION, THE DATE OF THE
CONVICTION OF THE OFFENSE SHALL BE THE DETERMINING
FACTOR, IRRESPECTIVE OF THE SEQUENCE IN WHICH THE
OFFENSES WERE COMMITTED.

9-21-5 State Statute STATUTORY Penalties

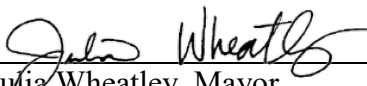
- A. Nothing in this Chapter~~9~~ or elsewhere in the Town Code regarding penalties shall be interpreted or applied to prevent imposing other or additional criminal penalties and/or relief as provided by State Statute.
- B. THIS CHAPTER DOES NOT SUPERSEDE OR SUPPLANT ANY OTHER CITY CODE OR STATE STATUTE AND DOES NOT PRECLUDE ENFORCEMENT OF SUCH.

Section 5. If any section, subsection, clause, phrase, or portion of this Ordinance or any part of these amendments to the Town Code 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 6. At least one paper copy and one electronic copy of this ordinance and exhibits are to be filed in and are located at the office of the Town Clerk.

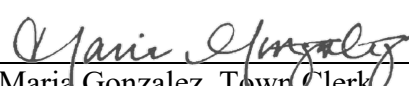
PASSED AND ADOPTED BY the Common Council of the Town of Queen Creek, Arizona, this 2nd day of October, 2024.

FOR THE TOWN OF QUEEN CREEK:



Julia Wheatley, Mayor

ATTESTED TO:



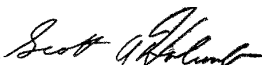
Maria Gonzalez, Town Clerk

REVIEWED BY:



Bruce R Gardner (Oct 3, 2024 13:36 PDT)
Bruce Gardner, Town Manager

APPROVED AS TO FORM:



Dickinson Wright, PLLC
Town Attorneys

EXHIBITS ON FILE AT THE TOWN CLERK'S OFFICE

ORDINANCE 847-24
Exhibit A

Deletions are shown in ~~Double Strikethrough~~
Additions are shown in ALL CAPITALS
Comments are shown in *Italics*

Queen Creek Town Code Chapter 9 Offenses

Article 9-5 Health and Sanitation

Article 9-5 remains unchanged except as set forth below.

9-5-8 CAMPING

A. DEFINITIONS

“CAMP” OR “CAMPING,” AS USED IN THIS ARTICLE, MEANS TO USE ANY REAL PROPERTY OR SPACE AS A TEMPORARY PLACE OF DWELLING, LODGING, RESIDENCE, OR LIVING ACCOMMODATION. INDICATIONS OF CAMPING MAY INCLUDE BUT ARE NOT LIMITED TO:

1. SLEEPING, PREPARING TO SLEEP, OR STORING PERSONAL BELONGINGS.
2. ENGAGING IN ACTIVITIES SUCH AS LAYING DOWN BEDDING, USING SLEEPING BAGS, OR SETTING UP ANY FORM OF SHELTER.
3. MAKING A PLACE HABITABLE BY CARRYING OUT ACTIVITIES SUCH AS MAKING A FIRE, COOKING, OR USING TENTS, TARPS, VEHICLES, OR OTHER STRUCTURES FOR SHELTER.
4. ESTABLISHING AN AREA WITH A SENSE OF PERMANENCE OR SEMI-PERMANENCE, SUCH AS SETTING UP A CAMP WITH MULTIPLE ITEMS INDICATING A STAY LONGER THAN TEMPORARY RESTING.
5. SUCH ACTIVITIES CONSTITUTE CAMPING WHEN IT REASONABLY APPEARS, UNDER THE CIRCUMSTANCES, THAT A PERSON IS USING THE AREA AS A LIVING ACCOMMODATION, NO MATTER HOW TEMPORARY. THIS APPLIES REGARDLESS OF THE INTENT OF THE PARTICIPANTS OR THE NATURE OF ANY OTHER ACTIVITIES THEY MAY ALSO BE ENGAGING IN.

B. CAMPING PROHIBITED, PRIVATE PROPERTY.

IN ADDITION TO PROHIBITIONS OUTLINED IN SUBSECTION 9-8-5.K AND 9-5-8.C, CAMPING IS PROHIBITED ON PRIVATE PROPERTY:

1. WHERE IT IS CONDUCTED IN SUCH A MANNER AS TO CONSTITUTE A NUISANCE BECAUSE OF NOISE, INADEQUATE SANITATION, OR OTHER MATTERS OFFENSIVE TO A REASONABLE PERSON.
2. WHERE THE CAMPING IS OF SUCH FREQUENCY, INTENSITY, OR DURATION AS TO CONSTITUTE A USE OF LAND PROHIBITED BY

ANY PROVISION OF THE TOWN'S ZONING ORDINANCE OR THIS CODE.

3. WHERE PROHIBITED UNDER ANY PROVISION OF THIS CODE CONCERNING THE USE OF A MOBILE HOME, A RECREATIONAL VEHICLE, A BUS, A HAULER, A CAMPING TRAILER, OR ANY OTHER CONVEYANCES.
4. WHERE, UNLESS AUTHORIZED BY THE TOWN, ANY FEE, CHARGE, OR OTHER MONETARY CONSIDERATION IS COLLECTED FOR THE PRIVILEGE OF CAMPING.
5. IN THE PARKING LOT OF ANY RELIGIOUS, EDUCATIONAL, HEALTHCARE, PARK, LODGING, RETAIL, INDUSTRIAL, OFFICE, BUSINESS, COMMERCIAL, OR OTHER SIMILAR ESTABLISHMENT, REGARDLESS OF THE PERMISSION OF THE OWNER, LESSEE, OCCUPANT, OR PERSON HAVING LEGAL CONTROL OF SUCH PROPERTY, UNLESS SUCH PROPERTY HAS BEEN SPECIFICALLY ZONED TO PERMIT CAMPING AND HAS APPROVED WATER AND WASTEWATER DISPOSAL FACILITIES AND OTHER UTILITIES FOR CAMPING PURPOSES.

C. CAMPING PROHIBITED, OTHER PUBLIC PROPERTY.

IN ADDITION TO PROHIBITIONS OUTLINED IN SUBSECTIONS 9-8-5.K AND 9-5-8.B, CAMPING IS PROHIBITED ON PUBLIC PROPERTY OWNED BY THE UNITED STATES GOVERNMENT, THE STATE OF ARIZONA, OR ANY POLITICAL SUBDIVISION THEREOF, WHERE THE UNITED STATES, THE STATE, OR ITS POLITICAL SUBDIVISIONS HAVE NOT PROVIDED FACILITIES FOR CAMPING OR HAVE ELECTED NOT TO PERMIT CAMPING.

D. CAMPING; VIOLATIONS; PENALTIES.

1. A VIOLATION OF THIS SECTION (9-5-8) IS A CLASS 3 MISDEMEANOR
2. THE COURT MAY IMPOSE RESTITUTION FOR ANY ECONOMIC LOSSES OR EXPENSES INCURRED TO REMOVE ALL LITTER, DEBRIS, GARBAGE, TRASH, AND ANY OTHER MATERIAL FROM THE SITE PLACED BY THAT PERSON WITHOUT THE CONSENT OF THE LAWFUL OWNER OF THE PROPERTY.

E. CAMPING; VIOLATIONS; PUBLIC NUISANCE; NOTICE.

1. ANY CAMPSITE ESTABLISHED IN THE TOWN ON PRIVATE PROPERTY IN VIOLATION OF THIS SECTION (9-5-8) IS DECLARED TO BE A PUBLIC NUISANCE, AND UPON A DETERMINATION THAT SUCH A CAMPSITE CONSTITUTES AN IMMEDIATE THREAT TO THE HEALTH, SAFETY, OR WELFARE OF PERSONS IN THE TOWN, INCLUDING PERSONS USING THE CAMPSITE, THE POLICE DEPARTMENT IS AUTHORIZED AND EMPOWERED TO REMOVE ANY SUCH CAMPSITE, INCLUDING CAMPING PARAPHERNALIA, PERSONAL PROPERTY, LITTER, DEBRIS, GARBAGE, TRASH, OR OTHER ASSOCIATED MATERIALS AND DISPOSE OF THE ITEMS IN ACCORDANCE WITH ARTICLE 4-4.
2. IF PERSONS ARE OCCUPYING THE CAMPSITE AT THE TIME, THEN BEFORE REMOVING THE CAMPSITE, THE POLICE DEPARTMENT SHALL

- WARN THE PERSON OR PERSONS OCCUPYING THE CAMPSITE THAT THEY ARE IN VIOLATION OF THIS CHAPTER AND SHALL GIVE THEM A REASONABLE OPPORTUNITY TO REMOVE THE CAMPSITE INCLUDING ANY CAMPING PARAPHERNALIA, PERSONAL PROPERTY, LITTER, DEBRIS, GARBAGE, TRASH, OR OTHER ASSOCIATED MATERIALS.
3. IF ANY PROPERTY OR MATERIALS USED FOR CAMPING ARE LEFT UNATTENDED, UNCLAIMED, OR ABANDONED ON TOWN PROPERTY, THE TOWN MAY REMOVE AND DISPOSE OF THE ITEMS IN ACCORDANCE WITH ARTICLE 4-4.

Article 9-8 ~~Parks and Recreation~~ TOWN PROPERTY, PARKS, AND RECREATION

Article 9-8 remains unchanged except as set forth below.

9-8-1 Definitions

In this Article, the terms, phrases, words, and their derivations shall have the meanings respectively ascribed to them in Chapter 15, Parks and Recreation, of the Town Code unless the context clearly indicates a different meaning. ~~In this Article "Town Property" includes all Parks, Retention Basins, Washes and Active Play Areas as defined in Chapter 15.~~

- A. "CAMP" OR "CAMPING," AS USED IN THIS ARTICLE, MEANS TO USE ANY REAL PROPERTY OR SPACE AS A TEMPORARY PLACE OF DWELLING, LODGING, RESIDENCE, OR LIVING ACCOMMODATION. INDICATIONS OF CAMPING MAY INCLUDE BUT ARE NOT LIMITED TO:
1. SLEEPING, PREPARING TO SLEEP, OR STORING PERSONAL BELONGINGS.
 2. ENGAGING IN ACTIVITIES SUCH AS LAYING DOWN BEDDING, USING SLEEPING BAGS, OR SETTING UP ANY FORM OF SHELTER.
 3. MAKING A PLACE HABITABLE BY CARRYING OUT ACTIVITIES SUCH AS MAKING A FIRE, COOKING, OR USING TENTS, TARPS, VEHICLES, OR OTHER STRUCTURES FOR SHELTER.
 4. ESTABLISHING AN AREA WITH A SENSE OF PERMANENCE OR SEMI-PERMANENCE, SUCH AS SETTING UP A CAMP WITH MULTIPLE ITEMS INDICATING A STAY LONGER THAN TEMPORARY RESTING.
 5. SUCH ACTIVITIES CONSTITUTE CAMPING WHEN IT IS APPARENT, TO A REASONABLE PERSON, THAT A PERSON IS USING THE AREA AS A LIVING ACCOMMODATION, NO MATTER HOW TEMPORARY. THIS APPLIES REGARDLESS OF THE INTENT OF THE PARTICIPANTS OR THE NATURE OF ANY OTHER ACTIVITIES THEY MAY ALSO BE ENGAGING IN.
- B. "TOWN PROPERTY," AS USED IN THIS ARTICLE, MEANS THAT PORTION OF ANY PROPERTY, FACILITY, STRUCTURE, STREET, ALLEY, PATH, LANE, MULTIUSE TRAIL, SIDEWALK, FACILITY, PARK, RETENTION BASIN, WASH, ACTIVE PLAY AREA, IMPROVEMENT, OR OTHER AREA AS DEFINED IN

CHAPTER 15, THAT IS OWNED, LEASED, OPERATED, MAINTAINED, OR MANAGED BY THE TOWN, OR IS OTHERWISE OPEN TO THE TOWN FOR PROVIDING TOWN SERVICES.

9-8-3 Recreational Activities

It is unlawful for any person or organization in a Town Property to:

- A. ~~Bathing and Swimming.~~ Swim, bathe, or wade in any fountain, pond, lake, stream, ~~waters~~ or waterways in or ON ~~adjacent to any~~ Town Property except in such ~~waters and at such times and places as are provided therefor and in compliance with such regulations as are herein set forth or may be hereafter adopted by the Town.~~ 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 an Authorized Enforcement Agent upon a finding that such use of the water would be dangerous or otherwise inadvisable.~~ AREAS OR FACILITIES DESIGNATED AND AUTHORIZED BY THE TOWN.

9-8-5 Town Property

- A. Except as specifically authorized by the Town, it is unlawful for any person or organization in a Town Property to:
- ~~A=~~ 1. Glass containers. Have in their possession or custody a glass container of any kind or description.
 - ~~B=~~ 2. Disfiguration or Removal of Town Property Improvements. Deface, disfigure, injure, tamper with, displace, or remove any turf grass, 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, restroom fixtures, or any other equipment, facility, property, structure, or improvement of any kind whatsoever in Town Properties.
 - ~~C=~~ 3. Disfiguration or Removal of Town Property 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=~~ 4. Animals.
 - a. ~~Hunt, harm, or~~ Remove from or release into any Town Property any animals, fish, birds, ~~or~~ reptiles, OR OTHER WILDLIFE EXCEPT AS AUTHORIZED BY SUBSECTION 9-8-3.G OR without prior ~~written approval of~~ AUTHORIZATION FROM the Town.
 - b. FEED, TOUCH, HUNT, MOLEST, HARM, FRIGHTEN, KILL, TRAP, PURSUE, CHASE, TEASE, SHOOT OR THROW OBJECTS AT ANY ANIMALS, FISH, BIRDS, REPTILES, OR OTHER WILDLIFE (INCLUDING EGGS OR NESTS) EXCEPT AS AUTHORIZED BY SUBSECTION 9-8-3.G OR WITH PRIOR AUTHORIZATION FROM THE TOWN.
 - ~~E=~~ 5. Fires. Start or sustain a fire, except in fire pits, grills, or other areas, as designated and approved for such use by the Town.

- ~~6.~~ 6. 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 Town.
- ~~7.~~ 7. 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.
- ~~9.~~ 9. 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.
- ~~10.~~ 10. Parking. Park any vehicle in any area not specifically designated for parking or in violation of Article 9-7 of the Town Code.
- ~~11.~~ 11. Regulations. Violate the Town of Queen Creek Public Park Regulations adopted pursuant to Article 15-2 of the Town Code.

12. CAMPING. CAMP ON TOWN PROPERTY EXCEPT WHERE SPECIFICALLY AUTHORIZED BY THE TOWN.

- a. NOTHING IN THIS SUBSECTION SHALL BE INTERPRETED TO PROHIBIT CAMPING OR OVERNIGHT PARKING SPONSORED OR APPROVED BY THE TOWN.
- b. THIS SUBSECTION DOES NOT APPLY TO TEMPORARY STRUCTURES SET UP BY A GOVERNMENTAL AGENCY OR RELIEF WORKERS DURING A DISASTER OR EMERGENCY.
- c. A VIOLATION OF THIS SUBSECTION (9-8-5.K) IS A CLASS 3 MISDEMEANOR.
- d. THE POLICE DEPARTMENT IS AUTHORIZED AND EMPOWERED TO REMOVE ANY SUCH CAMPSITE, INCLUDING CAMPING PARAPHERNALIA, PERSONAL PROPERTY, LITTER, DEBRIS, GARBAGE, TRASH, OR OTHER ASSOCIATED MATERIALS AND DISPOSE OF THE ITEMS IN ACCORDANCE WITH ARTICLE 4-4.
- e. IF PERSONS ARE OCCUPYING THE CAMPSITE AT THE TIME, THEN BEFORE REMOVING THE CAMPSITE, THE POLICE DEPARTMENT SHALL WARN THE PERSON OR PERSONS OCCUPYING THE CAMPSITE THAT THEY ARE IN VIOLATION OF THIS CHAPTER AND SHALL GIVE THEM A REASONABLE OPPORTUNITY TO REMOVE THE CAMPSITE INCLUDING ANY CAMPING PARAPHERNALIA, PERSONAL PROPERTY, LITTER, DEBRIS, GARBAGE, TRASH, OR OTHER ASSOCIATED MATERIALS.
- f. IF ANY PROPERTY OR MATERIALS USED FOR CAMPING ARE LEFT UNATTENDED, UNCLAIMED, OR ABANDONED ON TOWN PROPERTY, THE TOWN MAY REMOVE AND DISPOSE OF THE ITEMS IN ACCORDANCE WITH ARTICLE 4-4.
- g. THE COURT MAY IMPOSE RESTITUTION FOR ANY ECONOMIC LOSSES OR EXPENSES INCURRED TO REMOVE ALL LITTER, DEBRIS, GARBAGE, TRASH, AND ANY OTHER MATERIAL FROM THE CAMPSITE.

C. VIOLATION.

1. ANY VIOLATION OF THIS SECTION (9-8-5) AUTHORIZES THE TOWN OR AUTHORIZED ENFORCEMENT AGENT TO ORDER THE PERSON TO LEAVE THE PROPERTY. REFUSAL TO LEAVE THE PROPERTY OR A RETURN TO THE PROPERTY IN WHICH THE VIOLATION OCCURRED THE SAME DAY SUBSEQUENT TO AN ORAL OR WRITTEN ORDER UNDER THIS SECTION (9-8-5) IS A CLASS 3 MISDEMEANOR.
2. VIOLATION OF SUBSECTION B, C, AND D.2 IS A CLASS 1 MISDEMEANOR.

9-8-6 ~~Park Operations;~~ TOWN PROPERTY; HOURS OF OPERATIONS; CLOSURES

A. It is unlawful for any person or organization to:

- ~~A.~~ 1. Hours. ENTER OR remain in a Town Property ~~or to enter a Town Property except during designated~~ ANY hours IN WHICH THE TOWN PROPERTY IS CLOSED TO THE PUBLIC unless a permit is obtained from the Town. UNLESS OTHERWISE POSTED, ALL TOWN PROPERTY WILL BE OPEN BETWEEN 5:30 A.M. AND 10:00 P.M.
- ~~B.~~ 2. Closed Areas. Enter or remain in any closed OR PROHIBITED area of a Town Property ~~if such entry is prohibited~~, or TO utilize any portion of a Town Property if such utilization is prohibited. Any SEGMENT ~~section~~ or part of any Town Property may be declared closed OR PROHIBITED to the public by THE TOWN OR AN ~~the~~ Authorized Enforcement Agent at any time, and for any interval of time, either entirely or ~~merely~~ to SPECIFIC ~~certain~~ uses as ~~the Authorized Enforcement Agent shall find~~ reasonably necessary.

B. Violation of this Section (9-8-6) is a ~~Civil Offense~~ CLASS 3 MISDEMEANOR.

9-8-7 Penalty; ~~Ejection; Suspension; Seizure~~ ORDER TO LEAVE

A. Penalty. Unless otherwise specified, a violation of this Article is a Civil Offense.

B. ~~Ejection.~~ ORDER TO LEAVE

1. Authorized Enforcement Agents MAY ORDER A ~~are authorized to eject from any Town Property any~~ person who violates any provision of this Article, PARK RULES AND REGULATIONS, the Town Code, or State Statute TO IMMEDIATELY LEAVE THE TOWN PROPERTY IN WHICH THE VIOLATION OCCURRED.
2. ~~After the Authorized Enforcement Agent requests that a person leave a Town Property, it is unlawful for such person to remain or to return to the same Town Property.~~ NO PERSON MAY REMAIN IN OR ON A TOWN PROPERTY OR RETURN TO SUCH PROPERTY ON THE SAME DAY AFTER SUCH PERSON HAS BEEN ORDERED TO LEAVE THE PROPERTY.
3. ~~It is a Class 1 Misdemeanor for a person to refuse to leave a Town Property after a lawful order to leave by an Authorized Enforcement Agent, or to return to the same Town Property in violation of the lawful order to leave.~~ VIOLATION OF THIS SUBSECTION (9-8-7.B) IS A CLASS 3 MISDEMEANOR.

~~C. Temporary Suspension. An Authorized Enforcement Agent may suspend a person's privilege to use all or portions of Town properties~~

Article 9-21 Penalties

Article 9-21 remains unchanged except as set forth below.

9-21-2 Civil Offenses And Misdemeanors

- ...
- E. A PERSON WHO HAS COMMITTED A CLASS 2 OR CLASS 3 MISDEMEANOR VIOLATION OF THIS CHAPTER AFTER HAVING PREVIOUSLY BEEN CONVICTED FOR THE SAME VIOLATION WITHIN A TWENTY-FOUR (24) MONTH PERIOD SHALL BE CHARGED WITH A CLASS 1 MISDEMEANOR. IN APPLYING THE TWENTY-FOUR (24) MONTH PROVISION, THE DATE OF THE CONVICTION OF THE OFFENSE SHALL BE THE DETERMINING FACTOR, IRRESPECTIVE OF THE SEQUENCE IN WHICH THE OFFENSES WERE COMMITTED.

9-21-5 State ~~Statue~~ STATUTORY Penalties

- A. Nothing in this Chapter~~9~~ or elsewhere in the Town Code regarding penalties shall be interpreted or applied to prevent imposing other or additional criminal penalties and/or relief as provided by State Statute.
- B. THIS CHAPTER DOES NOT SUPERSEDE OR SUPPLANT ANY OTHER CITY CODE OR STATE STATUTE AND DOES NOT PRECLUDE ENFORCEMENT OF SUCH.

Queen Creek Town Code Chapter 15 Parks and Recreation

Article 15-1 Definitions

Article 15-1 remains unchanged except as set forth below.

~~"Town Property or Town Properties" includes all Active Play Areas, Parks, Retention Basins, and Washes.~~

"TOWN PROPERTY," AS USED IN THIS ARTICLE, MEANS THAT PORTION OF ANY PROPERTY, FACILITY, STRUCTURE, STREET, ALLEY, PATH, LANE, MULTIUSE TRAIL, SIDEWALK, FACILITY, PARK, RETENTION BASIN, WASH, ACTIVE PLAY AREA, IMPROVEMENT, OR OTHER AREA AS DEFINED IN CHAPTER 15, THAT IS OWNED, LEASED, OPERATED, MAINTAINED, OR MANAGED BY THE TOWN, OR IS OTHERWISE OPEN TO THE TOWN FOR PROVIDING TOWN SERVICES.

Item 8H Ordinance 847-24

Final Audit Report

2024-10-03

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