ORDINANCE NO. 2010-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 18 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 18-61 PERTAINING TO PARKS; DEFINITIONS; AMENDING SECTION 18-62 PERTAINING TO PARKS; REGULATED ACTIVITIES, VIOLATIONS; AMENDING SECTION 18-65 PERTAINING TO PARKS, ALCOHOLIC BEVERAGES; AMENDING SECTION 18-67 PERTAINING TO MISCELLANEOUS RULES OF CONDUCT; VIOLATIONS; AMENDING SECTION 18-68 PERTAINING TO PARKS, ADVERTISING, ASSEMBLAGE, ENTERTAINMENT; AMENDING SECTION 18-69 PERTAINING TO PARKS, PROHIBITED CONDUCT, VIOLATIONS; AMENDING SECTION 18-71 PERTAINING TO PARKS, SOUND AMPLIFICATION SYSTEMS, REQUIREMENTS; AMENDING SECTION 18-72 PERTAINING TO PARKS, PERMITS; REPEALING IN ITS ENTIRETY SECTION 18-73 PERTAINING TO PARKS, BEER PERMITS; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Section 18-61 of the Peoria City Code (1992) pertaining to Parks; definitions shall be amended to read as follows:

Sec. 18-61. Parks; definitions.

The following terms shall have the following meaning:

(a) Animals--includes cats, dogs, horses, any fowl or birds and any living creatures within the jurisdiction of the park and recreation area.

(b) City Manager--means the City Manager or the Community Services Director and such other persons as they may designate.

(c) Crossing--any crossing whether marked by a pavement or otherwise; the extension to any sidewalk space across any intersecting drive, street, highway.

(d) Curb--any boundary of any street, road, avenue, boulevard, or drive, whether or not marked by a curb.

(e) Director means the Director of the Community Services Department, or his or her designee.

(f) Dog friendly area means a designated area in a park and recreation area which is enclosed were dogs need not be restrained by a leash. Commonly referred to as a dog park.

~~(f)~~ (g) Food means any items intended for human consumption as defined by rules and regulations adopted by the Department of Revenue, State of Arizona, pursuant to A.R.S. section 42-5106.

~~(g)~~ (h) In-line skates means a shoe or boot that have attached to their soles a row of wheels which are used for gliding with alternate movement of the legs on a surface other than ice. Commonly referred to as rollerblades.

~~(h)~~ (i) Park and Recreation Area, means any neighborhood park, community park, regional park, public open space, multi-use trail, mountain hiking trail or swimming pool or aquatics facility whether enclosed or open in which the City of Peoria, Arizona has an interest in property and which is open to the public for either active or passive recreation.

~~(i)~~ (j) Park attendant--any person employed by the City to perform duties or tasks within the park and recreation areas, including but not limited to Park Rangers.

~~(j)~~ (k) Path--any footpath, walk, or any path maintained for pedestrians.

~~(k)~~ (l) Pedestrian--means a person afoot.

~~(l)~~ (m) Permit--any written license issued by or under the authority of the Community Services Department or other approving governing agency pursuant to Section 18-72 permitting a special event or activity on park and recreation area facilities.

~~(m)~~ (n)Person--any natural person, corporation, company, association, joint stock association, firm or co-partnership. "Person" is not limited to City of Peoria residents unless specified otherwise in this Code.

~~(n)~~ (o) Stopping or standing--when prohibited means any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrians or other vehicles.

~~(o)~~ (p) Vehicle--any conveyance (except baby carriages) including motor vehicles, trailers of all types, campers, tricycles, bicycles, motorized or not, sleds, sleighs,

pushcarts, or vehicles propelled by other than muscular power. A "pushcart" means any device which is on wheels, is propelled solely by human power and is specifically designed for the sale of or for storage and preservation of food or goods for a short time. A "vehicle" also includes any horse or horse-drawn conveyance.
(Ord. No. 04-213, 12/14/2004, repealing and enacting) SUPP 2004-4
(Ord. No. 05-59, 11/01/2005, amending) SUPP 2005-04

SECTION 2. Section 18-62 of the Peoria City Code (1992) pertaining to Parks; regulated activities; violations shall be amended to read as follows:

Sec. 18-62. Parks; regulated activities; violations.

(a) The following activities, designated as "regulated activities" for purposes of this Section, are permitted in a park and recreation area only as allowed by Subsection (b) of this Section:

(1) Swimming, bathing, wading, fishing.

(2) Model airplane flying, rocket launching, or model boat sailing.

(3) Boating on ponds--without motors.

(4) Baseball.

(5) Archery.

(6) Horseshoe pitching.

(7) Tennis.

(8) Picnicking.

(9) Football and track.

(10) Basketball.

(11) Soccer.

(12) Bicycle riding.

(13) Throwing or propelling any objects.

(14) Sale of food, beverages, or merchandise.

(15) Special equipment (*i.e. inflatables*, dunk tanks, etc.)

(16) Practice golfing.

(b) Regulated activities only may occur in a park and recreation area in one of the following two circumstances:

(1) Signage is posted in the park and recreation area indicating that the regulated activity is allowed in designated areas.

(2) The regulated activity is conducted pursuant to a permit.

(c) It is presumed that unless a permit has been issued for a regulated activity or signage is posted indicating that such an activity is permitted that the activity is prohibited in a park and recreation area.

(d) In addition to the other requirements of this Section, it shall be a violation of this Section if a person engages in a regulated activity in any of the following circumstances:

(1) The *area has signage* posted prohibiting the regulated activity.

(2) No signage is posted indicating that the regulated activity is allowed and no permit has been issued for the activity.

(3) The regulated activity occurs outside of the area designated in a permit or by posted signage.

(e) Violation of this section shall be deemed to be a civil infraction and shall be punished by imposition of a civil sanction not to exceed two hundred and fifty dollars ($250.00) in accordance with Chapter 15 of this Code.
(Code 1977, § 5-1-22)
(Ord. No. 04-213, 12/14/2004, repealing and enacting) SUPP 2004-4
(Ord. No. 05-59, 11/01/2005, amended) SUPP 2005-04

Sec. 18-63. Parks; Hours of Operation. Access Restricted; Violations

(a) It shall be a violation of this chapter for any person other than a peace officer or designated park ranger to be in any park and recreation area during the hours the park and recreation area is closed. The City Manager or his designee may establish

hours for each park and recreation area which shall be posted at all parks and recreation areas. Unless otherwise established by the City Manager or his designee, Parks shall be closed from 10:30 p.m. to 6:00 a.m., multi-use trails shall be closed from 10:30 p.m. until sunrise and mountain hiking trails shall be closed from sunset until sunrise. The City Manager, Director or their designee may extend the hours of operation of any park and recreation area for such events as they determine to be appropriate.

(b) The Public Works Director and City Engineer are authorized to post appropriate signage, set appropriate speed limits and install appropriate devices to restrict access into parks and recreation areas during closing hours.

(c) The City Manager or his designee may direct that a park and recreation area be closed or a temporary period where a situation exists that the public health and safety require that the premises be closed. A copy of the closure order shall be posted at the entrance to the Park and recreation area.

(d) Violation of this section, other than subsection (c) shall be deemed to be a civil infraction and shall be punished by imposition of a civil sanction not to exceed two hundred and fifty dollars ($250.00) in accordance with Chapter 15 of this Code.

(e) Violations of Subsection (c) of this section shall be a class one (1) misdemeanor punishable by a minimum fine of not less than two hundred and fifty dollars ($250.00). Upon conviction, the Municipal Court shall order restitution to be paid by the violator to the City for all costs arising from the violation and the enforcement of this section. Restitution shall be actual cost, but in no event less than One Hundred ($100.00) Dollars.
(Code 1977, § 5-1-22)
(Ord. No. 04-213, 12/14/2004, repealing and enacting) SUPP 2004-4

Sec. 18-64. Parks; vehicles; peace officer authority; violations

(a) It shall be unlawful for any person in a public park or and recreation area to:

(1) Drive any vehicle on any area except the designated park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas or to exceed the speed limit posted in any park and recreation area.

(2) Park a vehicle anywhere except on a designated parking area or to Park a vehicle in any space not designated for such a purpose. The Public Works Director or Community Services Director are authorized to designate spaces in parks or and recreation areas for specific purposes and to post appropriate signage.

(3) Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed.

(4) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.

(5) Operate a bicycle without reasonable regard to the safety of others.

(6) Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip over or be injured by them.

(7) Wash any vehicle in the park and recreation area, without a permit granted for such purpose.

(8) Use the parks and recreation areas, park and recreation area drives, parking places, or parkways for the purpose of demonstrating any vehicles, or for the purpose of instructing another to drive or operate any vehicle.

(9) Engage in any repair or maintenance of any kind to any motor vehicle, except to the extent that emergency repairs are necessary to permit immediate removal of the vehicle from the parking area.

(10) Engage in the washing, waxing, detailing or cleaning of any motor vehicle.

(11) Cause or permit a vehicle in tow of another vehicle to enter ~~the~~ a parks and recreation area or proceed therein, except that in case of a breakdown a disabled vehicle may be towed to the nearest exist; or operate or drive a vehicle containing any person or object projecting or hanging outside of or beyond the side or the rear thereof.

(b) In addition to Park Rangers, a Peace Officer, Police Assistant or an, Unarmed Traffic Investigator may issue citations for violations of this chapter Alternatively, for those offenses deemed to be a misdemeanor under this chapter; a complaint may be filed in accordance with the Arizona Rules of Criminal Procedure.

(c) Violation of this section shall be deemed to be a civil infraction and shall be punished by imposition of a civil sanction not to exceed two hundred and fifty dollars ($250.00) in accordance with Chapter 15 of this Code.
(Code 1977, § 5-1-22(B))
(Ord. No. 04-213, 12/14/2004, repealing and enacting) SUPP 2004-4

SECTION 3. Section 18-65 of the Peoria City Code (1992) pertaining to Parks; alcoholic beverages shall be amended to read as follows:

Sec. 18-65. Parks; alcoholic beverages; *beer permits*

(a) It shall be unlawful for any person in a park and recreation area to:

(1) Consume alcoholic beverages other than beer.

(2) Consume beer outside of a ramada or concession area~~, or other designated area~~.

(3) If the person is a member of a group of five or more individuals who are 21 years of age or older, to consume beer without a Beer Permit for the group.

(4) Possess or control any keg, vat, pump or item designed to serve alcoholic beverages to persons for consumption without a permit. For purposes of this code, a person serving alcoholic beverages from such keg, vat, pump or item shall be presumed to be in possession and control.

(5) Serve alcoholic beverages to members of the public other than those invited to the event for which the permit is issued or to permit persons to possess and consume alcoholic beverages outside designated areas provided in the permit, or to permit persons under the age of 21 years to possess and consume alcoholic

(6) Fail to present a valid identification upon request of a duly designated park ranger or peace officer and/or presentation of a false or altered ID to a duly designated park ranger or peace officer for the purpose of determining whether an individual who is possessing or consuming alcoholic beverages is under the age of 21 years.

(7) Fail to ensure that only beer and no other alcoholic beverages are consumed by any group that is subject to a Beer Permit.

(8) Bring beer or other alcoholic beverages inside the Rio Vista Park softball complex or multipurpose fields.

(b) For purpose of this Section the following definitions shall apply:

(1) "Alcoholic Beverage" means alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or *preparation*, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one per cent of alcohol by volume. This definition is intended to be synonymous with the term "spirituous liquor" as used in State law.

(2) "Beer" means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops or other ingredients not drinkable, or any combination of them.

(c) Violations of this Section shall be a class one (1) misdemeanor punishable by a minimum fine of not less than Two Hundred and Fifty Dollars ($250.00). Upon conviction, the Municipal Court shall order restitution to be paid by the violator to the City for the cost of cleanup resulting from the violation and the enforcement of this section. Restitution shall be actual cost, but in no event less than One Hundred ($100.00) Dollars.
(Code 1977, § 5-1-22(C))
(Ord. No. 04-213, 12/14/2004, repealing and enacting) SUPP 2004-4
(Ord. No. 05-59, 11/01/2005, amended) SUPP 2005-04

Sec. 18-66. Parks; general rules of conduct; violations.

(a) It shall be unlawful for any person in a public park ~~or~~ <u>and</u> recreation area to:

(1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public *utilities or parts* or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six (6) years of age shall use the restrooms and washrooms designated for the opposite sex.

(3) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

(4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, *or run or string* any public service utility into, upon, or across such lands, except on special written permit issued by the Community Services Department and approved by the Director of Engineering.

(5) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.

(6) Climb any tree or walk; climb, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.

(7) Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure.

(8) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park and recreation area or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(9) Take into, carry through, or put into any park and recreation area, any rubbish, refuse, garbage or other material. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste *shall be carried* away from the park and recreation area by the person responsible for its presence, and properly disposed of elsewhere.

(10) Cause or permit to run at large any animal.

(11) Tie or hitch an animal to any tree or plant.

(12) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or

have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

(13) Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight.

(14) Walk a dog ~~or a cat~~ without a leash except in a designated dog friendly area, said leash to be no longer than six feet. Further, the owner or person having custody of said dog ~~or cat~~ shall be responsible for removal of any animal solid waste from the park and recreation area.

(15) Fail to immediately remove from a dog friendly area any dog displaying aggressive behavior towards a person or another animal or for the owner or person having custody of a dog not to be in attendance of their dog while said dog is in a dog friendly area.

(16) Fail to comply with any posted rule or regulation which has been established by the Community Services Department to regulate the use of any dog friendly area.

~~(15)~~ (17) Walk any other domestic animal other than a dog ~~or cat~~ without a leash, said leash to be no longer than six feet. Further, the owner or person having custody of said domestic animal shall be responsible for removal of any animal solid waste from the park and recreation area.

~~(16)~~ (18) Bring into a park and recreation area or ride a horse except on designated bridle and multi-use trails; horses shall be thoroughly broken and properly restrained, and ridden with due care.

~~(17)~~ (19) No person shall permit his or her horse, donkey or mule to be unattended or to graze in a park and recreation area.

~~(18)~~ (20) No person shall hitch his or her horse, donkey or mule to any rock, vegetation, fence or other improvement in a city park and recreation area, except for such improvements as are intended to be used for such purpose.

~~(19)~~ (21) Use a sound amplification system in any park and recreation area, except as provided by this Chapter.

(b) Violation of this section shall be deemed to be a civil infraction and shall be

punished by imposition of a civil sanction not to exceed two hundred and fifty dollars ($250.00) in accordance with Chapter 15 of this Code.
State law reference(s) -- Littering, A.R.S. § 13-1603.
Cross reference(s) -- Solid wastes, Ch. 22.
(Code 1977, § 5-1-22(D))
(Ord. No. 04-213, 12/14/2004, repealing and enacting) SUPP 2004-4

SECTION 4. Section 18-67 of the Peoria City Code (1992) pertaining to Parks; miscellaneous rules of conduct; violations shall be amended to read as follows:

Sec. 18-67. Parks; miscellaneous rules of conduct; violations.

(a) It shall be unlawful for any person in a park and recreation area to:

(1) Camp or stay overnight anywhere except in areas designated for camping or staying overnight in vehicles or trailers. For the purposes of this section to camp means to sleep at any time between the hours of sunset to sunrise with or without bedding, tent, hammock or other similar protection or equipment or on, in or under any structure not intended for human occupancy or any parked vehicle.

(2) Take part in the playing of any games involving thrown or otherwise propelled objects except in those areas designated for such forms of recreation.

(3) Play football, baseball, basketball, soccer or lacrosse, except in areas designated for such games.

(4) Use roller skates, skateboards, in line skates, street skates, roller blades, motorized play vehicles, non-motorized scooters, and bicycles except in those areas specifically designated for such uses.

(5) Engage in threatening, abusive, insulting or indecent language likely to provoke immediate retaliation by any person present or engage in any unwanted physical contact or disorderly conduct or behavior tending to breach or interfere with the public peace; safety, or orderly administration of a park and recreation area. This prohibition shall include any acts of intimidation that are intended to hinder, prevent, or attempt to hinder or prevent any person from using a park and recreation area. Nothing in this paragraph of this section shall prohibit a Peace Officer from citing or arresting a person for a violation of A.R.S. §13-2904.

(6) Fail to produce and exhibit any permit ~~he~~ a person claims to have, upon request of any Peace Officer, police assistant, unarmed traffic investigator, park ranger or Community Services Director or designee who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(7) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(8) Erect any tent, stand, canopy, or other structure in any park or playground, or sell or give away from any such tent, stand, canopy, or other structure any food, drink or other thing, without a permit. These prohibitions are subject to two exceptions:

a. A person may set up a table in a free speech area designated by the Community Services Director.

b. A person may set up a portable shade canopy if the following requirements are met:

i. Shade canopies are limited to spectator viewing areas immediately surrounding sports fields, courts and skate parks for the purpose of providing temporary shade for spectators and participants when such areas have been reserved for use through the Community Services Department or when such areas are being used as part of a City-sponsored event.

ii. Shade canopies must be weighted down so that they cannot be moved or overturned by the wind. Staking of canopies is not allowed, so weighting must be accomplished by sand bags or similar effective means.

iii. Shade canopies shall not block entrances or exits, aisles, sidewalks, parking areas, or any portion thereof.

iv. Shade canopies only may be used in the areas and for the purpose described in Subsection ~~a~~ b and may not be used by groups for picnics or other activities.

(9) Fail to vacate any ramada upon request of a Park Ranger or Peace Officer where such ramada has been reserved for use by another person. Presentation of a reservation permit shall constitute presumption of registration of use of the ramada.

(10) Enter any area posted as "closed to the public" or without invitation *enter or disrupt* any area, including a ramada or a playing field, that has been reserved for use by another person.

(11) Obstruct, impede, or create a hazard for vehicles or pedestrians that are using roads, parking areas, sidewalks, or other driving or walking areas, including access to and from parking lots, buildings, and other facilities that are part of a park and recreation area.

a. Violation of this section shall be deemed to be a civil infraction and shall be punished by imposition of a civil sanction not to exceed two hundred and fifty dollars ($250.00) in accordance with Chapter 15 of this Code.

b. It shall be unlawful to knowingly obstruct, interfere, impair, hinder with any park ranger or city employee in the performance of such person's official duties in a park and recreation area. ~~by threatening to or using violence or physical force~~. Violation of this subsection is a class one (1) misdemeanor.

SECTION 5. Section 18-68 of the Peoria City Code (1992) pertaining to Parks; advertising, assemblage, entertainment shall be amended to read as follows:

Sec. 18-68. Parks; advertising, assemblages, entertainment, sales, free speech and non-public forum areas.

(a) No person shall post, paint, affix, distribute, deliver, place, cast or leave about, any sign, poster, billboard, placard, ticket, handbill, circular, advertisement, or notice of any kind in a park and recreation area except as provided in this section.

(1) A person may hand printed materials, *including* flyers, directly to another person who willingly accepts them.

(2) A person may place printed materials, including flyers, on vehicles temporarily parked at a park and recreation area if the person is the owner of the vehicle or first has secured in writing the consent of the vehicle owner. The burden shall be on the person to provide evidence of consent.

(3) Any person who posts, paints, affixes, distributes, delivers, places, casts, or *leaves about any* sign, poster, billboard, placard, ticket, handbill, circular, advertisement, or notice of any kind in a park and recreation area, regardless of whether such action is done in violation or compliance with this Section, shall be liable to reimburse the City for any verified costs incurred by the City associated with the removal of any litter created by such action.

(b) No person in a park and recreation area shall do any of the following without a permit, provided that no permit shall be required for any action or event sponsored by the City.

(1) Display any advertising signs or other advertising matter, provided that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxi or bus, is not prohibited.

(2) Operate for advertising purposes any musical instrument, soundtrack or drum.

(3) Attach any other materials, signs or other objects to any area or facility. The only exception is the tethering of a piñata with the reservation *of a ramada.*

(4) Hold public assemblages. A public assemblage is an organized activity where individuals are invited to attend and participate in organized activities using the facilities of the park and recreation area. All activities where more than 25 persons are participating are presumed to be public assemblages.

(5) Conduct exhibitions, festivals or events advertised and open to members of the general public.

(6) Offer for sale any article in any park or recreation area, without obtaining a City business or sales tax license and permit from the Community Services Department as a concessionaire and pay all required fees.

a. "Offer for sale" shall mean the selling, vending, peddling or transfer of possession of an item for a price, something of value, or minimum stated donation. "Offer for sale" includes offering goods

or services by sample or taking orders for future delivery, with or without accepting advance payment for the goods or services.

b. The unauthorized use of any park and recreation area for commercial purposes is prohibited. "Commercial purpose" means offering to sell any goods or services or otherwise advertising or conducting a business or any portion of a business, whether or not for profit or not-for-profit.

c. This Subsection shall not apply to the sale of newspapers, books, brochures or other printed item that have imprinted on them a political, religious, philosophical or ideological message relevant to the purpose of the organization selling the item.

(7) Conduct organized sports activity, including practices, games or clinics, as a sole proprietor or a representative of a private organization.

(c) The Community Services Director shall designate on a map, that shall be available to the public, one or more locations at each park and recreation area as "free speech areas" where a person or group may set up temporary tables for the sole purpose of engaging in core free speech expressive activities, such as gathering signatures, distributing informational leaflets, proselytizing, or selling message-bearing merchandise in compliance with other provisions in this Code.

(d) The Director of the Community Services Department may designate on a map, that shall be available to the public, locations at park and recreation areas that are "non-public forum areas" where core free speech expressive activities may be restricted due to legitimate governmental concerns. Generally such areas will include ramadas, playground areas, sport playing fields and courts, skate parks, and swimming pools. The Director may designate a location as a non-public forum area only if activities at the location would create one or more of the following conditions:

(1) Cause injury or damage to park and recreation area resources;

(2) Unreasonably impair the atmosphere of peace and tranquility maintained in certain park and recreation areas;

(3) Unreasonably interfere with interpretive, visitor services, or other program or administrative activities of the City;

(4) Substantially impair the operation of City facilities or contractors; or

(5) Present a clear and present danger to the public health and safety.

(e) Violation of this section shall be deemed to be a civil infraction and shall be punished by imposition of a civil sanction not to exceed two hundred and fifty dollars ($250.00) in accordance with Chapter 15 of this Code.
(Code 1977, § 5-1-22(F), (G))
(Ord. No. 04-213, 12/14/2004, repealing and enacting) SUPP 2004-4
(Ord. No. 05-59, 11/01/2005, amended) SUPP 2005-04

SECTION 6. Section 18-69 of the Peoria City Code (1992) pertaining to Parks; fireworks, glass, fires, weapons, restricted areas; violations shall be amended to read as follows:

Sec. 18-69. Parks; fireworks, fires, glass, weapons; violations

(a) Within a park and recreation area it shall be unlawful for any person to:

(1) Have in his possession or set off any fireworks. Permits may be given by the Fire Marshal and Director for conducting properly supervised fireworks in designated park and recreation areas.

(2) Kindle, build, maintain or use a fire except in barbecue containers within a ramada. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, boat or vehicle, or under any tree or in underbrush. The City Manager or his designee may declare a Fire Emergency and prohibit all fires and/or smoking of tobacco products in one or more park and recreation areas.

(3) Bring in or use any portable grill, unless subject to a permit issued by the City.

(4) Throw, toss or otherwise propel or either willfully or maliciously or carelessly or negligently break any glass object.

(5) Have a glass beverage container in his or her possession.

(6) Bring into or have in his possession in any park ~~or~~ and recreation area~~:~~ any BB gun, air gun, spring gun, slingshot, bow, or other similar weapon in which the propelling force is a spring or air.

~~a. Any pistol or revolver or objects upon which loaded or blank cartridges may be used. Official starters, at authorized track and field events, are excepted from this restriction.~~

~~b. Any rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder, a spring or air.~~

~~This subsection shall not apply to any peace officer or law enforcement officer of this state or the United States or any animal control officer of the City and shall not apply to any person having a permit issued by this state pursuant to A.R.S. §13-3112.~~

(7) Discharge or fire any firearm or other weapon in which the propelling force is gunpowder, except in self-defense or defense of another person against a use or an attempted use of unlawful physical or deadly physical force by a third person or an animal attack if a reasonable person would believe that the use of physical force or deadly physical force against the third person or animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

(b) Violations of this section shall be a class one (1) misdemeanor. Upon conviction, the Municipal Court shall order restitution to be paid by the violator to the City for the cost of cleanup resulting from the violation and the enforcement of this section. Restitution shall be actual cost, but in no event less than One Hundred ($100.00) Dollars.

Sec. 18-70. Parks; enforcement; violations.

(a) The Community Services Director shall have the authority to revoke a permit issued under this Chapter upon a finding of violation of any rule, ordinance, or condition of the permit or upon good cause shown. A permit holder who has a permit revoked shall not be entitled to a refund by the City of any fees paid.

(b) The Police Department and Community Services Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance.

(c) Any peace officer, park ranger or community services director shall have the authority to order any person or persons acting in violation of this ordinance to leave the park ~~or~~ and recreation area.

(d) Any peace officer, park ranger, designee of or community services director shall have the authority to temporarily detain any individual in a park or recreation area for the purposes of obtaining and inspecting identification of the individual.

(e) It shall be unlawful for any person in a park and recreation area to fail to present a valid identification upon request of a duly designated park ranger or peace officer and/or presentation of a false or altered ID to a duly designated park ranger or peace officer.

~~(e)~~ (f) Violation of an order issued under this section shall be a class one (1) misdemeanor and punishable by a fine of not less than Five Hundred ($500.00) Dollars. (Ord. No. 04-213, 12/14/2004, Enacting) SUPP 2004-4

SECTION 7. Section 18-71 of the Peoria City Code (1992) pertaining to Parks; sound amplification systems, requirements shall be amended to read as follows:

Sec. 18-71. Parks; sound amplification systems; requirements

(a) For purposes of this section, "sound amplification system" means any device, instrument or system, whether electrical, mechanical or otherwise used for one of its purposes to amplify sound or to produce or reproduce sound. Sound amplification systems include, but are not limited to radios; stereos, computer reproduced sound, musical instruments, phonographs, receivers, sound or musical recorders, compact discs, audio discs and video disc players.

(b) No person shall operate or permit the operation of any sound amplification system in any outdoor portion of a park and recreation area, including a ramada, under any one of the following circumstances:

(1) Between the hours of 9:00 p.m. and 6:00 a.m.

(2) If the sound amplification system can be heard more than fifty (50) feet from the original source

(3) If the sound amplification system disturbs the peace or quiet of a neighborhood, family or person, except as provided in subsection (c).

(c) The following sound amplification system uses are exempt from this section.

(1) Use by law enforcement agencies and emergency medical and fire service agencies.

(2) Use by a public service corporation, telecommunications provider or political subdivision of this state, or the United States or this state in performance of their duties.

(d) If a person wants to operate or permit the operation of a sound amplification system used as part of a live musical performance (including a band, duo, or solo artist), dee-jay, karaoke, or other related entertainment, the person must obtain a permit. Any permit issued for a sound amplification system shall be subject to all applicable requirements of this Section, unless specifically exempted in the permit.

(e) Violation of this Section shall be deemed to be a civil infraction and shall be punished by imposition of a civil sanction not to exceed two hundred and fifty dollars ($250.00) in accordance with Chapter 15 of this Code.
(Ord. No. 04-213, 12/14/2004, Enacting) SUPP 2004-4
(Ord. No. 05-59, 11/01/2005, Amended) SUPP 2005-04

SECTION 8. Section 18-72 of the Peoria City Code (1992) pertaining to Parks; permits shall be amended to read as follows:

Sec. 18-72 Parks; permits.

(a) Permits required under this Chapter for events in parks and recreation areas, including Beer Permits required under § 18-65, shall be obtained by application to the Community Services Director or their designee in accordance with the following procedure. The Community Services Director is empowered to adopt additional rules and procedures for the issuance of permits pursuant to this Section.

(1) A person seeking issuance of a permit hereunder shall file an application on a form promulgated by the Community Services Department stating:

a. The name and address of the applicant.

b. The name and address of the person, persons, corporation or association sponsoring the activity; if any.

c. The day and hours for which the permit is desired.

d. The park and recreation area or portion thereof for which the permit is desired.

e. Any other information reasonably necessary to a determination as to whether a permit should be issued hereunder.

f. Variances requested from park rules and regulations.

(2) A person filing an application for a permit shall pay such fees as provided by Chapter 2 of this Code.

(3) Standards for issuance of a use permit shall include the following findings:

a. That the proposed activity or use of the park and recreation area will not unreasonably interfere with or detract from the general public's enjoyment of the park and recreation area.

b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.

c. That the proposed activity or uses that are reasonably anticipated will not include violence, crime, or disorderly conduct.

d. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the City.

e. That the facilities desired have not been reserved for other use on the date and hour requested in the application.

f. That the applicant has not been held responsible previously for two or more violations of this Chapter in a one-year consecutive period from the date of the first violation.

g. That the application is complete and does not contain any material falsehood or misrepresentation.

(b) Within ten days after the receipt of an application the Community Services Director or his designee shall tell an applicant in writing of their decision to grant or deny

a permit; in the event of a denial the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to the City Manager or his designee by serving written notice thereof on the City Manager within five (5) working days of said refusal. A copy of said notice shall also be served on the Community Services Director within the same time and said Community Services Director shall immediately forward the application and the reasons for their refusal to the City Manager. The City Manager shall decide within ten (10) days from the receipt of the Appeal. The decision of the City Manager shall be final and subject to judicial review.

(c) A permittee shall be bound by all of the following requirements:

(1) The terms of the permit.

(2) Park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(3) A permittee shall be physically present in the park and recreation area described in the permit during the events for which the permit is issued.

(4) The activities allowed in the permit shall be conducted only in areas so designated in the permit.

(5) The permit authorizes the permittee and its invitees to use the permitted areas for the permittee's exclusive use without disruption. The permittee shall have sole authority to determine who it may invite into the permitted area, subject to the City's enforcement of requirements in this Code applicable to individual conduct. If a noninvitee enters the permitted area, the permittee may notify a City employee and request that the individual be removed from the permitted area.

(6) A permittee shall have a copy of the permit available at all times within the park and recreation area for inspection.

(d) An applicant for a permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any permit in an amount and form

satisfactory to the Office of the City Attorney.

(e) All permits issued under this chapter are non-transferable between persons or locations.

(f) A permittee may be required to use City employees to supervise the activities authorized by a permit as a condition of issuing the permit, and the direct and indirect costs of such employee supervision to the City may be added to any other fees required for the use of the park and recreation area.

(g) A permittee may be required, at the permittee's cost, to obtain such control or security personnel as determined by the City to be necessary, taking into account the nature of the activity and any other circumstances the City determines to be relevant.

(h) It shall be presumed for purposes of this Section that absent presentation of a permit that a required permit has not been issued.
(Ord. No. 04-213, 12/14/2004, Enacting) SUPP 2004-4
(Ord. No. 05-59, 11/01/2005, Amended) SUPP 2005-04

SECTION 9. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-73 in its entirety.
(Ord. No. 04-213, 12/14/2004, Enacting) SUPP 2004-4
(Ord. No. 05-59, 11/201/2005, Repealing) SUPP 2005-04

SECTION 10. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. This Ordinance shall become effective in the manner provided by law.
PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 6th day of July, 2010.

Bob Barrett
Bob Barrett, Mayor

7/7/10
Date Signed

ATTEST:

Mary Jo Waddell, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

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