

CHAPTER 10

PUBLIC PARK REGULATIONS (5054)

SECTION:

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6-10-1: DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein: (786, 1635, 5054)

CITY: The City of Mesa. (786, 1635)

PARKS, RECREATION & COMMERCIAL FACILITIES DEPARTMENT DIRECTOR: The Parks, Recreation & Commercial Facilities Department Director or designee responsible for any park and recreation facility or special event or retention basin area and for the activities conducted therein and to whom all park rangers of such area are responsible. (786, 1635, 2763, 3212, 4271, 5054)

PARK AND RECREATION FACILITY: A playground, park, retention basin within the boundary of a park, cemetery, golf course, multi-use path, recreation or community center, public open space, land designated for future park development, swimming pool, athletic stadium or venue, or any other area that is City owned, leased, licensed to, or used by the City and that accommodates active or passive recreation, and entertainment, including all internal and adjacent public roadways, parking lots, sidewalks, and pathways which are established or maintained by the City. (786, 1635, 2455, 3212, 4271, 5054)

RETENTION BASIN: An open space set aside for retention or runoff of water from adjacent lands; whether detaining or retaining; not located inside the boundary of parks that are owned or maintained by the City of Mesa. (3212, 4271)

SPECIAL EVENT AREA: A City-approved or sponsored fair, circus, parade, carnival, march, procession, festival, street dance, concert performance, rodeo, race, organized sports event of one or more teams, vendor sales lot or activity, or any other temporary activity using outdoor or indoor spaces and inviting public participation and patronage (with or without charge) whether held on public or private property. (4271, 5054)

SPIRITUOUS LIQUOR: Includes alcohol, brandy, whisky, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, or absinthe, or compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half (1/2) of one percent (1%) of alcohol by volume. (2455, 5054)

6-10-2: HOURS AND OPERATIONS: (4271, 5054)

- (A) Hours. Except for unusual and unforeseen emergencies, park and recreation facilities shall be open to the public every day of the year during designated hours. The opening and closing hours for each park and recreation facility shall be posted therein as authorized by the Parks, Recreation & Commercial Facilities Department Director or designee. It shall be unlawful for a person to remain in a park and recreation facility or to enter a park and recreation facility except during the designated hours, unless a permit is obtained pursuant to Subsection (C) of this Section. (4271, 5054)
- (B) Closed Areas. Any section or part of any park and recreation facility may be declared closed to the public by the Parks, Recreation & Commercial Facilities Department Director or designee at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Parks, Recreation & Commercial Facilities Department Director or designee shall find reasonably necessary. No person shall enter any closed area of a park and recreation facility if such entry is prohibited, nor shall any person utilize any portion of a park and recreation facility if such utilization is prohibited. (4271, 5054)
- (C) Permit. Any person desiring to remain in a park and recreation facility or enter a park and recreation facility other than during designated hours shall obtain a permit from the Parks, Recreation & Commercial Facilities Department Director or designee. (4271, 5054)

6-10-3: PROHIBITED AND/OR RESTRICTED USES AND ACTIVITIES: (4271, 5054)

It shall be unlawful to utilize or engage in any activities within any park and recreation facility, special event area, or retention basin in violation of the following, except when a permit is requested and approved in advance by the Parks, Recreation & Commercial Facilities Department Director or designee for conducting such activities as outlined in this Section: (4271, 5054)

- (A) Pollution of Waters. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, swimming pool, or other body of water in or adjacent to any park and recreation facility, special event area, or retention basin, or any stream, storm, sewer, or drain flowing into such waters any substance, matter, or liquid or solid, which will or may result in the pollution of said waters. (4271)
- (B) Refuse and Trash. No person shall dump, deposit, or leave any glass or plastic bottles or containers, broken glass, ashes, paper, boxes, cans, rubbish, waste, garbage, household appliances or furniture, construction or landscaping materials, or other discarded items. No such refuse or trash shall be placed in any waters in or contiguous to any park and recreation facility, special event area, or retention basin 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 refuse or trash shall be carried away from the park and recreation facility, special event area, or retention basin by the person responsible for its presence and properly disposed of elsewhere. (4271)
- (C) Sanitary Facilities. No person shall urinate or defecate except in a designated sanitary facility provided for such purposes within a park and recreation facility, special event area, or retention basin. (4271)

- (D) Bathing, Swimming, or Wading. No person shall swim, bathe, or wade in any waters or waterways or any public restroom unless in a designated bathing area in or adjacent to any park and recreation facility, special event area, or retention basin except in such waters and at such places designated for such purposes and in compliance with such regulations as are herein set forth or may be hereafter adopted. Moreover, no person shall frequent any waters or places customarily designated for the purpose of swimming, bathing, or wading, or congregate thereat when such activity is prohibited by the Parks, Recreation & Commercial Facilities Department Director or designee upon a finding that such use of the water would be dangerous, a threat to public health, or otherwise inadvisable. (4271, 5054)
- (E) Boating. No person shall bring into or operate any boat, raft, or other watercraft, whether motor powered or not, upon any waters, within any park and recreation facility, special event area, or retention basin, except at places designated for boating by the Parks, Recreation & Commercial Facilities Department Director or designee. The Parks, Recreation & Commercial Facilities Department Director or designee 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. (4271, 5054)
- (F) Golfing. No person shall use any portion of a park and recreation facility, special event area, or retention basin for golfing purposes or make use of any golf club or golf ball in any park and recreation facility, special event area, or retention basin, except at places designated for golfing by the Parks, Recreation & Commercial Facilities Department Director or designee. (4271, 5054)
- (G) Motorized Vehicles. No person shall drive, ride, or operate at any time, any motorized vehicle or motor-assisted device of any type, including but not limited to; any automobile, truck, motorcycle, motorbike, motor scooter, or all-terrain vehicle, within a park and recreation facility, special event area, or retention basin, except upon public roadways or designated parking areas running through or adjoining such premises, or within areas designated for such purposes by the Parks, Recreation & Commercial Facilities Department Director or designee. This prohibition shall not apply to City-owned vehicles, motorized wheelchairs, power-driven personal mobility devices, or similar motorized mobility devices utilized by persons with disabilities, vehicles authorized by the City to operate on such premises such as utility or maintenance vehicles, or any emergency or public safety vehicle. The Parks, Recreation & Commercial Facilities Department Director or designee shall have the authority to identify, designate, or limit motorized vehicle or motor-assisted device traffic within a park and recreation facility, special event area, or retention basin as necessary. A person operating a motorized vehicle or motor-assisted device within authorized areas of a park and recreation facility, special event area, or retention basin shall obey all traffic control signs or notices posted or placed therein. (4271, 5054)
- (H) Non-Motorized Vehicles. No person shall operate or ride any skateboards, rollerblades, roller skates, bicycles, or any type of rolling vehicle where such activity is specifically prohibited by written posted notice; or on any brickwork, ornamental surface, picnic table, bench, tennis or basketball or volleyball court, playground, equipment, surface used for ADA access, fountain area, planter, or sculpture; or in an unsafe manner so as to infringe upon or endanger the safety of themselves or the general public within any park and recreation facility, special event area, or retention basin. All persons operating a non-motorized vehicle within any park and recreation facility, or special event area, or retention basin shall obey all traffic control signs or notices posted or placed therein. (4271, 5054)

- (I) Horseback Riding. No person shall bring a horse into a park and recreation facility, special event area, or retention basin except on designated bridle trails or paths, equestrian areas, or other areas designated by the Parks, Recreation & Commercial Facilities Department Director or designee. If horses are permitted in any area, they shall be thoroughly broken, properly restrained, ridden with due care, and shall not be allowed to graze or go unattended; nor shall they be hitched to any rock, tree, shrub, or fence. (4271, 5054)
- (J) Leashed Dogs. Dogs in all City of Mesa parks, multiuse paths and basins shall be controlled and restrained on leashes no greater than six feet (6') in length. Owners of dogs shall immediately remove any dogs exhibiting aggressive behavior that evidences a threat of imminent injury; clean up after pets; be liable for injury caused by aggressive dogs; be responsible for the immediate repair of damage caused by a dog; not be under the age of twelve (12); and comply with all animal control ordinances stated in Mesa City Code, Title 6, Chapter 4. Pertaining to dog parks; owners shall have a leash visible at all times, dogs shall be at least four (4) months of age; licensed with visible tags; leashed immediately if exhibiting aggressive behavior; and not be allowed into a dog park if in season. (4271, 5054)
- (K) Animals. Except with respect to horses and dogs as provided in Subsections (I) and (J), no person shall bring into or be allowed to enter a park and recreation facility or special event area with any animal owned or under control of such person, except in designated areas clearly marked by signs permitting such use or in other areas designated or approved by the Parks, Recreation & Commercial Facilities Department Director or designee for such activities as animal shows, petting zoos, educational events, or obedience classes. In all cases, if animals are permitted in an area, they shall be restrained and under the control of such person at all times. (4271, 5054)
- (L) Models. No person shall bring into, use, or operate any radio controlled or non-radio-controlled model, including but not limited to, model aircraft, model boats, model motor cars, and other models, in any park and recreation facility, special event area, or retention basin except in areas set apart for such purposes and designated by the Parks, Recreation & Commercial Facilities Department Director or designee. The Parks, Recreation & Commercial Facilities Department Director or designee is authorized to designate places for models that are not motor powered separately from those models that are motor powered. (4271, 5054)
- (M) Glass Containers. No person within a park and recreation facility, special event area, or retention basin shall have in his/her possession or custody a glass container of any kind or description. (4271)
- (N) Disfiguration or Removal of Improvements. No person shall deface, disfigure, injure, tamper with, displace, or remove any turf grass, landscape materials, electrical equipment, wiring, playground equipment, picnic table, bench, fire pit, grill, paving, water fountain, public utility line; or part or appurtenance thereof; sign, monument, marker, fencing, restroom fixture, or any other park equipment, facility, property, structure, or improvement of any kind whatsoever, within a park and recreation facility, special event area, or retention basin. (4271, 5054)
- (O) Disfiguration or Removal of Natural Resources. No person shall disfigure, displace, remove, or excavate, as applicable, any soil, rock, stone, sand, tree, shrub, cactus, plant material, or other natural resource of any description, within a park and recreation facility, special event area, or retention basin. (4271, 5054)
- (P) Harming, Removing, or Releasing Animals. No person shall harm, remove from, or release into any park and recreation facility, special event area, or retention basin any animals without approval of the Parks, Recreation & Commercial Facilities Department Director or designee. (4271, 5054)

- (Q) Fires. No person shall 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 Parks, Recreation & Commercial Facilities Department Director or designee within any park and recreation facility, special event area, or retention basin. This provision shall not serve to prohibit the burning of wood in the fireplaces located at Falcon Field Park nor the ceremonial burning of the flag of the United States of America or the Arizona State flag. (4271, 5054)
- (R) Iceblocking or Water Sliding. No person shall engage in any iceblocking or erect and/or engage in any water sliding activities within any park and recreation facility, special event area, or retention basin except as designated and approved for such use by the Parks, Recreation & Commercial Facilities Department Director or designee, within any park and recreation facility, special event area, or retention basin. (4271, 5054)
- (S) Interference With Persons or Activities. No person shall unreasonably disturb or interfere with any person or party occupying any area or participating in any activity organized by the City of Mesa within a park and recreation facility, or special event area, or retention basin. (4271)
- (T) Parked Vehicles. No person within a park and recreation facility, special event area, or retention basin shall wash and/or wax a vehicle or 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 an emergency where the vehicle is not operable. Unattended vehicles left in a parking lot or parking structure in any park and recreation facility, special event area, or retention basin within the hours of 10:00 p.m. and Sunrise shall be impounded. (4271, 5054)
- (U) Miscellaneous Prohibited Uses. No person within a park and recreation facility, special event area, or retention basin shall use, unless a permit is obtained in advance from the Parks, Recreation & Commercial Facilities Department Director or designee, or the Parks, Recreation & Commercial Facilities Department Director or designee has approved a specific area for such uses within a particular park and recreation facility, special event area, or retention basin, a sling shot; BB, pellet, or paint ball gun; javelin; shot-put; discus; fireworks; rockets; hot air balloons; or hard-material types of jousting, fencing, or archery equipment. (4271, 5054)
- (V) No person shall interfere with the Parks, Recreation & Commercial Facilities Department Director or designee, police officer, or park ranger in the performance of his/her duties or the enforcement of any provisions of this Chapter within a park and recreation facility, special event area, or retention basin. (4271, 5054)

6-10-4: VENDING/SOLICITATION WITHIN A PARK AND RECREATION FACILITY, SPECIAL EVENT AREA, OR RETENTION BASIN: (4271, 5054)

- (A) Selling, Advertising, and Signage. No person shall 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 within a park and recreation facility, special event area, or retention basin unless all applicable tax and licensing permits are obtained and approvals for such activities is granted by the Parks, Recreation & Commercial Facilities Department Director or designee. (4271, 5054)
- (B) No person shall engage in any vending or solicitation operations without having first obtained a peddlers, solicitors, and transient merchants license pursuant to Title 5, Chapter 8 of the City Code. The license shall note the specific park and recreation facility, special event area, or retention basin in which the licensee is authorized to conduct vending and/or solicitation operations and the duration of such use. (4271)

- (C) The Parks, Recreation & Commercial Facilities Department Director or designee may waive any of the requirements of this Section for vending and/or solicitation operations conducted in connection with special events sponsored or approved by the City. (4271, 5054)
- (D) For purposes of this Section, "vending" means a person engaging in the sale, distribution, or display of any items of tangible personal property. (4271)
- (E) For purposes of this Section, "solicitation" means a person requesting an immediate donation or exchange of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or thing of value. The solicitation may be spoken, written, or by printed work, or by another means of communication. Solicitation does not include requesting or accepting payment of the fare on a public transportation vehicle by the operator of the vehicle. (4271)

6-10-5: URBAN CAMPING: (4271)

- (A) Except upon the approval of the Parks, Recreation & Commercial Facilities Department Director or designee, no person shall camp within a park and recreation facility, special event area, or retention basin, or in any building, facility, parking lot, structure, or on any property adjacent thereto, that is owned, leased, licensed, possessed, controlled or in use, by the City. (4271, 5054)
- (B) For the purpose of this Section, the term "camp" means to use real property of the City for living accommodation purposes such as sleeping activities, or making preparations to sleep, including the laying down of bedding for the purpose of sleeping, or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping, or doing any digging or earth breaking, or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants, in conducting these activities, are in fact using the area for living accommodation purposes regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. Any camping equipment left unattended within or adjacent to a park and recreation facility, special event area, or retention basin shall be discarded. (4271, 5054)

6-10-6: SPIRITUOUS LIQUOR; PROHIBITIONS; PERMITS: (4271, 5054):

- (A) No person within a park and recreation facility, special event area, or retention basin shall consume or have in his possession or custody any spirituous liquor except under the conditions set forth in Subsections (B) and (C) of this Section. (4271)
- (B) Subsection (A) of this Section shall not apply to those premises within a park and recreation facility, special event area, or retention basin where the sale of spirituous liquor is being governed by a special event license or permit issued by the State Liquor Department. During those events or activities within a park and recreation facility, special event area, or retention basin that is governed by a State liquor license or permit, the sale and consumption of spirituous 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 spirituous liquor on those premises; at all other times, consumption of spirituous liquor within a park and recreation facility, special event area, or retention basin is prohibited unless authorized under a City permit obtained from the Parks, Recreation & Commercial Facilities Department Director or designee. (4271, 5054)

- (C) The Parks, Recreation & Commercial Facilities Department Director or designee is authorized to issue permits allowing the consumption and possession of beer and wine in any City of Mesa park and recreation facilities, special event areas, or retention basins under the management and direction of the Parks, Recreation & Commercial Facilities Department Director and pursuant to the Guideline for the Permitting of Beer and Wine Possession and Consumption. Such beer and wine permits are available only for persons of legal drinking age ("responsible party") representing two (2) or more persons. Permits shall identify the name and signature of the responsible party; and the date and specific park or facility for which the permit is issued. The City permit shall state that the authority it confers to possess or consume beer and wine is contingent upon compliance with all terms and conditions of the permit, park rules, City ordinances, and State laws. The person's name that is identified on the City permit as the responsible party shall remain on site at all times during which beer and wine is consumed. If the City permit is not complied with in any respect; the permit is null and void, and the prohibition described in Subsection (A) of this Section is reinstated. Unless authorized under a State liquor license or a City permit, it is unlawful to possess or consume any spirituous liquor in any park and recreation facility, special event area, or retention basin. (4271, 4317, 5054)

6-10-7: MULTI-USE PATH: (4271)

- (A) Definitions. The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly requires a different meaning: (4271)

MULTI-USE PATH: An off-road surfaced path which may be separated from motorized vehicular traffic by an open space or barrier and has been designated, or designed and designated, by the City for public use for human-powered travel or movement or by use of a motorized wheelchair. (4271)

PEDESTRIAN: Means a person who is traveling on or is otherwise lawfully using a multi-use path and includes a person who is either walking, jogging, running, skating, or bicycling on the multi-use path. Pedestrian also means a person with a disability, who is using a motorized or human-powered wheelchair or similar mobility device on the multi-use path. (4271)

- (B) Multi-use paths are for the exclusive use of pedestrians. Unless otherwise prohibited, pedestrians may enter and use a multi-use path in the company of a leashed dog and shall be bound by the rules contained in Section 6-10-3(J). (4271)
- (C) A pedestrian who is operating a human-powered device or vehicle, i.e., bicyclists and skaters, upon a multi-use path shall yield the right-of-way to any pedestrian walking, jogging, running, or in a wheelchair or similar mobility device on the multi-use path. A pedestrian operating a bicycle on a multi-use path shall yield the right-of-way to skaters. (4271)
- (D) All pedestrians using multi-use paths shall travel at a rate of speed which is reasonable and prudent under the prevailing conditions and in a consistent and predictable manner, obey all instructions of any traffic control device, warning sign, or pavement marking applicable to use of the multi-use path, and refrain from entering any portion of the multi-use path when it is flooded or contains standing water. (4271)
- (E) No person shall willfully throw, deposit, or cause to be thrown or deposited, upon any multi-use path any glass bottles, glass, nails, tacks, wires, cans, or any other object, substance, or debris, including animal waste. Any person who drops, or causes to be dropped, thrown, or deposited upon a multi-use path any such material will immediately remove it or cause it to be removed. (4271)
- (F) The City Manager or designee may adopt and post additional rules and regulations which the City Manager or designee deems reasonably necessary for the full and safe enjoyment of multi-use paths by pedestrians. (4271, 5054)

6-10-8: UNLAWFUL REMAINDER IN OR RETURN TO PARK: (4271)

After the Parks, Recreation & Commercial Facilities Department Director or designee, park ranger, or police officer directs a person to leave, or ejects a person from a park and recreation facility, special event area, or retention basin, it shall be unlawful for the person to remain within the park and recreation facility, special event area, or retention basin or return to the same park and recreation facility, special event area, or retention basin for at least twenty-four (24) hours after being directed to leave, or ejected. (2763, 3212, 4271, 5054)

6-10-9: ENFORCEMENT AND PENALTY: (4271)

- (A) The Parks, Recreation & Commercial Facilities Department Director or designee, park rangers, and police officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this Chapter. (4271, 5054)
- (B) The Parks, Recreation & Commercial Facilities Department Director or designee, park rangers, and police officers shall have the authority to eject from the park and recreation facility, special event area, or retention basin any person who violates any provision of this Chapter or any rule or any City Code; or who engages in any other disorderly or disruptive behavior occurring in a park and recreation facility, special event area, or retention basin. A person ejected shall be informed at the time of ejection that re-entry is prohibited for at least twenty-four (24) hours. (4271, 5054)
- (C) The Parks, Recreation & Commercial Facilities Department Director or designee, park rangers, and police officers shall have the authority to seize and confiscate any property, thing, or device in the park and recreation facility, special event area, or retention basin used in violation of this Chapter. (4271, 5054)
- (D) The park rangers shall have the authority to issue citations and warnings for violations of the City Code or any City ordinance or any provision of this Chapter within a park and recreation facility, special event area, or retention basin. Citations shall be issued in accordance with A.R.S. §13-3903. (4271)
- (E) Penalty. Any person convicted of a violation of any provision of this Chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment not to exceed six (6) months, or by both fine and imprisonment. (4271)