

ARTICLE III. - GENERAL PARK RULES

Sec. 20-30. - Scope.

The provisions of this article shall apply to public parks within the city limits, which shall be referred to in this article as city parks. This article shall not apply to city parks to which specific provisions of this Code apply, or to public lands within the boundaries of the McDowell Sonoran Desert Preserve. In the event of a conflict between the provisions of this article and any provision of this Code relating to a specific city park, the provisions relating to the specific park shall apply. General manager, as used in this article, means the manager whose duties include administering the city parks, or the manager's designee.

(Ord. No. 3275, § 2, 8-20-01; Ord. No. 4016, § 1, 5-15-12)

Sec. 20-31. - General rules for use.

- (a) All persons using city parks shall comply with all federal, state, county and city laws, rules and regulations.
- (b) All persons using city parks shall also comply with the following:
 - (1) Reserved.
 - (2) No person shall discharge a firearm in a city park, except that blank cartridges may be discharged using a firearm during special events, when authorized by the general manager.
 - (3) No person shall consume spirituous liquor from an open container, or possess spirituous liquor in an open container, in a city park. *Spirituos liquor* includes 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 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 percent of alcohol by volume. The only exception to this subsection is that beer in an open container may be consumed or possessed pursuant to a permit issued by the city, as provided in section 20-34 of this article.
 - (4) All persons fourteen (14) years and older who are fishing in city lakes must be in possession of a valid fishing license and any other license or permit as may be required by law.
 - (5) No person shall harm, injure, remove from, or release into any city park any animal, without approval of the general manager. Except as otherwise provided by law, no person shall feed, touch, tease, frighten, hunt, kill, wound, or intentionally disturb wildlife in any city park, without authorization from the general manager. No person shall remove plants, wildlife or natural materials found in a city park, except the lawful removal of fish from a lake. "Wildlife" means all undomesticated and feral animals, and includes birds, coyotes, javelinas, feral cats, eggs and nests.
 - (6) No motorized vehicles shall be allowed in a city park, except in designated parking areas. This subsection shall not apply to: (i) city employees or others authorized by the city to perform inspection, repair or maintenance work; (ii) persons providing emergency, search and rescue, medical or veterinary services; (iii) the use and operation of a motorized wheelchair by a person who ordinarily uses such equipment (iv) vendors, on park related business, with the permission of authorized city staff.
 - (7) The sale of food, beverages or other merchandise is prohibited unless specifically authorized by permit issued by the city.
 - (8) Lakes, fountains and other waterways shall not be used for swimming, wading or bathing.

- (9) No person shall throw or deposit any litter, garbage or debris in or upon a city park, or park premises, in violation of sections 18-2 and 18-4(e) of this Code.
- (10) Public boating shall be confined to Chaparral and McKellips Lakes. Watercraft used in public boating must be registered in accordance with state law. *Watercraft*, as defined in A.R.S. § 5-301, means "any boat designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water". Use of watercraft in public boating in a city park shall be limited, however, to sailboats, rowboats, canoes or boats with electric motors.
- (11) No person shall undertake mechanical repair or maintenance of any vehicle in a city park, including but not limited to automobile oil changes and engine tune-ups, except in the case of an emergency when the vehicle is inoperable. No commercial or professional washing or waxing of vehicles shall be permitted in parks.
- (12) No person shall be in or on park premises at any time other than those times authorized for public use, as provided in section 20-35, below.
- (13) No person shall use any city park facility, or any area in a city park, which has been declared "closed" and which has been so posted by the city, except as authorized in writing by the general manager.
- (14) Horses are prohibited in city parks, except on bridle paths, equestrian trails, or in equestrian areas that are designated by posted notices. This subsection shall not apply to: (i) horses being used by the police department in the course of their official duties; (ii) public events or classes held pursuant to a city permit or (iii) service animals as defined under state law.
- (15) Practice golfing is prohibited in city parks, except for public events or classes held pursuant to a city permit.
- (16) Incendiary model rockets are prohibited. Model boats may be operated only in McKellips Lake and Indian School Park Lake and any other areas that may be designated by the city for such purpose. Model boats may be operated only between the hours of 9:00 a.m. and sunset.
- (17) No person, or person who has custody of a dog, horse or other animal, shall cause or permit damage to any park property, including but not limited to trees, shrubs, plants, turf and landscaping, or digging holes in or removing turf or ground from a city park.
- (18) No open fires are permitted, unless specifically authorized by permits issued by the city and the fire department. Charcoal only may be used in fixed grills provided in city parks and charcoal fires shall be attended at all times.
- (19) No glass, ceramic or easily broken plastic food or beverage containers are permitted in the park.
- (20) No person shall knowingly and intentionally throw, toss, propel, or break any glass object in a city park.
- (21) No person shall participate in archery or willfully, negligently or recklessly discharge, use or propel any object or projectile capable of causing serious physical injury, including but not limited to an air gun, BB gun, pellet gun, dart gun, crossbow, slingshot, blowgun, javelin or spear. "Serious physical injury" includes physical injury which creates a reasonable risk of death, or which causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb. This subsection shall not apply to special public events or classes held pursuant to a city permit issued for such activities.
- (22) No person shall tether, launch or land a hot air balloon in a city park, except in the case of emergency, or unless expressly authorized to do so, in writing, by the general manager.
- (23) The owner or person in custody of a dog shall immediately pick up all dog droppings (fecal matter) place them in a closed or sealed container and deposit them in a park trash receptacle or remove them from the park, as provided in subsection 4-18(f) of this Code.

- (24) No person shall throw, deposit or place any commercial or non-commercial handbill in or upon any unattended vehicle parked or located in a city park.
 - (25) Smoking is prohibited in any enclosed public place in a city park, as provided in section 19-16 of this Code, except in areas designated for smoking by the general manager.
 - (26) All motor vehicles operated in a city park must have current legal registration, display number plates for the current registration year and be operated only by properly licensed drivers.
 - (27) A maximum speed of five (5) miles per hour shall be in effect at all times for motor vehicles.
- (c) Person, as used in this section, includes a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

(Ord. No. 3275, § 2, 8-20-01; Ord. No. 4016, § 2, 5-15-12; Ord. No. 4276, § 1, 9-20-16; Ord. No. 4298, § 1, 1-17-17)

Sec. 20-32. - Dogs to be kept on leash.

- (a) The owner or custodian of a dog is responsible for the acts and conduct of the dog at all times when the dog is in a city park. All dogs in or upon the premises of a city park must be currently licensed, and shall wear a collar and durable license tag, as provided in chapter 4 of this Code.
- (b) The owner or custodian of a dog must restrain and control the dog at all times when in a city park by securing it with a leash of not more than six (6) feet in length, except:
 - (1) While the dog is actually participating in a dog show, exhibition, or obedience class, which has been authorized or approved by the city by the issuance of a written permit, or
 - (2) When the dog is in an enclosed area in a city park, which has been designated by the city as a dog exercise area, or
 - (3) When the dog is a service animal and either the handler is unable because of a disability to use a leash or the use of the leash would interfere with the service animal's safe and effective performance of work or tasks, and when the service animal is otherwise under the control of the service animal's handler as defined under state law.
- (c) Leash as used in this article means a chain, rope or strap, made of leather, fabric or other material, that is: (i) not more than six (6) feet in length; (ii) capable of being fastened to a collar or harness of a dog and used to lead, restrain and control the dog; and (iii) of sufficient strength for those purposes.
- (d) At all times when a dog is off leash and participating in a dog show, exhibition or obedience class, as provided in subsection (b)(1), above:
 - (i) The dog must be accompanied by and under the control of its owner, trainer or handler, as applicable, who must at all such times have a leash in his or her possession; and
 - (ii) The owner, trainer, handler, or the authorized representative of a club or organization to whom a permit has been issued shall have the permit on their person at all times and shall present the permit for inspection, upon request, to any police officer, authorized member of the city parks staff, or a Maricopa County animal control officer.
- (e) At all times when a dog is off leash in a designated dog exercise area, as provided in subsection (b)(2), above, the dog must be accompanied by and under the control of its owner or custodian. The owner or custodian must at all such times have a leash in his or her possession.
- (f) A violation of any of the provisions of this section shall be punishable as class 3 misdemeanors are punishable under state law.

(Ord. No. 3190, § 2, 4-19-99; Ord. No. 3275, § 3, 8-20-01; Ord. No. 4298, § 2, 1-17-17)

Sec. 20-33. - Permit to reserve use.

- (a) A permit shall be obtained from the city to reserve the use of a park facility.
- (b) All permits shall require that the permit holder and those using the facility pursuant to the permit comply with the provisions of this article III and such other rules and regulations as may have been promulgated by the general manager, community services, pursuant to section 20-52, below. Rules and regulations not appearing in this article shall be either written on the permit or otherwise provided in writing to the permit holder when the permit is issued.
- (c) The permit shall describe the facility or area to be used, state any maximum capacity, if applicable, and such additional conditions and requirements as may be reasonably necessary to assure the safe use of the facility by the permit holder. Beer permits may be issued, as provided in section 20-34, below, in conjunction with multiple facility use permits for the same facility and use. Beer permit fees shall be required for each individual day for which beer permits are sought, although the permits may be issued for multiple days or uses.
- (d) As a condition of the permit, the permit holder shall comply with any insurance and indemnification requirements determined by the risk manager of the city to be reasonably necessary, given the nature of the activity and other circumstances.
- (e) To the maximum extent allowed by law, the permit holder shall agree to defend the city for, from and against all demands, claims, losses, damages and expenses that are attributable to bodily injury, personal injury, accident, illness, death or impairment, damage, destruction or loss of use of property (the city's or the property of others) arising or resulting from the permit holder's use of a park facility. The permit holder shall obtain, maintain and evidence insurance, as reasonably determined by the risk manager of the city, for the duration of the permit period. The required insurance certificates and documentation, including coverages and limits shall name the city as additional insured and the permit holder's coverage shall be designated as primary.
- (f) The general manager or any City of Scottsdale police officer may revoke a permit for a violation of its terms or any violation of rules, regulations, ordinances or state statutes by the permit holder or any person using the facility pursuant to the permit. In the event of revocation under this provision, the permit holder shall cease the permitted activities immediately. A permit holder who has a permit revoked pursuant to this subsection shall not be entitled to a refund of any fees paid.
- (g) Unless otherwise expressly provided by the general manager, the revocation of a permit pursuant to subsection (f), above, shall serve to revoke all permits held by the permittee at the time of the revocation for the same facility or use and shall constitute grounds for denial of future permits for a period of one hundred eighty (180) days.
- (h) Revocation of multiple permits or denial of future permits subject to subsection (g), above, shall be subject to appeal to the general manager. The notice of appeal shall be in writing, give the reasons or grounds for the appeal and shall be filed with the general manager not more than ten (10) calendar days from the revocation or denial, as applicable. The general manager shall hold a hearing on the appeal within thirty (30) days of receipt of the notice of appeal. The general manager shall determine how the hearing will be conducted. The aggrieved permittee or applicant, as applicable, shall be given notice of the hearing and may attend the hearing, but may not be represented by legal counsel.

(Ord. No. 3275, § 4, 8-20-01)

Sec. 20-34. - Beer permits.

- (a) No person or members of a group or organization shall consume beer from an open container, or possess an open container of beer, in a city park without first having obtained a permit pursuant to this section. 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. A condition of any permit shall be that the person or member of a group subject to the permit shall comply with all state

liquor laws. The person to whom the beer permit has been issued must be present for the permit to be valid and the permit must be displayed at the request of any park employee or police officer. A permit is invalid in any park areas where the consumption or possession of beer is prohibited by the city.

- (b) Application for a beer permit shall contain the applicant's name, address, telephone number, date of birth and age and the number of persons to which the permit will apply. The applicant shall show proof of age in one (1) of the following forms: (i) an unexpired driver license issued by any of the United States or Canada, provided such license includes a picture of the licensee; (ii) a nonoperating identification license issued by the State of Arizona; (iii) an armed forces identification card; or (iv) a valid unexpired passport. When applying for a permit by phone or other means, the only acceptable form of identification is an unexpired driver license issued by any state or a nonoperating identification license issued by the State of Arizona. The applicant must provide the number and any additional license information to the reservation agent.
- (c) An application for a beer permit shall be accompanied by the current council approved fee. Upon the satisfaction of the terms and conditions of this section, the city shall issue a permit, which shall be valid for one (1) day only, which shall be shown on the permit. A separate permit is required to reserve a park facility.
- (d) The beer permit shall be revocable by the city for any violation of this article, any provision of the state liquor laws, or any other condition of the permit. Any person who has had a permit revoked by the city shall not be entitled to apply for another such permit until the expiration of sixty (60) days from the date such revocation occurred.

(Ord. No. 3275, § 4, 8-20-01; Ord. No. 4016, § 3, 5-15-12)

Sec. 20-35. - Park hours; use.

Hours for public use of all portions of city parks, including parking areas, shall be from sunrise until 10:30 p.m., unless authorized by permit issued by the city, or as otherwise provided by the general manager, pursuant to section 20-52 of this chapter.

(Ord. No. 3275, § 4, 8-20-01)

Sec. 20-36. - Unauthorized apparatus, furniture and equipment.

No apparatus, furniture or equipment shall be placed on a park facility except by permit. Such items shall be removed from the park before 8:30 a.m. of the morning following expiration of the permit. Noncompliance shall be grounds for subsequent rejection of a permit application for use of park facilities.

(Code 1972, § 10-107)

Sec. 20-37. - Penalties.

- (a) A violation of subsection (b)(1) of section 20-31, above, shall be punishable as class 1 misdemeanor is punishable under state law.
- (b) A violation of any of the provisions of subsections (b)(2) through (b)(22) of section 20-31, above, shall be punishable as class 2 misdemeanors are punishable under state law.
- (c) A violation of any of the provisions of subsections (b)(23) through (b)(24) of section 20-31, above, shall be punishable as class 3 misdemeanors are punishable under state law.
- (d) A violation of subsection (b)(25) of section 20-31, above, shall be punishable as a petty offense, punishable by a sentence to pay an amount, fixed by the court, of not more than three hundred dollars (\$300.00).

- (e) A violation of any of the provisions of subsections (b)(26) through (b)(27) of section 20-31, above, shall constitute a civil offense, which shall be punishable by a civil sanction in the amount of two hundred fifty dollars (\$250.00).

(Ord. No. 3275, § 5, 8-20-01)

Secs. 20-38—20-50. - Reserved.

ARTICLE IV. - FACILITY RENTAL, PROGRAM, CHARGES AND FEES

DIVISION 1. - GENERALLY

Sec. 20-51. - Statement of purpose.

- (a) The city has established public open space, parks, recreational facilities and recreational programs, human services facilities and libraries for the use and enjoyment of its citizens, believing that the provision of leisure, library and human services is necessary to meet significant social, physical, informational and mental health needs of the community.
- (b) To the extent possible, the city has provided these areas, facilities and programs without directly imposing fees for these social and recreational amenities. In order to continue providing facilities and programs for the use and enjoyment of the community at a high level of quality, however, it may be necessary to charge fees to those persons who most directly benefit from certain recreational facilities, equipment and programs.
- (c) This article, together with other portions of this chapter, as applicable, establishes the general procedures and guidelines which are to be used in determining the necessity of fees and charges, setting the amounts of fees and charges, and administering the recreational facilities, equipment and programs offered by the city.
- (d) Insofar as possible, any fees and charges imposed for the use of facilities or equipment, or for participation in any programs offered by the city, shall be established at levels that will permit the city to recover its direct costs in respect to city recreation and human services facilities, equipment and programs.

(Ord. No. 2022, § 2, 7-18-88; Ord. No. 2416, § 1, 4-6-92; Ord. No. 3204, § 3, 11-16-98)

Sec. 20-52. - Fees and charges; rules and regulations.

- (a) *City council to set fees, charges, etc., establish usage priorities, etc.* The city council shall have the authority to set all fees and charges in respect to the use of the city's recreational facilities, including designated areas of Scottsdale Stadium, and designated library and human services facilities, as well as related equipment and programs, including fees and charges for nonresident users. The council shall do so by resolution, from time to time, as deemed necessary. The council shall in like manner determine to which facilities, equipment and programs fees or charges shall apply. The council may also establish facility and program usage priorities between types and classes of users when such priorities are lawful and in the judgment of the council promote usage that is beneficial to the community.
- (b) *Review by city boards and commissions.* A board, commission or committee of the city council that generally advises or makes recommendations to the council regarding the facilities, equipment, programs or matters which are the subject of this section 20-52, shall review, evaluate and make recommendations to the council, at the request of the council or upon its own initiative.
- (c) *Rules and regulations.* The general manager, community services department, or the general manager's designated deputy, may make such reasonable rules and regulations as are necessary to

manage, use, preserve and govern the property and activities which are the subject of this article, and shall do so with the assistance of the parks and recreation commission, as may be necessary and appropriate.

- (d) *Copies of resolutions, rules and regulations on file.* All resolutions passed under this section and copies of all rules and regulations promulgated by the general manager, community services department, shall be on file at the city clerk's office for public inspection. Copies of such resolutions and rules and regulations shall also be maintained on file in the office of the general manager, community services and at any city human services or recreation facility to which the resolutions and rules and regulations apply.

(Ord. No. 2022, § 2, 7-18-88; Ord. No. 2416, §§ 1, 2, 4-6-92; Ord. No. 3204, § 4, 11-16-98)

