

ORDINANCE NO. O2017.36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 23, ARTICLE III, DIVISION 1, TEMPE CITY CODE, RELATING TO PARK RULES, GENERALLY, BY AMENDING SECTION 23-40, RELATING TO PROHIBITED ACTIVITIES; AND BY AMENDING CHAPTER 23 ARTICLE V, DIVISION 2, TEMPE CITY CODE, RELATING TO PRESERVES, PRESERVE RULES AND REGULATIONS, BY AMENDING SECTION 23-110, RELATING TO RULES FOR USE; CRIMINAL PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Chapter 23, Article III, Division 1, Section 23-40 of the Tempe City Code is hereby amended to read as follows:

Sec. 23-40. Prohibited activities.

- (a) The following activities are prohibited in all city parks, unless otherwise posted:
 - (1) No persons shall commit any act in a public park or recreation facility so as to endanger the health and safety of themselves or other park and recreation facility users;
 - (2) No person shall use any portion of any city park or city-owned property for golfing purposes, or make use of any golf club or golf ball in any city park or on city-owned property, except at places designated for golfing;
 - (3) No person shall use any portion of any city park or city-owned property for archery, firearm or other projectile-producing devices;
 - (4) No person shall use any portion of any city park or city-owned property for ice-blocking or sledding with any device;
 - (5) No person shall use any water source at any city park or city-owned property for swimming or bathing, animal swimming or bathing, washing clothes, cleaning fish or other unsanitary activities, except at places designated for such activities;
 - (6) No person shall operate skateboards, roller skates, in-line skates, bicycles or any rolling (nonmotorized) vehicles in city parks where such activity is specifically

prohibited by appropriate posting or in an unsafe manner so as to infringe upon the safety of themselves or other park users;

- (7) No person shall possess any glass beverage container, unless specifically authorized by a permit issued pursuant to Section 23-56 of this chapter;
 - (8) No person shall knowingly, intentionally or recklessly litter, break, throw, toss or otherwise propel any glass object or container; and
 - (9) No person shall fly a kite OR LAUNCH OR LAND A MODEL AIRCRAFT; ~~remote control plane or similar aerial device~~ within Tempe Beach Park, PAPAGO PARK, or Rio Salado Park.
- (b) The community services director or designee for Rio Salado Park is hereby delegated the authority to establish additional prohibited activities at specified parks.

Section 2. That Chapter 23, Article V, Division 2, Section 23-110 of the Tempe City Code is hereby amended to read as follows:

Sec. 23-110. Rules for use; criminal penalty.

- (a) All persons using a preserve shall comply with the following, except as may be specifically authorized by a permit or permits issued as provided in Section 23-112 of this article:
- (1) No person shall trespass upon or be upon the grounds without the express written permission of the official designated by the Community Services Director, between the hours of 10:00 p.m. and 6:00 a.m., unless otherwise posted;
 - (2) No person shall possess or consume spirituous liquors in a preserve;
 - (3) No motorized vehicles shall be allowed in a preserve WHEN THE MOTOR IS OPERATING. This provision shall not be construed, however, to prevent the use and operation of a motorized wheelchair by a person who ordinarily uses such equipment, when the person is engaged in activities otherwise permitted in a preserve;
 - (4) No camping shall be permitted in a preserve as defined in Section 23-90 of this chapter;
 - (5) No person shall remove, deface, damage, disturb or excavate any materials from or in a preserve, or any historical, prehistorical, archaeological, paleontological, or geologic site or feature situated within a preserve, including, but not limited to,

plants, rocks, any other earth material, historical or other archaeological resources, such as petroglyphs and dead or decaying plant materials;

- (6) No person shall deface, damage or inscribe a message, slogan, sign or symbol upon any natural feature in a preserve, including the ground itself, using any material, including paint or markers of any kind;
 - (7) No person shall destroy, dig up, mutilate, collect, cut, harvest or remove any live or dead tree or plant material in or from a preserve; ~~and~~
 - (8) No person shall dig, remove or excavate any sand, gravel, rocks or soil from within a preserve; ; AND
 - (9) NO PERSON SHALL LAUNCH OR LAND A MODEL AIRCRAFT WITHIN A PRESERVE.
- (b) Any person or persons guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor and punishable as set forth in Section 1-7 of this Code.

Section 3. Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption or at any later date specified therein.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2017.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney