

ORDINANCE NO. 2017-26

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, AMENDING CHAPTERS 7 AND 18 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 18-1 AND RENUMBERING IT AS SECTION 7-1 PERTAINING TO COMMUNITY SERVICES DEPARTMENT; ESTABLISHMENT; BY REPEALING SECTION 18-2 IN ITS ENTIRETY PERTAINING TO COMMUNITY SERVICES DEPARTMENT; DIVISION MANAGERS AND RENUMBERING IT AS RESERVED SECTION 7-2; BY RENUMBERING RESERVED SECTION 18-3 AS RESERVED SECTION 7-3; BY AMENDING SECTION 18-4 AND RENUMBERING IT AS SECTION 7-4 PERTAINING TO COMMUNITY SERVICES DEPARTMENT; POSITION CLASSIFICATION PLAN; BY RENUMBERING SECTIONS 18-5 THROUGH 18-15 AS RESERVED SECTIONS 7-5 THROUGH 7-15; BY REPEALING SECTION 18-16 IN ITS ENTIRETY PERTAINING TO PARKS AND RECREATION BOARD; ESTABLISHED AND RENUMBERING IT AS RESERVED SECTION 7-16; BY REPEALING SECTION 18-17 IN ITS ENTIRETY PERTAINING TO PARKS AND RECREATION BOARD; MEMBERS AND RENUMBERING IT AS RESERVED SECTION 7-17; BY REPEALING SECTION 18-18 IN ITS ENTIRETY PERTAINING TO PARKS AND RECREATION BOARD; OFFICERS AND RENUMBERING IT AS RESERVED SECTION 7-18; BY REPEALING SECTION 18-19 IN ITS ENTIRETY PERTAINING TO PARKS AND RECREATION BOARD; MEETINGS AND RENUMBERING IT AS RESERVED SECTION 7-19; BY REPEALING SECTION 18-20 IN ITS ENTIRETY PERTAINING TO PARKS AND RECREATION BOARD; POWERS AND DUTIES AND RENUMBERING IT AS RESERVED SECTION 7-20; BY RENUMBERING RESERVED SECTION 18-21 AS RESERVED SECTION 7-21; BY RENUMBERING RESERVED SECTION 18-22 AS RESERVED SECTION 7-22; BY RENUMBERING RESERVED SECTION 18-23 AS RESERVED SECTION 7-23; BY RENUMBERING RESERVED SECTION 18-24 AS

RESERVED SECTION 7-24; BY RENUMBERING RESERVED SECTION 18-25 AS RESERVED SECTION 7-25; BY REPEALING SECTION 18-26 IN ITS ENTIRETY PERTAINING TO YOUTH ADVISORY BOARD; ESTABLISHED AND RENUMBERING IT AS RESERVED SECTION 7-26; BY REPEALING SECTION 18-27 IN ITS ENTIRETY PERTAINING TO YOUTH ADVISORY BOARD; MEMBERS; OFFICERS AND RENUMBERING IT AS RESERVED SECTION 7-27; BY REPEALING SECTION 18-28 IN ITS ENTIRETY PERTAINING TO YOUTH ADVISORY BOARD; MEETINGS AND RENUMBERING IT AS RESERVED SECTION 7-28; BY REPEALING SECTION 18-29 IN ITS ENTIRETY PERTAINING TO YOUTH ADVISORY BOARD; POWERS AND DUTIES AND RENUMBERING IT AS RESERVED SECTION 7-29; BY REPEALING SECTION 18-30 IN ITS ENTIRETY PERTAINING TO ESTABLISHMENT OF DRUG FREE ZONES IN CITY PARKS AND RENUMBERING IT AS RESERVED SECTION 7-30; BY AMENDING SECTION 18-31 AND RENUMBERING IT AS SECTION 7-31 PERTAINING TO SIGNAGE; BY AMENDING SECTION 18-32 AND RENUMBERING IT AS SECTION 7-32 PERTAINING TO REPORTING; BY AMENDING SECTION 18-33 AND RENUMBERING IT AS SECTION 7-33 PERTAINING TO VIOLATION; BY RENUMBERING SECTION 18-34 AS SECTION 7-34 PERTAINING TO FORFEITURE; BY RENUMBERING RESERVED SECTION 18-35 AS RESERVED SECTION 7-35; BY RENUMBERING RESERVED SECTION 18-36 AS RESERVED SECTION 7-36; BY RENUMBERING RESERVED SECTION 18-37 AS RESERVED SECTION 7-37; BY RENUMBERING RESERVED SECTION 18-38 AS RESERVED SECTION 7-38; BY RENUMBERING RESERVED SECTION 18-39 AS RESERVED SECTION 7-39; BY RENUMBERING RESERVED SECTION 18-40 AS RESERVED SECTION 7-40; BY RENUMBERING RESERVED SECTION 18-41 AS RESERVED SECTION 7-41; BY RENUMBERING SECTIONS 18-42 THROUGH 18-49 AS RESERVED SECTIONS 7-42 THROUGH 7-49; BY AMENDING SECTION 18-50 AND

RENUMBERING IT AS SECTION 7-50 PERTAINING TO TREE ORDINANCE PURPOSE; BY AMENDING SECTION 18-51 AND RENUMBERING IT AS SECTION 7-51 PERTAINING TO DEFINITIONS; BY AMENDING SECTION 18-52 AND RENUMBERING IT AS SECTION 7-52 PERTAINING TO ACCEPTABLE STREET TREE SPECIES; BY RENUMBERING SECTION 18-53 AS SECTION 7-53 PERTAINING TO PUBLIC TREE CARE; BY AMENDING SECTION 18-54 AND RENUMBERING IT AS SECTION 7-54 PERTAINING TO RESPONSIBILITY FOR MAINTENANCE; BY AMENDING SECTION 18-55 AND RENUMBERING IT AS SECTION 7-55 PERTAINING TO PLANTING, REMOVING OR CUTTING TREES ON PUBLIC PROPERTY; BY RENUMBERING SECTION 18-56 AS SECTION 7-56; BY RENUMBERING SECTION 18-57 AS SECTION 7-57; BY AMENDING SECTION 18-58 AND RENUMBERING IT AS SECTION 7-58 PERTAINING TO INTERFERENCE WITH CITY ARBORIST; BY AMENDING SECTION 18-59 AND RENUMBERING IT AS SECTION 7-59 PERTAINING TO REVIEW BY CITY MANAGER; BY AMENDING SECTION 18-60 AND RENUMBERING IT AS SECTION 7-60 PERTAINING TO CIVIL SANCTION; BY AMENDING SECTION 18-61 AND RENUMBERING IT AS SECTION 7-61 PERTAINING TO PARKS; DEFINITIONS; BY AMENDING SECTION 18-62 AND RENUMBERING IT AS SECTION 7-62 PERTAINING TO PARKS; REGULATED ACTIVITIES; VIOLATIONS; BY AMENDING SECTION 18-63 AND RENUMBERING IT AS SECTION 7-63 PERTAINING TO PARKS; HOURS OF OPERATION; ACCESS RESTRICTED; VIOLATIONS; BY AMENDING SECTION 18-64 AND RENUMBERING IT AS SECTION 7-64 PERTAINING TO PARKS; VEHICLES; PEACE OFFICER AUTHORITY; VIOLATIONS; BY AMENDING SECTION 18-65 AND RENUMBERING IT AS SECTION 7-65 PERTAINING TO PARKS; ALCOHOLIC BEVERAGES, BEER PERMITS; BY AMENDING SECTION 18-66 AND RENUMBERING IT AS SECTION 7-66 PERTAINING TO PARKS; GENERAL RULES OF CONDUCT; VIOLATIONS; BY

AMENDING SECTION 18-67 AND RENUMBERING IT AS SECTION 7-67 PERTAINING TO PARKS; MISCELLANEOUS RULES OF CONDUCT; VIOLATIONS; BY AMENDING SECTION 18-68 AND RENUMBERING IT AS SECTION 7-68 PERTAINING TO PARKS; ADVERTISING, ASSEMBLAGES, ENTERTAINMENT, SALES, FREE SPEECH AND NON-PUBLIC FORUM AREAS. BY AMENDING SECTION 18-69 AND RENUMBERING IT AS SECTION 7-69 PERTAINING TO PARKS; FIREWORKS, FIRES, GLASS, WEAPONS; VIOLATIONS; BY AMENDING SECTION 18-70 AND RENUMBERING IT AS SECTION 7-70 PERTAINING TO PARKS; ENFORCEMENT; VIOLATIONS; BY AMENDING SECTION 18-71 AND RENUMBERING IT AS SECTION 7-71 PERTAINING TO PARKS; SOUND AMPLIFICATION SYSTEMS; REQUIREMENTS; BY AMENDING SECTION 18-72 AND RENUMBERING IT AS SECTION 7-72 PERTAINING TO PARKS; PERMITS; BY AMENDING SECTION 18-73 AND RENUMBERING IT AS RESERVED SECTION 7-73; BY ENACTING SECTION 7-74 PERTAINING TO PARKS; HISTORIC PRESERVATION; VIOLATIONS; BY ENACTING SECTION 7-75 PERTAINING TO PARKS; OPERATION OF REMOTELY CONTROLLED OR MODEL AIRCRAFT, UNMANNED AIRCRAFT VEHICLES AND UNMANNED AIRCRAFT SYSTEMS; VIOLATIONS; IDENTIFYING CURRENT CHAPTER 7 OF THE PEORIA CITY CODE (1992) TO BE RENUMBERED AND/OR AMENDED BY A SEPARATE ORDINANCE; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

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

SECTION 1. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-1 and renumbering it as Section 7-1 pertaining to Community Services Department; establishment and which shall read as follows:

Sec. ~~7-18-1~~1. Community Services Department; establishment.

~~(a)~~ There shall be a Department of Community Services. The Director of the ~~Department of Community Services~~ Department shall be appointed by the City Manager and confirmed by the City Council, and shall serve at the pleasure and will of the City Manager. The position shall be an unclassified position and not subject to the City merit system.

~~(b) The Department of Community Services shall consist of four divisions: Library Operations, Recreation Programs, Parks, and Sports Complexes.~~

SECTION 2. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-2 in its entirety pertaining to Community Services Department; division managers and renumbering it as Reserved Section 7-2 and which shall read as follows:

Sec. ~~7-218-2~~2. Community Services Department; ~~division managers.~~ Reserved.

~~Each division within the Department of Community Services shall be headed by a division manager. Each division manager shall be recommended by the Director of Community Services for appointment to the City Manager. The position of division manager shall be a classified position subject to the City merit system. The position of division manager may be filled by designating an incumbent in another position in the division to perform the duties of division manager.~~

SECTION 3. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-3 as Reserved Section 7-3.

SECTION 4. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-4 and renumbering it as Section 7-4 pertaining to Community Services Department; position classification plan and which shall read as follows:

Sec. ~~18-7-4~~7-4. Community Services Department; position classification plan.

The city manager shall promulgate a position classification plan for the department of community services. ~~The plan shall establish specific positions assigned to ranges and steps within the city's pay plan.~~ The promulgation of a position classification plan shall not create any obligation upon the city council to appropriate funds for any position within the plan.

SECTION 5. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Sections 18-5 through 18-15 and renumbering them as Reserved Sections 7-5 through 7-15.

SECTION 6. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-16 in its entirety pertaining to Parks and recreation board; established and renumbering it as Reserved Section 7-6 and which shall read as follows:

~~Sec. 18-7-16. Parks and recreation board; established.~~¹ Reserved.

~~The parks and recreation board of the city is established.~~

SECTION 7. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-17 in its entirety pertaining to Parks and recreation board; members and renumbering it as Reserved Section 7-17 and which shall read as follows:

~~Sec. 18-7-17. Parks and recreation board; members.~~ Reserved.

~~(a) — The Parks and Recreation Board of the City shall be composed of a total of seven (7) members. The members of the Board shall be appointed by the mayor with the approval of the Council.~~

~~(b) — All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the board and approval of the expenditure by the council.~~

~~(c) — Notwithstanding subsection (a) of this section, any member of the board may be removed by a majority vote of the council, upon motion of any member of the council.~~

SECTION 8. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-18 in its entirety pertaining to Parks and recreation board; officers and renumbering it as Reserved Section 7-18 and which shall read as follows:

~~Sec. 18-7-18. Parks and recreation board; officers.~~ Reserved.

~~The parks and recreation board shall elect a chairman and vice-chairman~~

~~from among its own members, each of whom shall serve for one (1) year and until his successor is elected and qualified. The chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The chairman shall have the power to administer oaths and to take evidence. The vice-chairman shall perform the duties of the chairman in the absence or disability of the chairman. Vacancies created by any cause shall be filled for the unexpired term by a new election.~~

SECTION 9. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-19 in its entirety pertaining to Parks and recreation board; meetings and renumbering it as Reserved Section 7-19 and which shall read as follows:

~~Sec. 18-7-19. Parks and recreation board; meetings.~~ Reserved.

~~(a) The parks and recreation board shall provide in its rules for its meetings. Special meetings may be called by the chairman, or in his absence, the vice-chairman. Any two (2) members of the board may make a written request to the chairman for a special meeting and if a meeting is not called, the members may call such special meeting in such manner and form as may be provided in the board's rules.~~

~~(b) A majority of the members comprising the board shall constitute a quorum. A quorum is necessary to transact board business. The affirmative vote of a majority of those members present and voting shall be required for passage of any matter before the board. The minutes of the meetings shall reflect the "ayes" and "noes" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question. The vote of any member who fails to declare his vote shall be recorded as an "aye" vote, provided that he is not exempt from voting by reason of a declared conflict of interest.~~

SECTION 10. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-20 in its entirety pertaining to Parks and recreation board; powers and duties and renumbering it as Reserved Section 7-20 and which shall read as follows:

~~Sec. 18-7-20. Parks and recreation board; powers and duties.~~ Reserved.

~~(a) The parks and recreation board shall:~~

~~(1) Advise the city, through the city manager, on establishing policies for~~

~~recreational facilities and services within and without the city as the developing public recreation needs may require.~~

~~(2) — Advise the city, through the city manager, regarding contracts to grant concessions, licenses and permits for the use of the recreational facilities of the city and for others for the use of recreational facilities needed by the city.~~

~~(3) — Advise the city, through the city manager, concerning recreational needs and recommend acquisition, location and nature of facilities to meet said needs.~~

~~(4) — Perform such other duties as may be prescribed by ordinance or resolution.~~

~~(b) — The board may advise the city through the city manager regarding a uniform schedule of charges to be made by the city for recreational facilities. All receipts shall be paid into the general fund of the city. Such schedule shall become effective upon approval by the council.~~

SECTION 11. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-21 as Reserved Section 7-21.

SECTION 12. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-22 as Reserved Section 7-22.

SECTION 13. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-23 as Reserved Section 7-23.

SECTION 14. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-24 as Reserved Section 7-24.

SECTION 15. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-25 as Reserved Section 7-25.

SECTION 16. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-26 in its entirety pertaining to Youth Advisory Board; established and renumbering it as Reserved Section 7-26 and which shall read as follows:

Sec. 18-7-26. Youth Advisory Board; established. Reserved.

~~The Youth Advisory Board of the City is established.~~

SECTION 17. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-27 in its entirety pertaining to Youth Advisory Board; officers and renumbering it as Reserved Section 7-27 and which shall read as follows:

~~Sec. 18-7-27. Youth Advisory Board; Members; Officers. Reserved.~~

~~(a) — The Youth Advisory Board of the City shall be composed of a total of Nineteen (19) members. Alternate Board members shall not automatically succeed to the seat of a vacant board member unless appointed by the Mayor with the approval of the Council in the manner provided by this Code. All members and alternates shall be appointed by the Mayor with the approval of the Council.~~

~~(b) — All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the Board and approval of the expenditure by the Council.~~

~~(c) — Notwithstanding the provisions of Section 2-150 of this code, the terms of members of the Youth Advisory Board shall be two (2) years. At the time of initial appointment, the terms shall be staggered so that no more than 10 members shall serve two-year terms and 9 members having one-year terms. The terms of the alternate members shall be two years. Notwithstanding any other provision of this code, members of the Youth Advisory Board shall be eligible for reappointment for up to two additional terms.~~

~~(d) — The Youth Advisory Board shall elect a chairman chairperson and vice-chairman chairperson from among its own members; each of who shall serve for one (1) year and until his successor is elected and qualified. The chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. Upon vacancy in the position of chairman, the vice-chairman shall succeed as chairman and complete the remainder of their term. Vacancies for any other position, created by any cause shall be filled for the unexpired term by a new election.~~

SECTION 18. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-28 in its entirety pertaining to Youth Advisory Board; meetings and renumbering it as Reserved Section 7-28 and which shall read as follows:

~~Sec. 18-7-28. Youth Advisory Board; meetings. Reserved.~~

~~(a) — The Youth Advisory board shall provide in its rules for its meetings. Special meetings may be called by the chairman, or in his absence, the vice-chairman. Any five (5) members of the board may make a written request to the chairman chairperson for a special meeting and if a meeting is not called, the members may call such special meeting in such manner and form as may be provided in the board's bylaws and or rules.~~

~~(b) — A majority of the members comprising the board shall constitute a quorum. A quorum is necessary to transact board business. The affirmative vote of a majority of those members present and voting shall be required for passage of any matter before the board. The minutes of the meetings shall reflect the "ayes" and "noes" cast on a particular measure and shall reflect the vote of each member present. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberations on the matter in question. The vote of any member who fails to declare his vote shall be recorded as a vote in favor the prevailing side, provided that he is not exempt from voting by reason of a declared conflict of interest.~~

SECTION 19. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-29 in its entirety pertaining to Youth Advisory Board; powers and duties and renumbering it as Reserved Section 7-29 and which shall read as follows:

Sec. ~~18-7-29~~. Youth Advisory Board; powers and duties. Reserved.

~~(a) — The Youth Advisory Board shall:~~

~~(1) — Advise the city, through the city manager, on the development of public recreational facilities in the City~~

~~(2) — Assist the city staff through the city manager or their designee with the planning and implementation of a Student Government Day.~~

~~(3) — Advise the city, through the city manager or their designee on the activities, programs and events offered to the Youth of Peoria.~~

~~(4) — Review ordinances and proposals pertaining to youth issues as directed by the Mayor and Council.~~

~~(5) — Adopt bylaws governing the operation of the board, subject to the approval of the Council.~~

~~(6) Perform such other duties as may be prescribed by ordinance or resolution.~~

SECTION 20. Chapter 18 of the Peoria City Code (1992) is amended by repealing Section 18-30 in its entirety pertaining to Establishment of Drug Free Zones in City Parks and renumbering it as Reserved Section 7-30 and which shall read as follows:

Sec. ~~18-7-30~~. ~~Establishment of Drug Free Zones in City Parks.~~ Reserved.

~~The city manager or his designee shall prepare a map that identifies the area on or within 300 feet of a city park, recreation area or accompanying grounds. The maps shall be called the "drug free park zone maps". The city clerk shall maintain copies of the maps and provide them upon request.~~

SECTION 21. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-31 and renumbering it as Section 7-31 pertaining to Signage and which shall read as follows:

Sec. ~~18-7-31~~. ~~Signage.~~ Drug Free Zones in City Parks.

(a) ~~The City Manager or his their designee shall place and maintain permanently affixed signs located in a visible manner at the main entrance of each park or recreation area that identifies the park or recreation area and its accompanying grounds as a drug free park zone. The signs shall indicate that it is the policy of the City that each park or recreation area is a drug free park zone and that they shall be unlawful to possess, sale, or use dangerous drugs or controlled substances in a City park or recreation area. The City will fully enforce all federal, state, and local laws and regulations pertaining to the possession, sale and use of dangerous drugs and controlled substances in City parks and recreation areas.~~

(b) ~~Any person found to be in violation of this section in addition to any other penalty prescribed by law shall be subject to expulsion from such park and recreation area at the time the violation occurs by a peace officer in accordance with Arizona Revised Statutes Title 13, Section 13-1502. The drug free park zone map prepared pursuant to this Code shall constitute an official record as to the location and boundaries of each drug free park zone. The City Manager or his designee shall promptly notify the City Attorney of any changes in the location and boundaries of any City park or recreation area property and shall file with the county recorder the original maps prepared pursuant to this Code.~~

SECTION 22. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-32 and renumbering it as Section 7-32 pertaining to Reporting and which shall read as follows:

Sec. ~~18-7~~-32. Reporting Violations; Drug Free Zones in City Parks.

(a) All City employees who observe a violation of Title 13, Chapter 34, Sections 13-3402 - 13-3411, Arizona Revised Statutes, as amended shall immediately report the violation to ~~the City manager or his designee~~ a peace officer. ~~The City Manager or his designee shall immediately report the violation to a peace officer.~~

It is ~~unlawful~~ required for any City employee to report a violation as prescribed in this section.

(b) City personnel having custody or control of City records of an individual involved in an alleged violation of Title 13, Chapter 34, Sections 13-3402 - 13-3411, Arizona Revised Statutes, as amended shall make the records available to a peace officer upon written request signed by a magistrate. ~~Records disclosed pursuant to this section are confidential and may be used only in an administrative or judicial proceeding.~~ A person furnishing records under this section or a person participating in a judicial or administrative proceeding shall be immune from any civil or criminal liability by reason of such action, unless the person acted with malice.

(c) ~~The reporting requirements of this section shall be included in a~~ All agreements, contracts, licenses, permits or any authorization granted to use a City park ~~or recreation facility and recreation area after September 1, 1993.~~ shall recognize City parks and recreations areas Drug Free Zones. ~~The person or entity using the City park or and recreation facility area shall be subject to the reporting requirements of subsection (a) of this section.~~

SECTION 23. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-33 and renumbering it as Section 7-33 pertaining to Violation and which shall read as follows:

Sec. ~~18-7~~-33. Violation.

A person who violates section ~~18-7~~-32 of this section is guilty of a class (3) misdemeanor.

SECTION 24. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-34 as Section 7-34 pertaining to Forfeiture and which shall read as follows:

Sec. ~~18-7~~34. Forfeiture.

Any of the following items used in violation of Title 13, Chapter 34, Sections 13-3402 - 13-3411, Arizona Revised Statutes, as amended in a designated drug free park zone shall be subject to forfeiture in the same manner as authorized by Arizona Revised Statutes, Title 13, Chapter 39.

SECTION 25. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-35 as Reserved Section 7-35.

SECTION 26. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-36 as Reserved Section 7-36.

SECTION 27. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-37 as Reserved Section 7-37.

SECTION 28. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-38 as Reserved Section 7-38.

SECTION 29. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-39 as Reserved Section 7-39.

SECTION 30. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-40 as Reserved Section 7-40.

SECTION 31. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-41 as Reserved Section 7-41.

SECTION 32. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Sections 18-42 through 18-49 as Reserved Sections 7-42 through 7-49.

SECTION 33. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-50 and renumbering it as Section 7-50 pertaining to Tree ordinance purpose and which shall read as follows:

Sec. ~~18-7~~50. Tree ordinance purpose.

This Ordinance ~~is intended for~~authorizes the City of Peoria to provide guidelines for the care, maintenance, and management of the tree resources in the public right of ways, and park and recreation areas in the City. ~~This Ordinance provides authority for the maintenance of trees located within the right of ways, park and recreation areas, and public places throughout the City.~~

SECTION 34. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-51 and renumbering it as Section 7-51 pertaining to Definitions and which shall read as follows:

Sec. ~~18-7~~7-51. Definitions.

For the purpose of this Chapter, the following words, terms and phrases shall have the following meanings/definitions ascribed to them, except where the context clearly indicates a different meaning:

City: ~~means~~ the City of Peoria, Maricopa County, Arizona and/or the City Manager and the Community Services Department (~~Parks Division~~).

City Arborist: ~~means~~ a (existing) employee of the City designated by the Director of the Community Services Department. The City Arborist shall be a Certified Arborist by the International Society of Arboriculture. ~~The City Arborist shall serve without any additional compensation other than their current salary.~~

~~*City Arborist Duties and Responsibilities* means to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of Street and Park Trees. Such plan will be presented annually to the Community Services Director, or his/her designee. The City Arborist, when requested by the Community Services Director, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of his/her work.~~

Park Trees: ~~means~~ sShrubs, bushes and all other woody vegetation, whose individual or combined trunks measure greater than 14" in circumferences at 4' 6" above the natural grade, in public park and recreation areas and all areas owned by the City, or to which the public has free access as a park and recreation area.

Street Trees: ~~s~~SShrubs, bushes and all other woody vegetation, whose individual or combined trunks measure greater than 14" in circumferences at 4' 6" above the natural grade, on land lying between property lines on either side of all streets, avenues or right of ways within the City and where the landscaping is maintained by the City.

Street Tree Species: ~~a~~Acceptable street tree species for the City.

~~Topping means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.~~

SECTION 35. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-52 and renumbering it as Section 7-52 pertaining to Acceptable Street Tree Species and which shall read as follows:

Sec. ~~18-7-52.~~ Acceptable Street Tree Species.

~~The following list constitutes acceptable~~Acceptable Street Tree Species for the City shall be considered low water use. Species other than those considered low water use may be planted as Street Trees with. ~~No species other than those included in this list may be planted as Street Trees without written permission of the City Arborist.~~

*Acacia anuera	Cupressus sempervirens—Italian cypress
**Acacia berlandieri—Guajillo	Dalbergia sisso—Indian rosewood
**Acacia constricta—White thorn Acacia	Eucalyptus albens—White box
*Acacia craspedocarpa—Leather leaf Acacia	Eucalyptus campaspe—Silver topped gimlet
**Acacia farnesiana—Sweet Acacia	Eucalyptus citriodora—Lemon-scented Gum
**Acacia rigidula—Blackbrush Acacia	Eucalyptus erythrocorys—Red cap gum
Acacia salicina—Willow Acacia	Eucalyptus leucoxylon—White Iron bark
Acacia stenophylla—Shoestring Acacia	Eucalyptus microtheca—Coolibah
Acacia willardiana—Palo Blanco	Eucalyptus papuana—Ghost gum
**Caesalpinia cacalaco—Cascalote	Eucalyptus salmonophloia—Salmon gum
*Caesalpinia mexicana—Mexican Bird of Paradise	Eucalyptus spathulata—Narrow leaf gimlet
*Caesalpinia platyloba—Palo Colorado	Fraxinus greggii—little leaf ash
Ceratonia siliqua—carob	Juniperus scopulorum—rocky mtn. juniper
**Celtis pallida—Desert Hackberry	*Lysiloma thornberi—Feather tree
Celtis reticulata—Western Hackberry	Olea europea—olive (fruitless)
**Cercidium floridum—Blue Palo Verde	**Olneya tesota—Ironwood
**Cercidium praecox—Palo Brea	**Parkinsonia aculeata—Mexican palo verde
*Cercis canadensis mexicana—Mexican Redbud	
*Cercis occidentalis—Western Redbud	
Chitalpa tashkentensis—chitalpa	
*Chilopsis linearis—desert willow	

~~Parkinsonia aculeata X microphyllum —~~
~~Desert museum~~
~~Pinus canariensis — Canary Island pine~~
~~Pinus eldarica — Afghan pine~~
~~Pinus halepensis — Aleppo pine~~
~~Pinus pinea — Italian stone pine~~
~~Pistacia atlantica — Mt Atlas pistacia~~
~~*Pistacia lentiscus — Mastic tree~~
~~**Pithecellobium flexicaule — Texas~~
~~ebony~~
~~**Pithecellobium mexicanum — Mexican~~
~~ebony~~
~~**Pithecellobium pallens — Tenaza~~
~~Pittosporum phillyraeoides — willow~~
~~pittosporum~~
~~Rhus lancea — African sumac~~
~~Quercus buckleyi — Texas red oak~~
~~Quercus ilex — Holly oak~~
~~Quercus virginiana — Southern live oak~~
~~*Sophora secundiflora — Texas~~
~~mountain laurel~~
~~Ulmus parviflora — Evergreen elm~~
~~*Vitex agnus-castus — chaste tree~~
~~Ziziphus jujube — jujube~~

~~No Street Trees other than those species identified by an asterisk (*) in this Section may be planted without written permission of the City Arborist under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.~~

~~Street Trees identified by two asterisks (**) in this Section will not be planted unless there is a separation of at least two (2) lateral feet of their anticipated mature canopy and any pedestrian corridor.~~

SECTION 36. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-53 as Section 7-53 pertaining to Public tree care and which shall read as follows:

Sec. ~~18-7-~~53. Public tree care.

(a)The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b)The City Arborist may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners.

SECTION 37. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-54 and renumbering it as Section 7-54 pertaining to Responsibility for maintenance and which shall read as follows:

Sec. ~~18-7-~~54. Responsibility for maintenance.

Unless there is a specific agreement between the property owner and the City relieving the property owner of responsibility, the property owner who obtains prior written permission, shall be responsible for the irrigation and maintenance of the trees planted in public right of ways abutting the owner's property. Maintenance of City authorized trees in medians and park and recreation areas shall be the responsibility of the Community Services Department.

SECTION 38. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-55 and renumbering it as Section 7-55 pertaining to Planting, removing or cutting trees on public property and which shall read as follows:

Sec. ~~18-7~~-55. Planting, removing or cutting trees on public property.

No person shall plant, remove, cut above the ground or disturb any tree within any City maintained right of way, park and recreation area or other public place without first obtaining written permission from the City Arborist. The person obtaining permission shall abide by the standards set forth in this Chapter. Any person maintaining any overhead wires or conduit along or across any street or alley of the City desiring to have any trees that may interfere with any such utility cut, trimmed or pruned must be granted written permission to cut, prune or trim such trees.

SECTION 39. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-56 as Section 7-56.

SECTION 40. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-57 as Section 7-57.

SECTION 41. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-58 and renumbering it as Section 7-58 pertaining to Interference with the City Arborist and which shall read as follows:

Sec. ~~18-7~~-58. Interference with the City Arborist.

It shall be unlawful for any person to prevent, delay or interfere with the City, the City Arborist, or any of ~~his/her~~ designated agents or contractors, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any Street Trees or Park Trees as authorized in this Ordinance.

SECTION 42. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-59 and renumbering it as Section 7-59 pertaining to Review by City Manager and which shall read as follows:

Sec. ~~18-7~~-59. Review by City Manager.

The City Manager shall have the right to review the conduct, acts and decisions of the City Arborist and the ~~Community Services Department Director of the Community Services Department~~. Any person has ten business days to ~~may~~ appeal from a ruling or order of the City Arborist to the City Manager who may hear the matter, and make a final decision which decision shall be final.

SECTION 43. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-60 and renumbering it as Section 7-60 pertaining to Civil sanction and which shall read as follows:

Sec. ~~18-7~~-60. Civil sanction.

Any person violating any ~~of the provisions and/or sections of provision of~~ the Tree Ordinance shall be ~~upon being found in violation or a plea of guilty,~~

~~deemed to have committed guilty of a civil infraction, and shall be punished by imposition of~~subject to a civil sanction not to exceed two hundred and fifty dollars (\$250.00) in accordance with this code. Each day any violation of the Tree Ordinance or failure to perform any act or duty required by the Tree Ordinance exists shall constitute a separate violation or offense.

SECTION 44. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-61 and renumbering it as Section 7-61 pertaining to Parks; definitions and which shall read as follows:

Sec. ~~18-7-61~~. Park and recreation areas; definitions.

The following terms shall have the following meaning:

(a) Archaeological Resource--means material remains of past human activity and life which are at least one hundred (100) years old and are of archaeological interest including, but not limited to, pottery, basketry, bottles, weapon projectiles, tools, structures, pit houses, rock paintings and carvings, graves, human skeletal materials, or any portion thereof.

(b) Archaeological Site--means a geographic location that contains an archaeological resource.

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

~~(d)~~ Bike Park: a purpose-built recreational environment for BMX bicycle riders to ride, at their own risk.

~~(b)~~(e) City Manager:--The City Manager or the Community Services Director and such other persons as they may their designee designate.

~~(c)~~(f) "Commercial purpose": 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.

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

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

~~(e)~~(i) Director:--The Director of the Community Services Department, or his or her designee.

~~(f)~~(j) Dog friendly area means a designated area in a park and recreation area which is enclosed where dogs need not be restrained by a leash.

Commonly referred to as a dog park.

(k) Electronic cigarette: aAny product containing or delivering nicotine or any other similar substance intended for human consumption that employs a mechanical heating element, battery or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution and can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or description.

(g)(l) Food: aAny 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.

(h)(m) In-line skates: aA 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.

(i)(n) Mountain Hiking Trail: aAny recreational trail established by the City of Peoria located within a preserved open space, mountainous, non-developed, or protected area which is built with greater sensitivity to the existing natural environment.

(j)(o) Multi-Use Trail or Pathway: aAny paved or unpaved recreational corridor established by the City of Peoria for use by multiple recreational user groups and normally located along roadways, washes, canals and utility corridors as well as within small and large open space areas.

(p) Organized Sports Activity: aA group consisting of 6 or more people engaging in a sports or fitness related activity (such as, but not limited to soccer, football, basketball, pickleball, baseball and/or softball) and where similar uniforms, boundary or distance markers, safety or specialized equipment, conditioning apparatus or other devices are being utilized or where, by the very nature of the activity being conducted would lead one to reasonably believe the activity is subject to a formal set of rules or a regimen and is more than passive recreation. Organized sports activities shall also include any activity which is advertised to solicit participation, paid or otherwise, regardless of group size.

(k)(q) Park and Recreation Area: aAny neighborhood park, community park, regional park, public open space, multi-use trail, mountain hiking trail, trailhead, or swimming pool or other 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-casualpassive recreation.

(l)(r) Park attendant: aAny person employed by the City to perform duties or tasks within the park and recreation areas, including but not limited to park rangers.

~~(t) Path—any footpath, walk, or any path maintained for pedestrians.~~

~~(n)(s)~~ Pedestrian: ~~—a~~A person afoot.

~~(e)(t)~~ Permit: ~~—a~~Any written license issued by or under the authority of the Community Services Department or other approving governing agency pursuant to Section ~~18-7-72~~ permitting a special event or activity on any park and recreation area _____ facilities.

~~(p)(u)~~ Person: ~~a~~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.

(v) Portable shade Structure: Any portable cover made of plastic, nylon, canvas, or any like material, supported by one or more poles, or a frame, used to provide shelter from the sun.

(w) Skate park: A purpose-built recreational environment for skateboarders, in-line skaters or scooter riders to stake, at their own risk.

(x) Sky lantern: A device designed to carry an open flame or other illuminating source as an airborne light. Also known as a kongming lantern, wish lantern, sky candle, fire balloon, etc.

~~(e)(y)~~ Stopping or standing —when prohibited: ~~a~~Any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrians or other vehicles.

~~(f)(z)~~ Trailhead: ~~—a~~An area designated by the City of Peoria for the public to access a mountain hiking or multi-use trail or pathway.

~~(s)(aa)~~ Vehicle: ~~—a~~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.

~~(t) Organized Sport or Fitness Activity - An activity involving physical exertion and skill that is governed by a set of rules that may be led by a coach or instructor.~~

(bb) Special Event: A sporting, cultural, business or other type of unique activity, occurring for a limited or fixed duration (one-time, annual) and presented to a live audience that impacts the City of Peoria.

SECTION 45. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-62 and renumbering it as Section 7-62 pertaining to Parks; regulated activities; violations and which shall read as follows:

Sec. ~~18-7~~-62. Parks and recreation areas; 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:~~ in one of the following two circumstances:

(a) Signage is posted in the park and recreation area indicating that the regulated activity is allowed in designated areas, or,-

(b) The regulated activity is conducted pursuant to a permit or proper registration.

(1) Swimming, bathing, wading, fishing.

(2) Model airplane flying, unmanned aircraft or unmanned aircraft systems, aka, “drones,” 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.~~

(11) Organized sports activities

(172) Organized fitness activities (i.e. boot camps).

(183) Skateboarding, scooting, in-line skating, BMX cycling.

(194) Live Action Role Play (LARP).

(15) Release or launch any sky lantern.

(16) Or other regulated activities as determined by approval from the Director of the Community Services Department or their designee.

~~(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.~~

~~(b)~~ It is presumed that unless a permit has been issued for a regulated activity is prohibited, unless the regulated activity is allowed under an issued permit, proper registration, or signage is posted indicating that such an activity is permitted that the activity is prohibited in a park and recreation area.

~~(c)~~ In addition to the other requirements of this Section, it shall be a violation of this Section if any 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.

~~(d)~~ 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.~~

SECTION 46. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-63 and renumbering it as Section 7-63 pertaining to Parks; Hours of Operation; Access Restricted and which shall read as follows:

Sec. ~~18-7-63~~. Park and recreation areas; Hours of Operation; Access Restricted; Violations

(a) It shall be a violation of this chapter for any person other than a peace officer, city employee working in an official capacity, or designated park ranger to be in any park and recreation outside the established Hours of Operations ~~area during the hours the park and recreation area are closed~~. The City Manager or his designee may establish hours of operations for each park and recreation area, which shall be posted at all park and recreation areas. Unless otherwise established by the City Manager or his designee, Community and Neighborhood Park and recreation areas 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 of the Community Services Department or their designee may extend or reduce the hours of operation of any park and recreation area for such events as they determine to be appropriate.

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

(c) The City Manager or his their designee ~~(including Park Rangers and Police Officers during an exigent circumstance)~~ may direct that a park and recreation area be closed for a temporary period where a situation exists ~~arises~~ that the public health ~~and~~ or 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. In emergency circumstances, involving public health or safety, a park ranger, designated police services officer, or peace officer may temporarily close a park and recreation area or any area within a portion of a park and recreation area. Any such closure shall be reported to the City Manager or their designee.

(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.~~

SECTION 47. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-64 and renumbering it as Section 7-64 pertaining to Parks; vehicles; peace officer authority; violations and which shall read as follows:

Sec. ~~18-7-64~~. Park and recreation areas; vehicles; peace officer authority; violations

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

(1) Drive any vehicle on any ~~park and recreation~~ area except the designated roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas.

(2) ~~or fail to obey any traffic control device, or~~ to exceed the speed limit posted in any park and recreation area.

(3) Operate a vehicle so as to accelerate or decelerate in such a manner as to create loud and unnecessary noise through the squealing of tires.

(4) Operate a vehicle so as to impede normal traffic flow on roadways or parking areas.

(5) Operate a vehicle in reckless disregard for the safety of persons or property.

(6) Law enforcement agencies, emergency medical and fire services shall be exempt from this subsection.

(~~27~~) Park a vehicle anywhere except on a designated parking area, or to ~~Park~~ park a vehicle in any space not designated for such a purpose. The Public Works Utilities Department Director or ~~Community Services~~ Director of the Community Services Department ~~is~~ are authorized to designate spaces in parks and recreation areas for specific purposes and to post appropriate signage.

(~~38~~) Stop, stand or park a vehicle where prohibited by official signs or designations, or where the curbing is painted red (fire) or yellow (restricted) or to stop, stand or park a vehicle in such a manner as to impede vehicle traffic. Any vehicle parked in a manner that presents an immediate danger to the public may be towed immediately in accordance with Police Department procedure if after a reasonable attempt the vehicle's driver cannot be located.

(~~49~~) Stop, stand or park a vehicle in such a manner as to use two or more parking spaces in any parking area within a park and recreation area, unless authorized by the ~~Community Services~~ Director of the Community Services Department or his/her designee.

(~~510~~) 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.

~~(611)~~ Any vehicle left parked in a park and recreation area for more than three calendar days shall be considered abandoned and may be towed in accordance with Police Department procedure. A reasonable attempt shall be made to contact the registered owner of the vehicle prior to the vehicle being towed.

~~(712)~~ Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.

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

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

~~(9) — 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.~~

~~(1015) Wash, wax, detail or clean any motor vehicle in the park and recreation area, without a permit granted for such purpose.~~

~~(1116) 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.~~

~~(1217) 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.~~

~~(13) — Engage in the washing, waxing, detailing or cleaning of any motor vehicle.~~

~~(1418) Cause or permit a vehicle in tow of another vehicle to enter a park and recreation area or proceed therein, except that in case of a breakdown a disabled vehicle may be towed to the nearest exit; 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, or designated police services officer, ~~police special supervisor, or animal control officer~~ 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, other than subsection (a)(5), 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.

(d) Violation of subsection (a)(5) of this section shall be deemed to be a class one (1) misdemeanor.

SECTION 48. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-65 and renumbering it as Section 7-65 pertaining to Parks; alcoholic beverages, beer permits and which shall read as follows:

Sec. ~~18-7-65~~. Park and recreation areas; 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.

(3) ~~If the~~Any individual person is a member ofin a group of five or more individuals who are 21 years of age or older, ~~to consume~~consuming 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 beverages.

(6) Fail to present a valid identification upon request of a ~~duly designated park ranger, or peace officer, or designated police services officer~~ and/or presentation of a false or altered ID to a ~~duly designate~~ park ranger ~~or~~, peace officer or designated police services 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 a park and

recreation area, softball or baseball complex or multipurpose field area.

(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.~~

SECTION 49. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-66 and renumbering it as Section 7-66 pertaining to Parks; general rules of conduct; violations and which shall read as follows:

Sec. ~~18-7-66~~. Park and recreation areas; general rules of conduct; violations.

(a) It shall be unlawful for any person in a public park or 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) Dig or remove any soil, rock, sand, stones, or make any excavation by tool, equipment, blasting or other means or agency. Damage, cut, carve, mark, transplant or remove any tree or plant or dig in or otherwise damage grass areas, or in any other way injure the natural beauty or usefulness of any area.

~~(23)~~ 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) Fail to remain on a mountain hiking trail between trailheads or to access a mountain hiking trail except at a trailhead.

(5) 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 or their designee.~~

~~(6) — 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.~~

(76) 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.

~~(87)~~ Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure or insert any stake, pole, post or similar device into the ground without the written authorization of the Director of the Community Services Department or their designee.

(98) 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.

~~(109)~~ 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.

~~(1110)~~ Cause or permit to run at large any animal.

~~(1211)~~ Tie or hitch an animal to any tree, ~~or plant, rock vegetation, fence or other improvement in a city park and recreation area, except for any such~~

improvements as are intended to be used for such purpose.

(1312) Feed, touch, 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, without authorization from the Community Services Director of the Community Services Department or designated representative.

(1413) Exception to the foregoing is made for in that poisonous deadly snakes that are killed on sight. ~~snakes known to be deadly poisonous may be killed on sight.~~

(1514) Walk a dog without a leash except in a designated dog friendly area, said leash to be no longer than six feet with the owner or person in custody of the dog in control of the leash at all times. Further, the owner or person having custody of said dog shall be responsible for removal of any animal solid waste from the park and recreation area, including and trails.

(1615) 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.

(1716) 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.

(1817) Walk any other domestic animal other than a dog 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.

(1918) Bring or ride 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, the owner or person having custody of said horse shall be responsible for maintaining control of the animal at all times.

(2019) No person shall permit his or her horse, donkey or mule to be unattended or to graze in a park and recreation area.

(21) ~~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 (i.e. trailheads).~~

(22) ~~Use a sound amplification system in any park and recreation area,~~

~~except as provided by this Chapter.~~

(2320) Fish without a valid fishing license issued by the Arizona Game and Fish Department for the purpose of urban fishing or to exceed the legal bag limit for a species as determined by the fishing regulations of the Arizona Game and Fish Department. Fishing is permitted only in bodies of water approved for fishing by the City of Peoria, and the taking of any fish by any means other than a fishing rod ~~or the use of more than 2 fishing poles is prohibited~~ is prohibited. For the purpose of this section, the number of fishing rods which may be used simultaneously shall be determined by the Arizona Game and Fish Department.

(b) Violation of this section other than subsection (a)(1), (a)(2) and (a)(12) 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.~~

(c) Violation of subsection (a)(1), (a)(2) and (a)(12) of this section shall be deemed to be a class one (1) misdemeanor.

(ed) It shall be unlawful for any person in a park and recreation area having charge, custody or ownership of an animal to place or confine such animal in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death. Violation of this subsection is a class one (1) misdemeanor.

(e) In addition to park rangers, designated police services officers and peace officers, an animal control officer may issue citations for violations of this section. Alternatively, for those offenses deemed to be a misdemeanor under this section, a complaint may be filed in accordance with the Arizona Rules of Criminal Procedure.

State law reference(s) -- Littering, A.R.S. § 13-1603.

Cross reference(s) -- Solid wastes, Ch. 22.

SECTION 50. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-67 and renumbering it as Section 7-67 pertaining to Parks; miscellaneous rules of conduct; violations and which shall read as follows:

Sec. ~~18-7-67~~. Park and recreation areas; 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, softball, basketball, pickleball, soccer or lacrosse, or any other organized sport, fitness or other group activities 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) Fail to comply with any posted rule or regulation which has been established by the City to regulate the use of any area or amenity within a park and recreation area.

(6) Smoke in a ramada(s), playground(s), restroom(s) or enclosed public place(s), or to smoke in violation of any sign posted to prohibit or regulate smoking. It also shall be a violation of this Section for a minor to be in possession of tobacco products including cigars, cigarettes, or chewing tobacco, or in possession of or smoking, using a hookah, or shisha products, chewing tobacco of any kind.

(7) Utilize electronic cigarettes or vapor products in restrooms or enclosed public place, or utilize electronic cigarettes or vapor products in violation of any sign posted to prohibit or regulate the use of electronic cigarettes. It also shall be a violation of this Section for a minor to be in possession of an electronic cigarette as defined in this Chapter.

(78) 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.

(89) Fail to produce and exhibit any permit a person claims to have, upon request of any peace officer, designated police services officer, police special supervisor, park ranger, animal control officer, parks staff or Community Services Director of the Community Services Department or his their designee, who shall desire to inspect the same for the purpose of

enforcing compliance with any ordinance or rule.

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

(11) Enter any area posted with restricted access signs.

~~(1012) Erect any tent, stand, canopy, table, portable shade structure, 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, and recreation area.~~ These prohibitions are subject to ~~two~~ the following exceptions:

a. A person may set up a table in a free speech area designated by the ~~Community Services Director of the Community Services Department- or his-her~~ designee.

i. Other than a designated free speech area, a person may erect a table(s) only with written permission stated in a permit. No permit shall be required for free speech activities being conducted in a designated free speech area.

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

i. ~~Shade canopies~~ Portable shade structures are limited to spectator viewing areas immediately surrounding sports fields, courts, and skate and bike 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~~ Portable shade structures must be weighted down so that they cannot be moved or overturned by the wind. Staking of ~~canopies~~ portable shade structures is not allowed, ~~so~~ W weighting must be accomplished by sand bags, at all four corners, or similar effective means, following manufacturer's guidelines for securing the canopy-portable shade structure.

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

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

without written permission stated in a permit.

(13) Sell, market, render services or give away, at any park and recreation area location, any food, drink or other thing, without a permit.

(14) Fail to vacate any ramada upon request of a park ranger, parks staff 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.

~~(12) 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.~~

(15) Enter a skate park or bike park at anytime other than during posted operating hours or when such has been closed due to maintenance, inclement weather or a hazardous condition.

~~(13)~~(16) 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.

(b) Violation of this section, other than subsection (a)(8), (a)(10) (a)(11), and (a)(14) 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.

(c) Violation of subsection (a)(8), (a)(10) (a)(11) and (a)(14) of this section shall be deemed to be a class one (1) misdemeanor.

(d) A violation involving a minor of subsection (a)(6) or subsection (a)(7) of this section shall be deemed to be a petty offense.

~~(ee)~~ 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. Violation of this subsection is a class one (1) misdemeanor.

SECTION 51. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-68 and renumbering it as Section 7-68 pertaining to . Parks; advertising, assemblages, entertainment, sales, free speech and non-public forum areas and which shall read as follows:

Sec. ~~18-7-68~~. Park and recreation areas; 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, in a free speech area.

(2) A person may not 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 ~~shall not be attached~~ 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~~15 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~~ of the Community Services Department 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 or limited due based to on legitimate governmental ~~concerns~~interests. Generally such areas will include ramadas, playground areas, sport playing fields and courts, skate parks, and swimming pools. The Director of the Community Services Department 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.~~

SECTION 52. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-69 and renumbering it as Section 7-69 pertaining to Parks; fireworks, fires, glass, weapons; violations and which shall read as follows:

Sec. ~~18-7-69~~. Park and recreation areas; 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~~ issued by the Fire Marshall and Director of the Community Services Department for conducting properly to properly conduct supervised firework displays in designated park and recreation areas. For the purposes of this section, "fireworks" means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.
- (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~~ supervision 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~~ their 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, portable heater or deep fryer, 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 and recreation area any BB gun, air gun, spring gun, slingshot, bow, or other similar weapon in which the propelling force is a spring in air.

(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, other than subsection (a)(3) and subsection (a)(5), shall be a class one (1) misdemeanor, and may be the subject to additional civil or criminal penalties. ~~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.~~

(c) Violation of subsection (a)(3) and subsection (a)(5) 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.~~

SECTION 53. Chapter 18 of the Peoria City Code (1992) is amended by renumbering Section 18-70 as Section 7-70 pertaining to Parks; enforcement; violations and which shall read as follows:

Sec. ~~18-7-70~~ 7-70. Park and recreation areas; enforcement; violations.

(a) ~~The Community Services Director~~ of the Community Services Department 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, designated police services officer, ~~police special services supervisor,~~ animal control officer, authorized city staff or community services director ~~s~~ Director of the Community Services Department shall have the authority to order any person or persons acting in violation of this ordinance to leave the park and recreation area.

(d) Any peace officer, park ranger, designated police services officer, ~~police special services supervisor,~~ animal control officer or designee of the community services director shall have the authority to temporarily detain any individual in a park ~~or~~ and 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, police special services supervisor,~~ designated police services officer, animal control officer or peace officer and/or presentation of a false or altered ID to a ~~duly designated park ranger, police special services supervisor,~~ designated police services officer, animal control officer or peace officer.

(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.~~

SECTION 54. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-71 and renumbering it as Section 7-71 pertaining to Parks; sound amplification systems; requirements and which shall read as follows:

Sec. ~~18-7~~71. Park and recreation areas; 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 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.~~

SECTION 55. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-72 and renumbering it as Section 7-72 pertaining to Parks; permits and which shall read as follows:

Sec. ~~18-7-72~~ Park and recreation areas; permits.

(a) Permits required under this Chapter for events in parks and recreation areas including Beer Permits required under § ~~18-7-65~~, shall be obtained by application to the ~~Community Services~~ Director of the Community Services Department or their designee in accordance with the following procedure. The ~~Community Services~~ Director of the Community Services Department 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 ~~2-27~~ 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 of the Community Services Department~~ or his or her 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-applicant~~ shall have the right to appeal to the City Manager or his designee by serving written notice containing the reasons for the appeal ~~thereof~~ on the City Manager within five (5) working days of said refusal ~~the date of the denial~~. A copy of said notice shall also be served on the ~~Community Services Director of the Community Services Department~~ within the same time and said ~~Community Services Director of the Community Services Department~~ shall immediately forward the application and the reasons for their refusal to the City Manager. The City Manager or designee shall decide within ten (10) days from the receipt of the Appeal. The decision of the City Manager or designee 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 and recreation area 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~~sole expense, 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.

SECTION 56. Chapter 18 of the Peoria City Code (1992) is amended by amending Section 18-73 renumbering it as Reserved Section 7-73 pertaining to Parks; beer permits and which shall read as follows:

Sec. ~~18-7-73 Parks; beer permits.~~ Reserved.

SECTION 57. Chapter 18 of the Peoria City Code (1992) is amended by enacting Section 7-74 pertaining to Parks; historic preservation; violations and which shall read as follows:

Sec. 7-74 Parks; historic preservation; violations

(a) It shall be unlawful for any person to:

(1) Excavate in or upon any Archaeological Site, Paleontological Site, Historic Property/Resource, or Landmark except when acting as a duly authorized agent of the City of Peoria.

(2) Collect any Archaeological Resource, Paleontological Resource, Historic Property/Resource, or Landmark object except when acting as a duly authorized agent of the City of Peoria.

(3) Explore any Archaeological Site, Paleontological Site, Historic Property/Resource, or Landmark except when acting as a duly authorized agent of the City of Peoria.

(4) Enter or remain unlawfully on any Archaeological Site, Paleontological Site, Historic Property/Resource, or Landmark after receiving a reasonable request to leave by a park ranger, peace officer or other city employee in the performance of such person's official duties, or upon or following reasonable notice prohibiting entry.

(5) Deface or otherwise alter any site or object embraced within the terms of Section 7-61 and this Section, except when acting as a duly authorized agent of the City of Peoria.

(6) Offer for sale or exchange any object with knowledge that it has previously been collected or excavated in violation of any of the terms of Section 7-61 and this Section.

(b) In addition to park rangers, a peace officer, police services officer, or code enforcement officer may issue citations for any violation of this section.

(c) Violation of this section, shall be a class one (1) misdemeanor punishable by a minimum fine of not less than five hundred dollars (\$500.00). Upon conviction, the Court shall require the person to forfeit to the City of Peoria all articles and material discovered, collected, excavated or offered for sale or exchange, together with all photographs and records relating to such objects.

(d) The City has the discretion to treat this matter as either a civil matter or as a criminal violation. To the extent allowed by law, the requirements or penalties of this section will be in addition to any requirements or penalty applicable to a violation of any provision of State or Federal law.

SECTION 58. Chapter 18 of the Peoria City Code (1992) is amended by enacting Section 7-75 pertaining to Parks; Operation of remotely controlled or model aircraft, unmanned aircraft vehicles and unmanned aircraft systems; violations:

Sec. 7-75 Parks; Operation of remotely controlled or model aircraft, unmanned aircraft vehicles and unmanned aircraft systems; violations.

(a) Definitions. The following definitions apply to this section. The singular of the word or phrase includes the plural, and the plural includes the singular.

(1) *Hobby or recreational purposes:* A pursuit engaged in for relaxation, and not for business purposes and not for compensation or hire.

(2) *Operate or Operation:* To pilot, steer, direct, fly, take off, land, or manage a remotely controlled or model aircraft, or an UAV/UAS. The term *Operate* includes managing or initiating a computer system that pilots, steers, directs, flies, or manages a remotely controlled aircraft or an UAV/UAS.

(3) *Remotely controlled or model aircraft:* An unmanned aircraft capable of sustained flight in the atmosphere; and Operated within visual line of sight of the person operating the aircraft; and Operated for hobby or recreational purposes; and limited to not more than 55 pounds; and Operated consistent with the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012 (P.L. 112-95, Section 336).

(4) *Unmanned aircraft vehicle (UAV):* An unmanned aircraft, also known as a drone, that is Operated without the possibility of direct human intervention from within or on the aircraft. This definition excludes remotely controlled or model aircraft. An UAV must be marked, identified, and Operated as required by Federal law.

(5) *Unmanned aircraft system (UAS):* An unmanned aircraft vehicle and associated elements (including communication links and the components that control the UAV) that are required to Operate safely and efficiently in the national airspace system. This definition excludes remotely controlled or model aircraft. An UAS must be marked, identified, and Operated as required by Federal law.

(6) *Critical Facility* has the same meaning provided in A.R.S. § 13-3729.

(b). *Application of this Section.*

(1) This Section applies to both of the following:

- i. The Operation of UAV and UAS within the City of Peoria.
- ii. The Operation of remotely controlled or model aircraft within the City of Peoria.

(2) This Section shall not apply to any of the following:

- i. Operation of UAV/UAS as part of operation, repair, or maintenance of park or preserve facilities or infrastructure, or as permitted through the City of Peoria, or as a part of construction services under City of Peoria agreements.
- ii. Operation of “public unmanned aircraft,” meaning a UAV or UAS Operated by a public agency for a government related purpose, as this term is defined in A.R.S. § 13-3729.
- iii. Operation of UAV/UAS by a law enforcement agency for any lawful purpose including, but not limited to, search and rescue operations for persons and property in distress, or during any emergency.

(c). Operations.

(1) All remotely controlled or model aircraft, UAV, or UAS shall be Operated in compliance with federal, state, and local laws or regulations, including FAA regulations.

(2) All remotely controlled or model aircraft, UAV, or UAS shall not, in any way, interfere with law enforcement, firefighter, or emergency services operations.

(3) All remotely controlled or model aircraft, UAV, or UAS shall remain, during the entire time of flight, within the Visual line-of-sight (VLOS) of the person(s) manipulating the flight controls. At all times the remotely controlled or model aircraft, UAV, or UAS shall remain close enough to the remote pilot in command to be capable of seeing the aircraft with vision unaided by any device other than corrective lenses.

(4) All remotely controlled or model aircraft, UAV, or UAS shall be Operated during daylight. Remotely controlled or model aircraft, UAV, or UAS shall not be Operated at night, but may Operate during “civil twilight” if equipped with the appropriate anti-collision lighting. Civil twilight means

30 minutes before official sunrise to 30 minutes after official sunset, local time.

(5) A person shall Operate a remotely controlled or model aircraft only in a park or preserve owned or Operated by the City of Peoria and designated as an Operations Site that meet the requirements of subsection E of this code. Operations Site are designated by the Director of Community Services Department or designee.

(6) A remote controlled or model aircraft, or UAV or UAS shall not be Operated to intentionally photograph or loiter over or near a Critical Facility, or in the furtherance of violation of any City of Peoria code, or any civil or criminal offense.

(7) A remote controlled or model aircraft, UAV or UAS shall not Operate in the air, on the ground or on the water in a careless or reckless manner that endangers the life or property of another. Violation of this code is guilty of a class 1 misdemeanor. Pursuant to A.R.S. § 28-8280, determining whether the operation was careless or reckless, the court shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

(d). Safety Code. The City of Peoria recognizes the Academy of Model Aeronautics (AMA) Safety Code as an appropriately safe way to Operate remote controlled or model aircraft in parks or preserves owned or Operated by the City of Peoria, or any Operation site located in a park or preserve. Operations of remote controlled or model aircraft in parks or preserves owned by the City of Peoria, or any Operations Site, shall be conducted in accordance with the AMA Safety Code, in addition to any other City of Peoria rules and regulations.

(e). Operation Sites. Operation Sites shall at all times remain unobstructed and a safe distance away from other park users. A Operation Sites shall be no less than 400 feet on all sides. For purposes of this section, *unobstructed* means an open park area that is level and free of trees, structures, sports field lighting, or fences eight feet or higher, and that is fully accessible for the retrieval of launched aircraft.

(f). Operation by minors. Children 17 years of age, or younger, must be accompanied by an adult when operating remotely controlled or model aircraft in the City.

(g). Additional safety requirements. Remote controlled or model aircraft

that meet or exceed any of the specifications listed below may only be Operated in City parks or preserves where there is a specifically developed operation site with spectator control fencing, established runways, flight pads or flying circles, and safety barriers.

(1) Fueled radio controlled model airplanes with an engine size of 0.20 cubic inches, wingspan of 60 inches, or weight of three pounds.

(2) Electric powered radio controlled model airplanes with a wingspan of 80 inches or weight of three pounds.

(3) Radio controlled helicopters with a main blade diameter of 40 inches or a weight of three pounds.

(4) Radio controlled gliders with a wingspan of 80 inches or weight of three pounds.

(5) Control line model airplanes with a single engine size of 0.25 cubic inches.

(6) Remotely controlled aircraft which weigh three pounds.

(h) Civil sanctions for prohibited operation. A person found guilty of violating this code shall pay civil sanctions in an amount not to exceed \$500.00 per day. Each calendar day shall be considered a separate period for purposes of imposing civil sanctions.

(i) Savings clause. If any section, subsection, sentence, clause, phrase, or portion of this code is, for any reason, held invalid or unconstitutional by the decision of any court of competent jurisdiction, the court's decision shall not affect the validity of the remaining portions of the ordinance and such portions shall remain in full force and effect.

(j) Conflict in law. This section shall be construed and enforced in accordance with Federal and State law. If a conflict or ambiguity exists between this section and Federal or State law related to the operation of a remotely controlled or model aircraft or an UAV/UAS within a City of Peoria park or preserve, the laws in the following order shall prevail and control: (1) Federal; (2) State; (3) City of Peoria.

SECTION 59. The current sections of Chapter 7 of the Peoria City Code (1992) will be renumbered and/or amended by way of a separate ordinance to be submitted to the Mayor and City Council for approval.

SECTION 60. 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 61. 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 13th day of June, 2017.

Dated: 6/20/17

Cathy Carlat
Cathy Carlat, Mayor

ATTEST:

Rhonda Geriminsky
Rhonda Geriminsky, City Clerk



APPROVED AS TO FORM:

Stephen J. Burg
Stephen J. Burg, City Attorney

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