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***MEMORANDUM***

Date: September 4, 2014

To: Mayor and Council Members

From: Tim Wright, Town Attorney

Re: Systematic Town Code Review – Title IX, CHAPTER 93: PARKS AND RECREATION and CHAPTER 97: EVENT CENTER (Ordinance 857/Resolution 2797)

This is part 12 of the Systematic Town Code Review. Chapters 93 (Parks and Recreation) and 97 (Event Center) have been reviewed and changes recommended. One major change is the consolidation of Chapter 97 into 93. The recommended changes have been reviewed by the Town Manager, the Assistant Town Manager, the Deputy Town Manager (Public Safety), the Parks Recreation and Tourism Director, and the Parks Supervisor. The major changes to each individual section are summarized prior to each section below. Insertions are noted with a double underline and deletions are noted by ~~strikeout~~.

## CHAPTER 93: PARKS AND RECREATION

*General Provisions*

Sections 93.01 (HOURS OF OPERATION), 93.02 (OVERNIGHT CAMPING AND PARKING PROHIBITED), and 93.03 (VEHICLES ON PARK GROUNDS; SPEED LIMITS) – The language of these sections is simplified and the specific reference to the "Parks and Recreation Director" is eliminated in favor of more generic language. It is anticipated that an Admin Policy will be drafted to designate who acts on behalf of the "Town" for the purposes of Chapter 93. A definition of 'park' has been added in new section 93.11. The morning hours have also been amended to allow use after sunrise (which is before 6:00 in the summer).

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§93.01 HOURS OF OPERATION.

No person shall be in ~~trespass upon or be upon the grounds, other than public sidewalks or streets located therein, of~~ any ~~municipal~~ park~~, playground or golf course~~ without the ~~express~~ written permission of the Town ~~Parks and Recreation Director~~ between the hours of 10:30 p.m. and the earlier of sunrise or 6:00 a.m.~~, or as the Mayor and Council may by a duly adopted motion otherwise provide.~~

§ 93.02 OVERNIGHT CAMPING AND PARKING PROHIBITED.

No person shall park or ~~any vehicle in or upon any municipal park, playground or golf course, nor shall any person~~ camp in any ~~municipal~~ park ~~playground or golf course~~ between the hours of 10:30 p.m. and the earlier of sunrise or 6:00 a.m. unless that person has received permission to do so pursuant to § 93.01.

§ 93.03 VEHICLES ON PARK GROUNDS; SPEED LIMITS.

(A) *Vehicles on park grounds.* No person shall operate ~~drive or ride at any time any automobile, truck, motorcycle, motor scooter or~~ any ~~other~~ motor vehicle upon the grounds of any ~~municipal~~ park~~, playground or golf course,~~ except in designated vehicle access areas ~~public streets running through the premises or within designated parking areas located upon the premises~~, or in such other areas as are designated in writing in advance by the Town ~~Parks and Recreation Director, or his or her designee~~. No person shall ride~~, bring, guide, cause or allow~~ any horse or any animal ~~under his control to be in or~~ upon the grounds of any ~~municipal~~ park~~, playground or golf course,~~ except for the Payson Event Center or in such areas ~~thereof~~ as are designated by the Town ~~in writing in advance by the Parks and Recreation Director, or his or her designee~~.

(B) *Speed limits.* No person shall ~~drive,~~ operate ~~or ride any automobile, truck, motorcycle, motor scooter or~~ any ~~other~~ motor vehicle in ~~or upon the grounds of~~ any ~~municipal~~ park~~, playground or golf course~~ at a speed greater than fifteen ~~five~~ miles per hour unless otherwise posted.

Section 93.04 (DAMAGE TO PARK FACILITIES) – the conduct prohibited by this section is already illegal pursuant to State Law. See A.R.S. 13-1602.

~~§ 93.04 DAMAGE TO PARK FACILITIES.~~

~~No person shall damage or wastefully or improperly use the toilet, water and sewer facilities in any municipal park, playground or golf course or cause the lighting facilities or electrical appliances to be turned on or used without the express written permission of the Director.~~

New Section 93.04 (USAGE RULES) – This new section assembles various rules from other sections into one section. Subsections (G)-(J) are new.

93.04 USAGE RULES.

(A) No person may swim or wade in any lake located in any park.

(B) No person may play golf or golf related activities in any park.

(C) No apparatus or equipment shall be moved into a park unless permission is granted by the Town. Any apparatus or equipment permitted shall be removed from the park area promptly after use, so there shall not be any interference with normal park and recreation programs.

(D) No material of any kind shall be attached to any part of any facility or area without express written approval contained in the facilities reservation permit or special event permit.

(E) No person shall operate model aircraft powered by a gasoline or other volatile liquid engine in any park.

(F) No person shall use stakes longer than ten inches or more than ¼ inch in diameter for any purpose in any park.

(G) No person shall climb on any walls, fences, buildings, or similar structures in any park.

(H) No charcoal or wood fires are permitted in any park except as may be allowed by the Town in writing.

(I) No person shall use 'sidewalk chalk' or other similar drawing instrument on park property except as part of a town sponsored event.

(J) The Town Manager may authorize additional park rules that are necessary for the enjoyment of the parks by the public. Such rules shall be clearly posted and a person may be charged with a violation of such rule only if notice of the rule was clearly posted.

Section 93.05 (SWIMMING OR WADING IN PARKS) – This section was added to the new Section 93.04 - Usage Rules. See 93.04(A).

~~§ 93.05 SWIMMING OR WADING IN PARKS.~~
~~No person shall swim or wade in any lake located in any town park.~~

New Section 93.05 (CONCESSIONS) – This new section clarifies that the Town reserves the right to all concessions within the parks and private businesses may not 'set up shop' and sell without permission. There was a provision similar to this in the Reservations section, and although the Town has never allowed permanent concessions, this authority was never codified. Subsection C continues the Town's practice of (a) allowing non profits to conduct periodic sales in association with their facilities reservations and (b) allowing vendors such as ice cream trucks

to move through the parks to sell so long as they do not park or remain stationary beyond temporarily stopping to sell.

§93.05 CONCESSIONS.

(A) Concession rights for all parks are reserved to the Town.

(B) No person may conduct a commercial business in any park except as may be permitted by the Town Council.

(C) This Section shall not apply to (a) periodic events by non profits which sell items for the benefit of such non profit; or (b) mobile sales so long as any motor vehicle used in such mobile sales is not parked within any park and remains mobile.

Section 93.06 (RESPONSIBILITY FOR ANIMALS IN THE PARKS) – All of the requirements in this section are already set forth in Chapter 90 (Animals) of the Town Code.

~~§ 93.06 RESPONSIBILITY FOR ANIMALS IN PARKS.~~

~~No owner, custodian or other person having possession or control of any animal shall cause or allow the animal to soil, defile or defecate on the grounds of any municipal park or playground or any other area within any public park unless the owner, custodian or other person immediately removes and disposes of all feces deposited by the animal by the following methods:~~

~~(A) Collection of the feces by appropriate implement and placement in a paper of plastic bag or other container.~~

~~(B) Removal of the bag or container to the property of the animal owner, custodian or other person and disposition thereafter in a manner as otherwise may be permitted by law.~~

~~(C) If provided by the town, disposal of the collected feces in sanitary disposal stations.~~

Sections 93.07 (GOLF PROHIBITED) and 93.08 (GASOLINE POWERED MODEL AIRCRAFT PROHIBITED) – These section have been added to the Usage Rules section. See 93.04(B) and (E).

~~§ 93.07 GOLF PROHIBITED.~~

~~No person shall play golf in or upon the grounds of any municipal park or playground.~~

~~§ 93.08 GASOLINE POWERED MODEL AIRCRAFT PROHIBITED.~~

~~No person shall operate or cause to be operated any model aircraft powered by an engine powered by gasoline or any other volatile liquid from, in, upon or over the grounds of any municipal park or playground.~~

Section 93.09, renumbered 93.06 (AMPLICATION EQUIPMENT IN GREEN VALLEY PARK) – This section has been renumbered and "Green Valley Park" has been added to the title for clarity.

§ 93.06~~9~~ AMPLIFICATION EQUIPMENT IN GREEN VALLEY PARK.

(A) No person shall use amplification equipment in Green Valley Park under the following circumstances:

(1) In such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of any person or neighborhood in the vicinity.

(2) In such a manner that sound emanating from the equipment can be heard at a distance of 150 feet or more.

(3) In any manner after the hour of 10:00 p.m.

(B) Amplification equipment includes but is not limited to amplifiers, portable radios or stereos, car radios or stereos and any equipment used to play prerecorded material. This prohibition does not apply to the town-sponsored Summer Concert Series or the use of the public address system during town-sponsored events.

Section 93.10 (STAKING) – The restrictions of this section have been added to new Section 93.04 - Usage Rules. See 93.04(F).

~~§ 93.10 STAKING.~~

~~No person shall use stakes for any purpose in the turf areas of Rumsey Park or Green Valley Park.~~

Section 93.11, renumbered 93.07 (SKATEPARK USAGE) – This section has been renumbered and the language simplified.

§ 93.07~~11~~ ~~BICYCLES IN THE~~ SKATEPARK USAGE.

~~No person shall use~~ Use of any bicycle, tricycle, goped or motorized vehicle or device in a skatepark is prohibited. ~~the Rumsey Park Skatepark.~~

Section 93.12, renumbered 93.08 (TENNIS COURT USAGE) – this section has been renumbered and expanded to apply to any sport courts.

§ 93.08~~12~~ ~~TENNIS~~ COURT USAGE.

~~No person shall use~~ Use of any bicycle, tricycle, goped, scooter, skateboard, roller skates, roller blades or other wheeled or motorized vehicle or device on any ~~the~~ tennis, basketball, or other sport courts is prohibited. This prohibition shall not apply to the use of wheelchairs.

Section 93.13, renumbered 93.09 (DISCHARGE OF WEAPONS PROHIBITED) – This section has been renumbered and because 'park' is now a defined term, 'municipal' has been eliminated.

§ 93.09~~13~~ DISCHARGE OF WEAPONS PROHIBITED.

(A) No person shall ~~for any reason~~ discharge a bow and arrow, crossbow, pellet/BB gun, paint ball gun, or other similar weapon in, upon, or into any ~~municipal~~ park.

(B) Any person who is found guilty of a violation of this section that causes or results in injury to any person, duck, goose, or any other animal, shall pay a minimum fine in the amount of $500.

(C) The provisions of this section shall not apply to any organized events or functions approved in advance in writing by the Parks and Recreation Director.

Section 93.14, renumbered 93.10 (COMPLIANCE) – This section has been renumbered and language simplified.

§ 93.10~~4~~ COMPLIANCE WITH SIGNAGE ON PAYSON AREA TRAILS SYSTEM (PATS).

Whenever regulatory signs are erected on the Payson Area Trails System, every person using ~~or being upon~~ such trails shall obey such signs.

New Section 93.11 (DEFINITIONS) – This section has been added and includes definitions of the term 'park' and 'event center.' The provisions of 93.20 have also been relocated to this section.

§ 93.11 DEFINITIONS.

For the purpose of this Chapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

AIDS TO NAVIGATION. Buoys, beacons or other fixed objects designed to direct navigation.

PARK – means any park, playground or similar recreational facility owned and managed by the Town.

PAYSON EVENT CENTER or EVENT CENTER – means the 36 acres of land owned by the Town and located on South Beeline containing a main arena, practice arena(s), and parking areas.

PERSON. Any individual or group of individuals.

REGULATORY MARKER. Any anchored or fixed marker on or near the water, other than aids to navigation, including markers to indicate no-swimming areas, speed zones, danger points, wakeless areas, keep-out areas, mooring buoys and general information.

WAKELESS SPEED. A speed that does not create a wake, but in no case more than five miles per hour.

WATERCRAFT. Any boat designed to be propelled on water by oars, paddles, wind action upon a sail, or by an engine or motor.

WATERWAY. Any body of water on which a watercraft can be navigated.

*Boating Regulations*

Section 93.20 (DEFINITIONS) – The provisions of 93.20 has been added to the new 93.11 definitions section. Therefore this section has been removed.

~~§ 93.20 DEFINITIONS.~~

~~For the purpose of this subchapter the following definitions shall apply, unless the context clearly indicates or requires a different meaning.~~

~~AIDS TO NAVIGATION. Buoys, beacons or other fixed objects designed to direct navigation.~~

~~PERSON. Any individual or group of individuals.~~

~~REGULATORY MARKER. Any anchored or fixed marker on or near the water, other than aids to navigation, including markers to indicate no-swimming areas, speed zones, danger points, wakeless areas, keep-out areas, mooring buoys and general information.~~

~~WAKELESS SPEED. A speed that does not create a wake, but in no case more than five miles per hour.~~

~~WATERCRAFT. Any boat designed to be propelled on water by oars, paddles, wind action upon a sail, or by an engine or motor.~~

~~WATERWAY. Any body of water on which a watercraft can be navigated.~~

Section 93.21 (PERSONAL FLOTATION DEVICES REQUIRED) – All but subsection (E) of this section is duplicative of A.R.S. 5-331 and is therefore removed. Subsection (E) has been moved to 93.22, renumbered as 93.20.

§ ~~93.21 PERSONAL FLOTATION DEVICES REQUIRED.~~

~~All watercraft must be equipped with U.S. Coast Guard approved flotation devices as follows:~~

~~(A) All watercraft except sailboards must be equipped with at least one U.S. Coast Guard approved personal flotation device, Type I, II or III, for each person aboard.~~

~~The devices must be in good and serviceable condition, readily accessible, and must fit the persons for whom they are intended.~~

~~(B) In addition, all watercraft 16 feet and over shall have one Type IV throwable personal flotation device on board.~~

~~(C) Whenever a watercraft is underway, the operator must insure that all persons aboard are wearing a personal flotation device of the type required in division (A) of this section.~~

~~(D) A child 12 years of age or under on board a watercraft shall wear a U.S. Coast Guard approved Type I, II or III personal flotation device at all times while on board the watercraft.~~

~~(E) No person shall place or use in or upon any waterway owned or operated by the town any sailboard, air mattress, inner tube, float or similar device.~~

Section 93.22, renumbered as 93.20 (PROHIBITED WATERCRAFT) – This section has been re-titled, renumbered and subsection (E) from previous section 93.21 has been added as subsection (B).

§ 93.20~~2~~ ~~GASOLINE-POWERED WATERCRAFT~~ PROHIBITED WATERCRAFT.

(A) No person shall place, operate or cause to be placed or operated any watercraft powered by an engine powered by gasoline or any other volatile liquid, including but not limited to, model and miniature watercraft, upon any waterway owned or operated by the town.

(B) No person shall place or use in or upon any waterway owned or operated by the town any water craft that allows bodily contact with the water, including, but not limited to sailboards, air mattresses, inner tubes, wet kayaks, etc.

Sections 93.23 (OVERLOADING), 93.24 (CARELESS OPERATION), 93.25 (AGE LIMITATION), 93.26 (SPEED RESTRICTIONS), and 93.27 (RIGHT OF WAY NAVIGATION RULES) – Each of these section is duplicative of State Law. A.R.S. 5-344 addresses overloading, 5-341 addresses careless operation and age limitations, 5-343 addresses speed restrictions, and 5-345 addresses right of way navigation rules. Because of this, all have been deleted.

~~§ 93.23 OVERLOADING.~~

~~All watercraft 20 feet or less in length must have a capacity plate attached and readily visible from the position normally occupied by the operator of the watercraft. No watercraft may be loaded beyond the safe carrying capacity indicated on this plate. Such plates shall not be required on canoes and sailboats.~~

~~§ 93.24 CARELESS OPERATION.~~

~~(A) No person shall operate a watercraft while allowing a person to ride on the gunwales, the transom or the decked-over bow of a watercraft propelled by machinery operating in excess of wakeless speed.~~

~~(B) No person shall operate a watercraft in such a manner as to show willful or wanton disregard for other persons or property.~~

~~§ 93.25 AGE LIMITATION.~~

~~(A) Except in case of emergency, no person under the age of 12 years may operate a watercraft unless the person's parent or legal guardian or at least one person who is 18 years of age or older is present on the watercraft.~~

~~(B) No person shall allow another person under the age of 12 to operate a watercraft, except in case of emergency, unless the parent or legal guardian of the operator, or at least one person who is 18 years of age or older, is present on the watercraft.~~

~~§ 93.26 SPEED RESTRICTIONS.~~

~~No person shall operate a watercraft at a greater speed than prudent under prevailing conditions. Speed shall be controlled so as to avoid collision and to avoid creating a dangerous wake.~~

~~§ 93.27 RIGHT-OF-WAY NAVIGATION RULES.~~

~~(A) The operator of a watercraft under power shall yield the right-of-way to any craft not under power, unless the empowered watercraft is overtaking the watercraft not under power.~~

~~(B) Operators of watercraft shall yield right-of-way to watercraft entering its "danger zone" which is an area from straight ahead to 112½ degrees to starboard (right side) in cases where a collision might occur.~~

~~(C) Watercraft may pass on either side when overtaking another, but the operator of the passing watercraft shall be responsible for any collision and for the wake of the passing watercraft. Watercraft being overtaken shall maintain course and speed. Watercraft meeting head-on shall pass portside to portside (left side) when practical to do so.~~

~~(D) Normal traffic on waterways shall be counter-clockwise. Watercraft leaving the shoreline shall yield the right-of-way to watercraft approaching the shoreline.~~

Sections 93.28, renumbered as 93.21 (PROHIBITED ACTIVITES) and 93.29, renumbered as 93.22 (WATERWAYS MARKING SYSTEM) – These section have been renumbered. The provision prohibiting watercraft operation after sunset has been removed.

§ 93.21~~8~~ PROHIBITED ACTIVITIES.

~~(A) *Watercraft operation after sunset prohibited.* No person shall operate a watercraft upon any waterway after sunset.~~

(A~~B~~) *Interference with navigation prohibited.* No person shall operate a watercraft in a manner which unnecessarily or unreasonably interferes with other watercraft or with areas used for launching, nor shall any person anchor a watercraft in heavily traveled channels or in a manner which blocks or unreasonably interferes with areas used for launching.

(B~~C~~) *Water skiing.* No person shall operate or cause to be operated any watercraft having in tow a person on water skis, surfboard or similar contrivance.

(C~~D~~) *Blocking launching areas.* No person shall camp or park on any boat-launching area or otherwise restrict or prevent free access to the launching area.

(D~~E~~) *Dumping refuse, littering.* No person shall dump refuse, rubbish or any other thing in or on any waterway owned or operated by the town.

§ 93.22~~9~~ WATERWAYS MARKING SYSTEM.

(A) No person shall operate or cause to be operated a watercraft on any waterway owned or operated by the town contrary to the manner prescribed by lawful regulatory markers.

(B) No person shall moor or fasten a watercraft to any regulatory marker, or remove, obstruct or interfere with any regulatory marker.

Section 93.30 (ENFORCEMENT) – Other places in the Town Code provide enforcement authority to the Police Department. See for example 32.04(A). Because of these other references, this section is duplicative and is deleted.

~~§ 93.30 ENFORCEMENT.~~

~~(A) In the enforcement of this subchapter, an officer may issue a citation or order the operator of the watercraft ashore to correct the violation, or may issue a warning order.~~

~~(B) All watercraft operators are required to stop when hailed by a peace officer.~~

*Park Reservations*

Section 93.40 (AREAS THAT MAY BE RESERVED) - This section was updated in 2009 and no changes are currently recommended. *Note – Currently, no portion of Green Valley Park is available for reservation. This is keeping with the original intent and the past nearly 20 years of having Green Valley be a passive use park.*

§ 93.40 AREAS THAT MAY BE RESERVED.

(A) The park areas listed in this section may be reserved for use in accordance with this subchapter. All areas not listed in this section shall not be available for reserve and shall be open to the public on a first come, first serve basis.

(1) Ramadas at Rumsey Park.
(2) Ballfields at Rumsey Park.
(3) Payson Multi-Event Center main arena and practice arenas.
(4) Payson Multi-Event Center parking lot.
(5) Tennis courts at Rumsey Park.
(6) Volleyball courts at Rumsey Park.
(7) Basketball courts at Rumsey Park.
(8) Skate park at Rumsey Park.
(9) Dog park at Rumsey Park.

(B) No reserved use shall be allowed for areas under construction or renovation or for areas that are set aside for turf rejuvenation.

Section 93.41 (FACILITY RESERVATION PERMITS) – Non-substantive changes include removing the title of 'Parks and Recreation Director' and moving the definition of a 'public event' to new subsubsection (C).

§ 93.41 FACILITY RESERVATION PERMITS.

(A) Individuals or organizations may reserve the areas listed in § 93.40(A)(1), (2) and (5) through (9) ~~(A)(2)~~ for non public events by obtaining a facility reservation permit. ~~For the purposes of §§ 93.41 and 93.42, a public event is one for which the sponsoring individual or organization actively solicits, thorough advertising, postings, promotional materials or any other type of notice; the attendance of the general public for the event and a non public event is one for which the attendance of the general public is not so solicited.~~

(B) Facility reservation permit application process.

(1) An application for a facility reservation permit shall be made on a form provided by the Town. ~~approved by the Parks and Recreation Director.~~ Such applications shall be submitted at least seven days prior to the requested date of use along with the facility reservation permit application fee. The Town may waive or shorten the foregoing time period if inconvenience is not caused to any other user or the Parks Department.

(2) If an application for a facility reservation permit is approved ~~by the Parks and Recreation Department~~, the Parks Department shall notify the applicant of the approval in writing. The notification shall indicate the date, hours of use, type of activity permitted, and the number of participants.

(3) All facility reservation permits shall be revocable for cause ~~by the Parks and Recreation Director~~ or upon the finding of a violation of any rule, this code, a town ordinance, or a state or federal statute or regulation.

(4) If notice of withdrawal of an application for a permit by the applicant is not received by the Town ~~Director~~ at least 48 hours prior to the date of the event, the

Town ~~Director~~ may charge the applicant for all costs incurred by the town in connection with the application.

(C) For the purposes of §§ 93.41 and 93.42, a Public Event is one for which the sponsoring individual or organization actively solicits, through advertising, postings, promotional materials or any other type of notice; the attendance of the general public for the event. A Non Public Event is one for which the attendance of the general public is not so solicited.

Section 93.42 (SPECIAL EVENT PERMITS) - The specific reference to the 'Parks and Recreation Director' has been removed. Additionally, the insurance requirement for State agencies have been changed to conform with State law.

§ 93.42 SPECIAL EVENT PERMITS.

(A) The following uses shall require a special event permit:

(1) Public Events.

(2) Non Public Events longer than 13 consecutive hours in duration.

(3) Reservation of the areas listed in § 93.40(A)(3) and (A)(4).

(B) Special event permit application process.

(1) An application for a special event permit shall be made on a form provided by the Town. ~~approved by the Parks and Recreation Director.~~ Such applications shall be submitted at least seven days prior to the requested date of use along with the special event permit application fee. In extraordinary cases, the Town ~~Director~~ may waive or shorten the foregoing time period.

(2) If an application for a special event permit is approved, such approval shall be in writing. ~~by the Parks and Recreation Department, the Department shall notify the applicant of the approval in writing.~~ The notification shall contain the date, hours of use, and type of activity permitted~~, and the maximum number of participants~~.

(3) Approvals for a special event permit shall not become effective until the applicant has: (a) provided the town with adequate insurance as determined by the town for each organization using park facilities, listing the town as an "Additional Insured"; and (b) paid all fees associated with the special event permit. State and Federal agencies applying for a special event permit shall be exempt from the provision of this section requiring that the Town be listed as an "Additional Insured."

(4) All special event permits shall be revocable for cause ~~by the Parks and Recreation Director~~ or upon the finding of a violation of any rule, this code, a town ordinance, or a state or federal statute or regulation.

(5) If notice of withdrawal of an application for a permit by the applicant is not received by the Director at least 48 hours prior to the date of the event, the Director may charge the applicant for all costs incurred by the town in connection with the application.

Section 93.43 (DURATION/CONTINUOUS USE) – This section was updated in 2005 in response to threatened litigation. No changes are recommended.

§ 93.43 DURATION/CONTINUOUS USE.

(A) Duration.

(1) No facility reservation permit shall be for longer than 13 continuous hours; nor shall any facility reservation permit be issued for multiple non-consecutive hours.

(2) No special event permit shall be for longer than ten consecutive days; nor shall any special event permit be issued for multiple non-consecutive days.

(B) No person or organization shall receive more than three facility reservation permits or special event permits for a specific area listed in § 93.40(A) during any calendar quarter.

(C) Not withstanding division (B) above:

(1) Ballfields at Rumsey Park may be reserved for the duration of an athletic season as long as such use of the ballfields is for athletic uses only.

(2) A person or organization may receive up to four special event permits per quarter for event center areas if such permits are for equestrian events.

Section 93.44 (RULES OF CONDUCT) – Various rules that have general applicability (not only in the reservation context) have been moved to new section 93.04 (USAGE RULES).

§ 93.44 RULES OF CONDUCT.

(A) No alcohol may be consumed in any reserved area without obtaining an alcohol permit from the Town.

(B) If, in the reasonable judgment of any town peace officer, persons using intoxicating beverages under an alcohol permit are over-consuming intoxicating beverages, creating a disturbance, injuring property or violating any law, such peace officer may void and invalidate such alcohol permit. In the event that such an invalidation is made, the person, persons or entity in whose name a permit was previously issued shall immediately cease dispensing intoxicating beverages and no intoxicating beverage shall be consumed by any person previously included within the terms of the permit.

(C) All activities must be under competent, adult supervision and the person or organization using the facility shall have full responsibility and be liable for any damage to the facility or the equipment. ~~The Parks and Recreation Director or his or her designee shall have authority over the organization or its activities while at the facility. If the adult supervision is inadequate the town employee on duty shall report the same to the town.~~

~~(D) No apparatus such as scenery, furniture, and/or equipment shall be moved into a park facility unless special permission is granted and so stated in the facility~~

~~reservation permit or special event permit. Any apparatus, furniture or equipment, provided by the holder of the permit, shall be removed from the park area promptly after use, so there shall not be any interference with normal park and recreation programs. Failure to comply shall prohibit such groups from using facilities at a later date.~~

~~(E) No material of any kind shall be attached to any part of any facility or area without express written approval contained in the facilities reservation permit or special event permit.~~

(D~~F~~) The town shall not supply fencing for permitted events.

(E~~G~~) The use of special equipment shall be permitted only when operated by parks and recreation department employees or other persons specifically authorized in the facilities reservation permit or special event permit.

(F~~H~~) No smoking shall be allowed unless proper and adequate cigarette disposal containers are provided by the group reserving the location.

~~(I) Concession rights shall be reserved to the Parks and Recreation Department unless specifically stated otherwise in the facility reservation permit or special event permit.~~

(G~~J~~) No Parks and Recreation Department kitchen facility shall be used except as specifically outlined by the Town ~~Parks and Recreation Department~~. ~~The usual rental charge shall be consistent with actual cost incurred by the town.~~ Facilities must be cleaned after use and approval inspection given.

(H~~K~~) The number of persons using any reserved area shall not exceed the capacity of that reserved area.

(I~~L~~) All uses of reserved areas shall be in conformance with the facilities reservation permit or special event permit, all federal, state, county and the town's statutes, ordinances, and regulations.

(J~~M~~) If control personnel, parking attendants and the like are necessary, such personnel shall be supplied by the permittee. The Town ~~Parks and Recreation Director~~ shall determine when control personnel are necessary.

Section 93.45 (DISCLAIMER ON NON-TOWN SPONSORED EVENTS) – The requirement that, in addition to 'clearly identifying the group sponsoring' an event, a group must indicate the group is not associated with the Town has been removed. This requirement has not been followed and appears to be unnecessary. (This entire section was added in 2005 to clarify that the Town was not associated with or sponsoring every activity in the parks; including, various religious activities.)

§ 93.45 DISCLAIMER ON NON-TOWN SPONSORED EVENTS.

Any applicant using a park facility under a facility reservation permit or special event permit who advertises, posts, or distributes any promotional materials, or otherwise provides any notice of their use of the park facility shall~~: (1)~~ clearly identify the group sponsoring the use~~; and (2) indicate that the group sponsoring the use is not affiliated with the town~~.

Section 93.46 (TOWN SPONSORED AND CO-SPONSORED ACTIVITES) and 93.47 (FEES AND CHARGES) – No changes are recommended.

§ 93.46 TOWN SPONSORED AND CO-SPONSORED ACTIVITIES.

Town sponsored and co-sponsored activities and events shall not be subject to §§ 93.40 through 93.44. Such town sponsored and co-sponsored activities and events shall be given preference as to the dates requested.

§ 93.47 FEES AND CHARGES.

Fees and charges for applications, facilities use, and clean up shall be set by the Council ~~from time to time~~.

Chapter 97 (EVENT CENTER RULES AND REGULATIONS) – The Event Center currently has its own chapter. The amendments below contemplate moving the Event Center provisions into Chapter 93 (Parks) beginning in 93.60.

*Event Center*

~~CHAPTER 97: EVENT CENTER RULES AND REGULATIONS~~

Section 97.01 (APPLICABILITY) – has been renumbered. Additionally, because the 'Event Center' is now a defined term, the section can be shortened. See section 93.11 (DEFINITIONS) above.

~~97.01 APPLICABILITY.~~

§ 93.60 APPLICABILITY.

This subsection ~~chapter~~ shall apply to the use and operation of the Payson ~~Multi-~~Event Center ~~(Event Center). The Event Center consists of the main arena, the practice arena, the facilities and the 36 acres of land generally known as the Multi-Event Center/Rodeo Grounds.~~

Sections 97.02 (LIGHTING) and 97.03 (ARENA PREPARATION) – the substance of these sections is better addressed at a staff or administrative policy level and they are therefore recommended for repeal.

~~§ 97.02 LIGHTING.~~

~~Persons or events requiring the use of lighting shall make a reservation at least seven days in advance for such use with the Parks and Recreation Department. Persons or events using lighting shall pay the user fee as adopted from time to time by resolution of the Town Council (see current Fee Schedule).~~

~~§ 97.03 ARENA PREPARATION.~~

~~Persons or events requiring special or additional preparation of either arena shall make arrangements for such preparation at least 14 days prior to such use with the Parks and Recreation Department. Persons or events requiring special or additional preparation of the arena shall pay an arena preparation fee as adopted from time to time by resolution of the Town Council (see current Fee Schedule).~~

Section 97.04 (MODIFICATIONS) – This section has been renumbered and a generic 'Town' has replaced 'parks and recreation department.'

§ 93.61~~7.04~~ MODIFICATIONS.

Persons or events requiring modifications to the facilities shall receive Town approval ~~from the town~~ prior to initiating any modifications. ~~Modifications that are temporary in nature shall require prior approval of the Parks and Recreation Department. Modifications that permanently alter any structure or facility shall require prior approval of the Town Council.~~ All costs associated with making approved modifications shall be borne entirely by the persons or events requesting the modification.

Section 97.05 (CAMPING) – has been renumbered. It also has been simplified to allow camping with permission of the Town. There are occasions when camping is allowed.

§ 93.62~~7.05~~ CAMPING.

No person shall camp overnight at the Event Center except with permission of the Town. ~~This prohibition shall not apply to participants of events who are camping at the Event Center coincident to the event in which they are participating.~~

Section 97.06 (EVENT CENTER USE) – This section has been renumbered and redrafted because 'event center' is now a defined term. Substantively, the practice arenas remain open to public use when not reserved on a first come basis for equestrian use.

§ 93.63~~7.06~~ EVENT CENTER USE.

~~(A) The main arena and the practice arena shall be open to the general public for equestrian use except when reserved for a special or scheduled event.~~

(A~~B~~) Any non-equestrian use of the Practice Arena(s) ~~main arena or practice arena other than for equestrian use, including, but not limited to, use of any motor-driven vehicles, motorcycles, and motorized three-and four-wheel all-terrain vehicles~~ shall be by

special event permit ~~(see § 93.42)~~ only unless such non equestrian ~~the~~ use is ancillary to an equestrian use.

(B) The Main Arena may only be used when reserved for a special or scheduled event.

Section 93.70 (OFFICIAL DUTIES EXEMPT) has been added. There are many times when Town staff and/or volunteers need to be exempt from the provisions of this chapter in their official duties. But when they act in an exempt capacity, they will exercise due care to prevent any harm to the parks. Three examples include (1) staff operate motorized vehicles in the park on sidewalks, etc for maintenance during and prior to events; (2) staff stakes items down with larger than permitted stakes, but can determine sprinkler and other water lines prior to use; and (3) the water department has a boat with a small gas powered engine that occasionally is used on the lakes.

93.70 OFFICIAL DUTIES EXEMPT

Town staff and volunteers, when performing official duties, shall be exempt from the provisions of this chapter.