RESOLUTION NO. 2797

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, AMENDING CHAPTERS 93: PARKS AND RECREATION AND 97: EVENT CENTER OF THE PAYSON TOWN CODE AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.**

**WHEREAS,** the Code of the Town of Payson was declared to be a public record by Resolution 1536; and

**WHEREAS,** the Code of the Town of Payson was adopted as a public record by Ordinance 588; and

**WHEREAS,** it is the intention of the Town of Payson to amend various provisions of Chapters 93 and 97 of the Payson Town Code; and

**WHEREAS,** such amendments may be enacted by reference, pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, RESOLVE AS FOLLOWS:**

Section 1. Chapter 93: Parks and Recreation, Section 93.01 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§93.01 HOURS OF OPERATION.

No person shall be in any park without the written permission of the Town between the hours of 10:30 p.m. and the earlier of sunrise or 6:00 a.m.

Section 2. Chapter 93: Parks and Recreation, Section 93.02 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.02 OVERNIGHT CAMPING AND PARKING PROHIBITED.

No person shall park or camp in any park 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.

Section 3. Chapter 93: Parks and Recreation, Section 93.03 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.03 VEHICLES ON PARK GROUNDS; SPEED LIMITS.

(A) *Vehicles on park grounds.* No person shall operate any motor vehicle upon the grounds of any park except in designated vehicle access areas, or in such other areas as are designated in writing in advance by the Town. No person shall ride any horse or any animal upon the grounds of any park except for the Payson Event Center or in such areas as are designated by the Town.

Second Public Hrg SEP 18 2014 G. 4a.

(B) *Speed limits.* No person shall operate any motor vehicle in any park at a speed greater than fifteen miles per hour unless otherwise posted.

Section 4. Chapter 93: Parks and Recreation, Section 93.04 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

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 operate any model aircraft or unmanned aerial vehicles (not powered by gasoline or other volatile liquid engine) in any park (1) during a Town sponsored event; (2) in an area that have been reserved by another person/group; (3) in a manner that is unreasonably disruptive; or (4) over any gathering of 10 or more persons. The prohibitions in this subsection shall not apply if a written exemption is issued by the Town or if this prohibition is in contravention of federal or state law.

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

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

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

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

(K) 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 5. Chapter 93: Parks and Recreation, Section 93.05 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§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 6. Chapter 93: Parks and Recreation, Section 93.06 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.06 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 7. Chapter 93: Parks and Recreation, Section 93.07 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.07 SKATEPARK USAGE.

Use of any bicycle, tricycle, goped or motorized vehicle or device in a skatepark is prohibited.

Section 8. Chapter 93: Parks and Recreation, Section 93.08 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.08 COURT USAGE.

Use of any bicycle, tricycle, goped, scooter, skateboard, roller skates, roller blades or other wheeled or motorized vehicle or device on any tennis, basketball, or other sport courts is prohibited. This prohibition shall not apply to the use of wheelchairs.

Section 9. Chapter 93: Parks and Recreation, Section 93.09 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.09 DISCHARGE OF WEAPONS PROHIBITED.

(A) No person shall discharge a bow and arrow, crossbow, pellet/BB gun, paint ball gun, or other similar weapon in, upon, or into any 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 10. Chapter 93: Parks and Recreation, Section 93.10 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

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

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

Section 11. Chapter 93: Parks and Recreation, Section 93.11 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 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.

Section 12. Chapter 93: Parks and Recreation, Sections 93.12, 93.13, and 93.14 are repealed.

Section 13. Chapter 93: Parks and Recreation, Section 93.20 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.20 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.

Section 14. Chapter 93: Parks and Recreation, Section 93.21 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.21 PROHIBITED ACTIVITIES.

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

Section 15. Chapter 93: Parks and Recreation, Section 93.22 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.22 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 16. Chapter 93: Parks and Recreation, Sections 93.23, 93.24, 93.25, 93.26, 93.27, 93.28, 93.29, and 93.30 are repealed.

Section 17. Chapter 93: Parks and Recreation, Section 93.41 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.41 FACILITY RESERVATION PERMITS.

(A) Individuals or organizations may reserve the areas listed in § 93.40(A)(1), (2) and (5) through (9) for non public events by obtaining a facility reservation permit.

(B) Facility reservation permit application process.

(1) An application for a facility reservation permit shall be made on a form provided by the Town. 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, 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 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 at least 48 hours prior to the date of the event, the Town 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 18. Chapter 93: Parks and Recreation, Section 93.42 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 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. 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 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. The notification shall contain the date, hours of use, type of activity permitted.

(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 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 19. Chapter 93: Parks and Recreation, Section 93.44 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 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.

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

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

(G) No Parks and Recreation Department kitchen facility shall be used except as specifically outlined by the Town. Facilities must be cleaned after use and approval inspection given.

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

(I) 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) If control personnel, parking attendants and the like are necessary, such personnel shall be supplied by the permittee. The Town shall determine when control personnel are necessary.

Section 20. Chapter 93: Parks and Recreation, Section 93.45 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 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 shal clearly identify the group sponsoring the use.

Section 21. Chapter 93: Parks and Recreation, Section 93.47 of the Payson Town Code is amended, declared to be a public record, and shall read as follows:

§ 93.47 FEES AND CHARGES.

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

Section 22. Chapter 93: Parks and Recreation, Section 93.60 of the Payson Town Code is added, declared to be a public record, and shall read as follows:

§ 93.60 APPLICABILITY.

This subsection shall apply to the use and operation of the Payson Event Center.

Section 23. Chapter 93: Parks and Recreation, Section 93.61 of the Payson Town Code is added, declared to be a public record, and shall read as follows:

§ 93.61 MODIFICATIONS.

Persons or events requiring modifications to the facilities shall receive Town approval prior to initiating any modifications. All costs associated with making approved modifications shall be borne entirely by the persons or events requesting the modification.

Section 24. Chapter 93: Parks and Recreation, Section 93.62 of the Payson Town Code is

added, declared to be a public record, and shall read as follows:

§ 93.62 CAMPING.

No person shall camp overnight at the Event Center except with permission of the Town.

Section 25. Chapter 93: Parks and Recreation, Section 93.63 of the Payson Town Code is added, declared to be a public record, and shall read as follows:

§ 93.63 EVENT CENTER USE.

(A) Any non-equestrian use of the Practice Arena(s) shall be by special event permit only, unless such non equestrian use is ancillary to an equestrian use.

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

Section 26. Chapter 93: Parks and Recreation, Section 93.70 of the Payson Town Code is added, declared to be a public record, and shall read as follows:

93.70 OFFICIAL DUTIES EXEMPT

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

Section 27. Chapter 97: Event Center, is repealed in its entirety

Section 28. If any portion of this Resolution is held to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Resolution.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this _____ day of September, 2014, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney