

## Ordinance No. 747

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 10-02-040 "PROHIBITED ACTIVITIES IN PARKS, PLAYGROUNDS AND OUTDOOR RECREATIONAL AREAS" IN ARTICLE 10-02 "TOWN PROPERTY" IN CHAPTER 10 "OFFENSES" OF THE TOWN CODE TO PROVIDE GENERAL RULES RELATING TO RECREATIONAL AREAS WITH SYNTHETIC ATHLETIC TURF; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; PROVIDING THAT ALL OTHER PROVISIONS NOT HEREIN AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT; AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE PURSUANT TO ARS §19-142(B) and §2-05-060 OF THE PRESCOTT VALLEY TOWN CODE.

WHEREAS, by Ordinance No. 271 (January 9, 1992) the Town Council amended Town Code Article 10-02 "TOWN PROPERTY" to adopt formal rules and regulations enforceable by police citation for all Town parks; and

WHEREAS, grant funding has permitted the Town to renovate one of its natural-turf athletic fields in Mountain Valley Park by installing a synthetic athletic turf that provides an enhanced recreational opportunity for certain sports activities and allows, over time, a considerable savings in water resources; and

WHEREAS, the Parks and Recreation Commission has recommended special rules for this and any future synthetic turf areas in Town parks, playgrounds and outdoor recreational areas, consistent with the requirements and recommendations of the turf manufacturers; and

WHEREAS, the Town Council considered the proposed new rules at a work-study session on May 20, 2010 and directed staff to prepare an ordinance adopting the same; and

WHEREAS, it is anticipated that related regulations will also be added to the Town's facilities use regulations; and

WHEREAS, the Town Council hereby finds that it is necessary to preserve the peace, health and safety of the community by adding these rules to the prohibitions adopted earlier which apply to Town parks, playgrounds and outdoor recreational areas; and

WHEREAS, in order to add these rules in a timely fashion to coincide with the grand opening of the new athletic field, it is necessary to adopt this Ordinance on an emergency basis as permitted by ARS §19-142(B);

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That Section 10-02-040 "Prohibited Activities in Parks, Playgrounds and Outdoor Recreational Areas" in Article 10-02 "TOWN PROPERTY" in Chapter 10 "OFFENSES" of the Town Code of the Town of Prescott Valley, Arizona, be hereby amended to read as follows:

**10-02-040 Prohibited Activities in Parks, Playgrounds and Outdoor Recreational Areas.**

A. The following activities are prohibited at all times within ~~the~~ all Town parks, playgrounds and outdoor recreational areas, unless otherwise expressly permitted by authorized Town officials:

- A1. The possession of any open container containing or the consumption of "spirituous liquor" as defined in ARS §4-101(29), as amended;
- B2. The allowing of any dog to be at-large by any "owner" as defined by Subsection 6-01-020(J), as amended;
- C3. The operation of motorized vehicles in violation of Section 11-02-130, as amended;
- D4. The leading or riding of horses, including any animal of the equine species, except in ~~the~~ an undeveloped park, ~~playground~~ or outdoor recreational areas;
- E5. Golfing or golfing practice;
- F6. The allowing of any forage-consuming domestic livestock to graze or roam at-large within the boundaries of any Town park or recreation area;
- G7. Fishing in Town ponds and lakes where signs are posted prohibiting such activity, and fishing in any and all Town ponds and lakes without obtaining a state-issued fishing license; and
- H8. Wading or swimming in Town ponds and lakes.
- I9. Participating in paintball games, contests, tournaments or similar activities.

B. The following activities are prohibited at all times within any Town parks, playgrounds and outdoor recreational areas in which synthetic athletic turf has been installed, unless otherwise expressly permitted by authorized Town officials:

1. Organized use of the turf area without an approved permit.
2. Kicking or bouncing balls against any perimeter fence or related standing structure.
3. Picking or pulling grass fibers, or redistributing or removing infill material.
4. Marking (including, but not limited to, painting) any part of the turf area or related surfaces.
5. Use of footwear other than turf shoes, sneakers, or rubber cleats (including, but not limited to, metal cleats and high-heeled shoes).
6. Consumption of any beverages or liquids other than water carried in clear plastic containers (including, but not limited to, soda, sports drinks, and coffee).
7. Use of glass containers (including, but not limited to, bottles).
8. Consumption of any food (including, but not limited to, snacks, candy, chewing gum, nuts, and sunflower seeds).
9. Consumption of any tobacco products.
10. Allowing any animals thereon (including, but not limited to, pets), with or without a leash.
11. Operating any vehicle thereon (motorized or non-motorized), (including, but not limited to, bicycles and strollers).
12. Using any open flames (including, but not limited to, lighters and grills) within twenty (20) feet of the turf area.

(Ord. No. 271, Enacted, 01/09/92, Ord. No. 533, Amended, 11/07/02; Ord. No. 614, Amended, 02/10/05; Ord. No. 651, Amended, 03/23/06; Ord. No. 747, Amended, 07/08/10)

SECTION TWO. That all other provisions of the Town Code of the Town of Prescott Valley, Arizona, not herein amended, shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That, inasmuch as it is necessary for the peace, health and safety of the Town of Prescott Valley that this Ordinance be effective upon its passage and approval according to ARS §19-142(B) and Town Code §2-05-060 (in order for these rules to be in effect for the grand opening of the artificial-turf field in Mountain Valley Park), this Ordinance is hereby declared to be an emergency measure and effective upon its passage and approval.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 8th day of July, 2010.

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Harvey C. Skoog, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney