

ORDINANCE 16-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 9, ARTICLE 9-4, SECTION 9-4-3, RULES AND REGULATIONS AT TOWN OWNED PARKS.

WHEREAS, the Mayor and Council of the Town (the “Town Council”) desires to amend the Town Code and modify the Park Rules.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Town of Fountain Hills Town Code, Chapter 9 (Parks and Recreation), Article 9-4 (Park Rules and Regulations), Section 9-4-3 (Rules and Regulations at Town Owned Parks) is hereby amended to read as follows:

Section 9-4-3 Rules and Regulations at Town Owned Parks

- A. All persons who use Town owned parks shall obey the following rules while on park property.
1. No open fires.
 2. No overnight camping.
 3. No firearms or weapons, except as authorized by Arizona law.
 4. No pets allowed, except WHEN on A leash THAT IS HELD IN THE HAND OF AN ADULT IN CONTROL OF THE PET. Animal waste shall be IMMEDIATELY removed by THE ADULT IN CONTROL OF THE PET ~~owner~~ in all Town park facilities. Activities within the off-leash recreational facility are exempt from the leash provision.
 5. No person shall operate skateboards, roller blades, inline skates, bicycles or any rolling (nonmotorized) vehicle in Town parks where such activity is specifically prohibited by appropriate posting or in an unsafe manner so as to infringe upon the safety of themselves or other park users. Activities within the bounded area of the skate park facility are exempt from this provision.
 6. The skate park facility, SPLASH PARK FACILITY and ~~the~~ off-leash recreational facility shall each be subject to their own unique and specific rules. Rules and regulations shall be visibly posTed at the skate park facility, and are subject to change by action of the director.

7. Park hours shall be visibly posted at each park.
8. No vehicles except in designated PARKING areas and IN NON-DESIGNATED PARKING AREAS PURSUANT TO A VALID PERMIT. Any vehicles left after 11:00 p.m. will be towed at the owner's expense.
9. No golfing or practicing of golf on grass areas.
10. No glass beverage containers.
11. NO UNAUTHORIZED VENDORS.
112. Model aircraft or unmanned aircraft and incendiary rockets are prohibited, except as provided in Section 9-4-4.
123. Lakes, fountains, and other waterways shall not be used for swimming, wading, bathing, fishing, or boating.
134. No person shall tether, launch or land a hot air balloon in a Town park except with the permission of authorized Town staff and a Special Event Permit.
15. NO PERSON SHALL OCCUPY A FACILITY WITHIN A PARK THAT HAS BEEN RESERVED BY ANOTHER PERSON.
146. The Town of Fountain Hills specifically reserves the right to hold financially liable the parents of any minor child for consequences of the child's infraction of this code and/or any damage a minor child causes on or to Town property.
157. The director shall have the power to enact new park rules at any time to the extent that such rules are consistent with Federal and State law, and this Town Code. Such additional rules will be considered petty offenses as defined under B(1) and B(2) below.

B. Penalties

1. ViolationS of subsections A(4) through A(1415) shall be considered a petty offenseS if the offender has not committed the same infraction within the last twenty-four (24) months. Petty Offenses shall be punishable by a fine of up to one hundred dollars (\$100.00).
2. Subsequent violations(s) of the same subsection A(4) through A(1415) OFFENSE within a twenty-four (24) month period shall be considered a Class 3 Misdemeanor, and will be punishable as such under State Law.
3. Violations of subsectionS A(1), A(2), or A(3) of this section shall be considered a Class 1 MisdemeanorS and will be punishable as such under State Law.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion 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 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

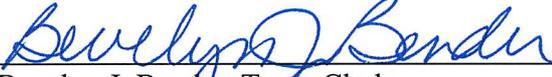
PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, December 1, 2016.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



Linda M. Kavanagh, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney