

ORDINANCE NO. 14-01

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF QUARTZSITE ARIZONA DECLARING THE DOCUMENT ENTITLED “PARK, RECREATION FACILITIES & CEMETERY CODE AMENDMENTS, JANUARY 28, 2014” AS A PUBLIC RECORD; ADOPTING THE “PARK, RECREATION FACILITIES & CEMETERY CODE AMENDMENTS, JANUARY 28, 2014” BY REFERENCE; AMENDING THE TOWN CODE OF THE TOWN OF QUARTZSITE ARIZONA, CHAPTER 11, OFFENSES, BY REPEALING ARTICLE 11-2 OFFENSES – PARK IN ITS ENTIRETY AND ADOPTING NEW CHAPTER 21 PARK, RECREATION FACILITIES & CEMETERY, RELATING TO THE USE, RESERVATION OF, AND RULES FOR TOWN FACILITIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, that certain document entitled “Park, Recreation Facilities & Cemetery Code Amendments, January 28, 2014,” three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, the Town Council has determined that the proposed amendments will maintain the quality of the public’s outdoor and indoor facilities, minimize the hazards of misuse, and provide procedures for reserving park space and obtaining special event permits; and

WHEREAS, the proposed amendments are in the best interest of the public health, safety, and welfare of the Town;

NOW THEREFORE BE IT ORDAINED by the Common Council of the Town of Quartzsite Arizona as follows:

Section I. In General.

The Code of Quartzsite, Arizona, is hereby amended by amending (a) Chapter 11 Offenses, by repealing Article 11-2 Offenses - Park in its entirety; and (b) adding a new Chapter 21 Park, Recreation Facilities & Cemetery to read as set forth in that certain document entitled “Park, Recreation Facilities & Cemetery Code Amendments, January 28, 2014,” which document is hereby adopted and incorporated by reference.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a class one misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Quartzsite, Arizona this 28th day of January, 2014 by the following vote:

AYES: SEVEN (7)
NAYES: Ø ABSENT: Ø
EXCUSED: Ø ABSTAINED: Ø



Signature

ED FOSTER
Printed Name

MAYOR
Title

Attest:



Tina M. Abriani, Town Clerk

Approved as to Form:



Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.

Town Attorneys

By PATRICIA RONAN

I, Tina M. Abriani, Town Clerk of Quartzsite, do hereby certify that a true and correct copy of Ordinance No. 14-01 adopted by the Common Council of the Town of Quartzsite, Arizona on the 28th day of January, 2014, was posted in THREE (3) places on the 30th day of JANUARY, 20 14.

Tina M. Abriani

Tina M. Abriani, Town Clerk

Park, Recreation Facilities & Cemetery

Code Amendments, January 28, 2014

The following Chapter is hereby adopted into the Town of Quartzsite Town Code to read as follows:

Chapter 21 Park, Recreation Facilities & Cemetery

Article 21-1 General Provisions

- 21-1-1 Definitions
- 21-1-2 Reservation Permits
- 21-1-3 Interference with Reserved Use
- 21-1-4 Special Events
- 21-1-5 Cemetery; Columbarium Niche Wall

Section 21-1-1 Definitions

The following words, terms and phrases, when used in this chapter, shall have the following meanings ascribed to them unless the context clearly indicates a different meaning:

- A. *Town cemetery* means the Hi Jolly Cemetery.
- B. *Town park* means the Quartzsite Town Park.
- C. *Town recreation facility* means any lands, areas, buildings, and facilities that are owned, leased, or otherwise controlled by the town for recreation purposes open to the public including, but not limited to, parks, athletic fields, tennis courts, swimming pools, playgrounds, ramadas, recreation trails and centers, libraries, dog parks, and skate parks.
- D. *Vehicle* means any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of any size, kind, or description. This definition does not include baby carriages and vehicles in the service of the town park, recreation facilities, and cemetery.

Section 21-1-2 Reservation Permits

- A. *In general.* Town facilities are available on a first come, first serve basis except:
 - 1. *Scheduled Events.* During scheduled events, a portion of facilities may be unavailable.

2. *Reservable Ramadas.* There are six small and one large ramada in the town park and one ramada in the town cemetery. A maximum number of seven ramadas may be reserved per day. A reservation must be made in person or by mail to the town office, located at 465 N. Plymouth Avenue between 8:00 a.m. and 5:00 p.m., Monday through Friday (except holidays), and paid for at that time. The town council shall, by resolution, establish a fee schedule for reservation of park ramadas. There is no fee for reservation of the cemetery ramada.

B. *Use of Park Facilities; Time limits.* No person shall use any facilities in the town park, including park tables, shade structures, ramadas, and parking areas, more than seven hours per day. Any park use longer than seven hours per day requires a special event permit issued pursuant to section 21-1-4.

Section 21-1-3 Interference with Reserved Use

A. *Reservation Permit.* The reservation permit shall describe the ramada reserved and related amenities that are reserved for the exclusive use of the permittee.

B. *Interference Prohibited.* It shall be unlawful to interfere with a reserved use, except with the consent of the permittee. For purposes of this section, the term "interfere" includes, but is not limited to, the following:

1. Using the reserved area or amenities;
2. Playing ball or frisbee within 50 feet from the reserved area boundary; or
3. Congregating a group of ten or more persons within 50 feet from the reserved area boundary for a cumulative period of 15 minutes or longer.

Section 21-1-4 Special Events

A. *Permit Required.* No person may conduct a special event in a town park or recreation facility without having first obtained a special event permit from the town. For the purposes of this section, a special event includes, but is not limited to, a fair, carnival, festival, musical concert, sporting event, or exhibition of items, vehicles, agricultural products, homemade items, or arts and crafts, whether for sale or not.

B. *Applications.* Applications for special events shall be submitted to the town at least thirty days prior to the scheduled start of the special event. The

application shall be on a form provided by the town and shall include a site plan depicting existing facilities and proposed temporary facilities and activities, and any other required information.

C. *Fee; Deposit.* A nonrefundable fee shall be required for each special event permit application, which fee shall be paid at the time of submittal of the application. A deposit shall also be required prior to each special event. The deposit shall be refundable to the applicant after the town determines that all conditions and requirements associated with the approved application and this chapter have been met. At a minimum, the special event site and all streets and other property used by or affected by the special event shall be restored to their original condition including, but not limited to, removal of debris and waste. The town council shall set the amount of fees and deposits by resolution. The town manager may require a greater deposit if he or she determines that the size or nature of the special event warrants a greater deposit.

D. *Denial.* The town manager may deny an application for a special event permit if:

1. The application contains a misrepresentation, false or misleading statement, evasion, or suppression of a material fact.
2. Another special event has been approved to occur on the same day in the same area or traffic circulation would be impeded or public safety would be compromised by having two or more special events in the same area.
3. The application does not comply with this chapter and all other applicable codes, ordinances, or other laws.
4. The proposed special event is unlawful or constitutes a public nuisance.

E. *Appeal.* A decision of the town manager to deny an application under this subsection may be appealed by written request to the town council. Appeals shall be filed within ten days after notice of the denial is received and shall state the reasons thereof. An appeal hearing shall be held by the town council within thirty days after receipt of an appeal. The applicant shall be provided written notice of the appeal hearing at least five days prior to the hearing. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The town council shall, by majority vote of members present, render a written decision based on findings of

fact and the application of the standards herein which shall be mailed to the applicant. The decision of the council shall be final.

F. *Duration of Event; Extension.* The special event permit shall include the approved duration of the special event. The town manager may grant an extension of the permit provided the applicant submits, in writing, a request for such an extension prior to the end of the special event.

G. *Display of Permit.* The special event permit shall be displayed at the special event site in a conspicuous location for the duration of the special event.

H. *Additional Conditions; Insurance.* The town may impose reasonable conditions on any special event permit necessary to protect the safety of persons and property and the control of traffic and may require insurance for any special event held on town property with policy limits established by the town's risk manager.

I. *Revocation of Permit; Appeal.* A special event permit may be revoked by the town manager for the failure to comply with the approved plans, any requirements of this chapter, or violation of any applicable town ordinances and county, state, and federal laws and regulations. A notice of revocation shall be delivered or mailed by first class mail to the permittee. All activities associated with the special event shall immediately cease as of the date of the notice. If a special event permit is revoked, an appeal to the town council may be filed following the same procedures set forth in subsection E of this section. The decision of the town council on appeal of revocation shall be final.

Section 21-1-5 Cemetery; Columbarium Niche Wall

A. *Fees.* By resolution, from time to time, the town council shall establish fee schedules for the cemetery columbarium niche wall. For the purposes of this section, "niche" means space used, or intended to be used, for inurnment of cremated human remains. Only human remains shall be allowed in the cemetery columbarium niche wall.

B. *Cremation Containers.* All cremation containers shall be approved by the Cemetery Board.

C. *Additional Urn.* If a second urn is subsequently added and the existing faceplate has insufficient room for engraving, a new faceplate shall be made at an additional charge, such fee to be established by resolution of the town council.

Article 21-2 Park, Recreation Facilities & Cemetery Rules

21-2-1	Hours
21-2-2	Closed Areas
21-2-3	Alcoholic Beverages
21-2-4	Trespass
21-2-5	Unreasonable Noise
21-2-6	Riding Vehicles on Grounds
21-2-7	Damaging Facilities
21-2-8	Glass Containers
21-2-9	Sale of Goods (concessions)
21-2-10	Prohibited Activities
21-2-11	Enforcement

Section 21-2-1 Hours

The town park and town cemetery shall be open to the public sunrise to sunset and closed at all other times. Town recreation facility hours shall be set by the town. Hours of operation shall be posted at each facility. It shall be unlawful for any person, other than town personnel conducting town business therein, to occupy or be present in any town park, recreation facility, or cemetery during any hours in which the facilities are not open to the public. Functions may extend beyond the hours set forth in this section during a scheduled Town activity or event or by permit.

Section 21-2-2 Closed Areas

A. *Temporary Closures.* The town may temporarily close any part of a town park, recreation facility, or cemetery for performance of routine maintenance or preparation for a reserved use, or when deemed necessary to protect public safety, property, or wildlife. Notice shall be posted when an area has been closed. The notice shall reasonably describe the time and period of closure and area closed.

B. *Prohibited entry.* It shall be unlawful to enter or stay in any area where a sign has been posted stating that the area is "Closed To The Public," or "Closed For Maintenance," or "Reserved - Do Not Enter."

C. *Removal of Signs.* It shall be unlawful to remove or tamper with any sign or notice posted designating areas as "Closed To The Public," "Closed For Maintenance," or "Reserved - Do Not Enter."

D. *Exception.* The provisions of subsections (B) and (C) shall not apply to any town employee, contractor or other person performing work authorized by the town.

Section 21-2-3 Alcoholic Beverages

A. *In General.* It is unlawful for any person, while on the premises of any town park, recreation facility, or cemetery, to commit any of the following acts:

1. Drink or have in his or her possession any alcoholic beverage except with a permit as provided in subsection B of this section.
2. Have in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, its seal broken or the contents of which have been partially removed except with a permit as provided in subsection B of this section.

B. *Permit.* A permit is required to allow alcoholic beverage consumption and possession in the town park. Notwithstanding the above, no alcoholic beverages may be consumed south of Senter Street except within 100 feet of the baseball park concession stand.

C. *Denial; Revocation.* The town reserves the right to refuse or revoke any permits issued or to be issued.

D. *Violation.* Upon conviction for violation of this section, the sentence to be imposed shall be a fine of not more than \$500.00 or imprisonment for not more than thirty days, or both.

Section 21-2-4 Trespass

It shall be unlawful for a person to remain in or return to a town park, recreation facility, or cemetery after a reasonable request to leave by an authorized town employee.

Section 21-2-5 Unreasonable Noise

It shall be unlawful for any person without justification to make or continue, or cause or permit to be made or continued, any unnecessary, excessive, or offensive noise, which disturbs the peace or quiet of any town park, recreation facility, or cemetery, or which causes discomfort or annoyance to any reasonable person of normal sensitivities in the area after a reasonable request by an authorized town employee to stop making the offensive noise.

Section 21-2-6 Riding Vehicles on Grounds

A. *In General.* No person shall drive or ride at any time any vehicle or animal upon the grounds of any town park, recreation facility, or

cemetery, except in public streets running through such premises or within designated parking areas located upon the premises, without the express permission of the town.

B. *Off-Road Vehicles.* ATVs and other off-road vehicles are not allowed in the parking lots and streets unless such vehicle is licensed by the Department of Motor Vehicles.

Section 21-2-7 Damaging Facilities

No person shall damage or wastefully or improperly use any temporary or permanent fixture in any town park, recreation facility, or cemetery, or cause the lighting facilities or electrical appliances to be turned on or used without the express permission of the town or an authorized representative of the town.

Section 21-2-8 Glass Containers

A. *Prohibited Possession.* It shall be unlawful for any person to have a glass container in his or her possession in any town park, recreation facility, or cemetery, unless specifically authorized by the town.

B. *Prohibited Conduct.* It shall be unlawful for any person to throw, toss, or otherwise propel or either willfully and maliciously or carelessly and negligently break any glass object in a town park, recreation facility, or cemetery.

Section 21-2-9 Sale of Goods (concessions)

It is unlawful to sell food, beverages or other items in a town park, recreation facility, or cemetery, and all adjacent sidewalks, except pursuant to a special event permit issued pursuant to section 21-1-4.

Section 21-2-10 Prohibited Activities

Except where such use is conducted by the town or by others pursuant to a program organized by the town or a permit issued by the town, the following activities are prohibited in a town park, recreation facility, or cemetery:

A. *Dangerous Act.* No person shall commit any act so as to endanger the health and safety of themselves or others.

B. *Speeding.* Unless a different special limit is posted, a maximum speed of 15 miles per hour shall be in effect at all times in the parking lots and streets running through the town park. The maximum speed limit in effect at all times in the cemetery parking lots and streets shall be 5 miles per hour.

C. *Littering*. No person shall dispose of trash, flyers or other unwanted items in any manner other than depositing them in a designated waste container.

D. *Urban camping*. No person shall camp, set up living accommodations, store personal belongings, or park recreation vehicles overnight, except in areas specifically for such use or specifically authorized by permit.

E. *Fires*. No person shall start or sustain a fire, except for the combustion of charcoal in fire pits, grills, or other areas as designated and approved for such use by the town. No person shall set fire to the contents of a trash container, or place or burn garbage in park grills. Park users shall abide by all current fire rules and restrictions.

F. *Weapons*. No person shall use archery, firearms, sling shots, rockets, darts, rocks or other projectile producing devices, unless specifically authorized by permit.

G. *Model Rocketry*. No person shall launch model rockets using propellants and motors, unless specifically authorized by permit.

H. *Fireworks*. No person shall use fireworks, unless specifically authorized by permit.

I. *Animal Control*. All animals shall be under the custody and control of a responsible adult and must be on a leash not to exceed six feet at all times. Animals are subject to the town's animal control ordinance.

J. *Animal Capture; Cruelty*. Hunting, trapping, catching, wounding or killing, or treating cruelly, attempting to catch, wound or kill, any bird or animal, molest or rob any nest of any kind or any lair or burrow of any animal within the park is strictly prohibited.

K. *Disfiguration or Removal of Natural Resources*: No person shall disfigure, displace, remove, or excavate, as applicable, any soil, rock, stone, sand, tree, shrub, cactus, plant material, or other natural resource of any description.

L. *For-Profit or Personal Gain*: The town park shall not be used for profit or personal gain. Events for non-profit organizations, where an admission fee or a donation is charged, may only be held in the park with the permission of the town. A use fee may be charged.

M. *Supervision of Children*: Children, age eight and under, must be supervised by an adult while playing on the playground equipment.

Section 21-2-11 Enforcement

- A. *Removal from Premises.* The town shall have authority to eject from a town park, recreation facility, or cemetery any person acting in violation of this chapter.

- B. *Seizure of Property.* The town shall have the authority to seize and confiscate any property, thing, or device used in violation of this chapter.

- C. *Violations.* Except where otherwise provided, the penalties set forth in Article 1-8 of this code shall apply to violations of this chapter.