



City Council Report

Date: May 15, 2023
To: City Council
Through: Candace Cannistraro/Deputy City Manager
From: Andrea Moore, Department Director
Parks, Recreation, and Community Facilities Department
Subject: Proposed Amendment to Title 6 (Police Regulations), Chapter 10 (Public Park Regulations), Section 4 (Prohibited Activities and Restrictions) of the Mesa City Code to include prohibitions and restrictions related to marijuana in parks. (Citywide)

Purpose and Recommendation

The purpose of this report is to request City Council approval of the proposed ordinance to amend Mesa City Code Title 6, Chapter 10 ("Public Park Regulations") to allow Mesa Park Rangers to enforce marijuana and marijuana product prohibitions in City parks.

Background

On December 8, 2020, the City Council adopted Ordinance No. 5601 adding a new Mesa City Code (MCC) Title 6, Chapter 25 entitled "Marijuana Prohibition" which prohibited, in pertinent part, marijuana and marijuana products on property owned or controlled by the City; however, Ordinance No. 5601 only authorized the City of Mesa Police Department to enforce the marijuana prohibitions (See MCC 6-25-10).

Mesa Park Rangers often enforce prohibitions and limitations on activities in City parks, particularly those set forth in Title 6, Chapter 10 of the MCC (Public Park Regulations). The City's Park Rangers, through A.R.S. § 9-500.03, have the authority to issue citations for violations of Ordinance No. 5601, including for the possession or consumption of marijuana or marijuana products in the City's parks; however, the language in MCC 6-25-10 appears contradictory in that it does not explicitly state that the Park Rangers have the authority to enforce the marijuana and marijuana product prohibitions in City parks. To ensure continuity of operations and to clarify the authorization of Park Rangers to enforce marijuana and marijuana product prohibitions in City parks, an update to the Public Park Regulations is needed.

Revising the Public Park Regulations to include marijuana and marijuana products in the prohibited activities in parks will make it clear to the public, PRCF personnel, and the courts that marijuana and marijuana product prohibitions in City parks are enforceable by Park Rangers.

Discussion

The Public Park Regulations are designed to protect the public health, safety and welfare of the City's residents and the general public in the use of parks and to promote recreation in the parks. Amending the Public Park Regulations to clarify that Park Rangers (in addition to the Mesa Police Department) may enforce marijuana and marijuana product prohibitions in City parks ensures more resources are permitted to enforce the marijuana related prohibitions.

Alternatives

City Council can recommend additional or different changes to the Mesa City Code Title 6, Chapter 10 (Public Park Regulations).

City Council also has the option to not pass the proposed ordinance amendment, which shall have the effect of leaving the Public Park Regulations as they currently exist.

Fiscal Impact

These changes are not expected to have a significant fiscal impact.

Coordinated With

The report and proposed ordinance were completed in coordination with the City Attorney's Office and City Prosecutor's Office.