

## ORDINANCE NO. 5783

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 6, CHAPTER 10, SECTION 4 ENTITLED “PROHIBITED ACTIVITIES AND RESTRICTIONS” TO INCLUDE PROHIBITIONS AND RESTRICTIONS RELATED TO MARIJUANA IN PARKS.

**WHEREAS**, pursuant to Arizona Revised Statutes (“A.R.S.”) § 9-500.03, the City’s park rangers are empowered to issue citations for violations of ordinances and park rules and regulations.

**WHEREAS**, on December 8, 2020, in accordance with and as permitted by Arizona law, including A.R.S. Title 36, Chapter 28.1, in order to protect the public health, safety, and welfare, the City Council adopted Ordinance No. 5601, which, in part, prohibits the possession and consumption of marijuana and marijuana products on City property.

**WHEREAS**, 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.

**WHEREAS**, in order to further clarify the authority of the City’s park rangers to issue citations related to the possession or consumption of marijuana or marijuana products in the City’s parks, the City Council desires to codify the prohibition of marijuana and marijuana products in the City’s parks within Mesa City Code Title 6, Chapter 10, “Public Park Regulations”.

**WHEREAS**, the City Council has determined that amending Title 6, Chapter 10, Section 4 of the Mesa City Code entitled “Prohibited Activities and Restrictions” serves to protect the public health, safety, and welfare by further clarifying to the public that the City’s current regulations of marijuana on City property are, and have been, applicable and enforceable in the City’s parks.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:**

**SECTION 1.** Mesa City Code 6-10-4 entitled “Prohibited Activities and Restrictions” is amended to add a new subsection (X), and to reletter the subsections following the new subsection (X) as set forth below. All other subsections in Mesa City Code 6-10-4 shall remain the same.

<p>Text written in <b><u>CAPITAL LETTERS, BOLD AND UNDERLINED</u></b> indicates new language, text written in <del>strike through</del> represents removed language.</p>
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(X) **MARIJUANA. NO PERSON SHALL ACQUIRE, POSSESS, CONSUME, PURCHASE, SELL, CULTIVATE, MANUFACTURE, PRODUCE, STORE, TRANSFER, OR DISTRIBUTE MARIJUANA OR MARIJUANA PRODUCTS IN A PARK. THE TERMS USED IN THIS SUBSECTION THAT ARE NOT DEFINED IN THIS CHAPTER SHALL HAVE THE DEFINITIONS PRESCRIBED BY MESA CITY CODE 6-25-2, AS AMENDED, AS APPLICABLE.**

(~~X~~**Y**) Engaging in Business Activities. No person shall engage in any business activity of a peddler, solicitor, mobile food vendor, or other vendor offering for sale or selling any goods or services in a park unless: (1) the person is engaging in the business activity at a special event with a permit issued pursuant to Section 6-10-6, and (2) the person has all required licenses for the lawful operation of the business activity, including applicable licenses issued pursuant to Title 5 of the Mesa City Code, and all required health permits from the Maricopa County Health Department. The provisions of this Subsection shall be interpreted, applied, and enforced in compliance with the applicable State laws for the specific business activity occurring in a park.

(~~Y~~**Z**) Miscellaneous. No person shall bring into or use in a park a sling shot, BB gun, pellet gun, paint ball gun, firework, rocket, ignition or combustion-powered launching device, hot air balloon, javelin, shot-put, discus, paraglider, windsailing equipment, jousting equipment, archery equipment, or fencing equipment, unless a permit is obtained for that specific use.

(~~Z~~**AA**) Endangerment of or Interference with Health, Safety, Welfare, and Recreation. No person shall commit any act in a park which endangers the health, safety, or welfare of themselves or of the general public or that unreasonably interferes with a person's reasonable and lawful recreation, use, or enjoyment of a park.

(~~AA~~**BB**) Interference with City Duties and Events. No person shall interfere with the Director, Administrator, police officer, park ranger, or City staff in the performance of their duties or in the enforcement of any provision of this Chapter. No person shall unreasonably interfere with a permitted use or any City-approved event in a park.

**SECTION 2.** RECITALS. The above recitals are fully incorporated in this Ordinance by reference.

**SECTION 3.** EFFECTIVE DATE. The effective date of this Ordinance shall be thirty (30) days following adoption by the City Council.

**SECTION 4.** PRESERVATION OF RIGHTS AND DUTIES. This Ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Ordinance.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MESA,  
MARICOPA COUNTY, ARIZONA, this 5<sup>th</sup> day of June, 2023.

APPROVED:

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Mayor

ATTEST:

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City Clerk