



City Council Report

Date: April 5, 2021
To: City Council
Through: Marc Heirshberg/Deputy City Manager
From: Andrea Moore, Acting Director
Parks, Recreation and Community Facilities Department
Subject: Proposed Public Park Regulations Ordinance
Citywide

Purpose and Recommendation

The purpose of this report is to request City Council approval of the proposed ordinance (Exhibit A) to update the public park regulations by repealing and replacing Mesa City Code Title 6, Chapter 10. The recommended changes have been unanimously approved by the Parks and Recreation Advisory Board on March 10, 2021.

Background

The section of Mesa City Code pertaining to public park regulations was last updated in 2011. Since that time, there are changes to the way parks are being used, necessitating revisions to the Code. Currently, the Code does not include guidance or regulations regarding permits issued by the Parks, Recreation and Community Facilities Department (PRCF). Revising the Code to include a "Permits" section, setting forth when a permit is required, how to obtain a permit, and the conditions of a permit is necessary to make the process clear for both the public and PRCF personnel, especially considering the increased use of Parks as locations for events. Clarifications and additions to the Code have also been requested from enforcement personnel related to: dogs, fishing, camping, dumping and abandoning items, vehicle maintenance, shopping carts, peddling and soliciting business, and drones.

Discussion

The ordinance will repeal the existing Mesa City Code Title 6, Chapter 10 and replace it in its entirety with the revised public park regulations. A discussion of the primary changes in the new regulations follows:

The ordinance will add an entirely new section titled "Permits". The intention of this section is to establish reasonable time, place, and manner regulations to ensure that events are carried out in a safe and orderly manner. An increased number of large events are being held in parks. This new "Permits" section will codify when a permit is

required for a use or event in a park, how to apply for a permit, grounds for denial and revocation of a permit, and conditions applicable to every permit. Including a Permits section in the Code is critical to inform the public of the permitting requirements and to establish reasonable regulations of events in parks. For example, the Code will require that events clean up and remove all trash from the event, not cause undue hardship on neighbors, not interfere with emergency personnel, and not create other unsafe or unsanitary conditions in parks, more specifically set forth in the ordinance. The new section will authorize enforcement personnel to shut down an event that does not comply with the permit conditions. Additionally, the Code will allow PRCF staff to deny a permit to an event/applicant that has a documented history of violating the Code. Codifying the permitting process will provide needed clarity to the public and will also help the PRCF staff enforce reasonable standards for events in parks.

In addition to adding the new “Permits” section, the ordinance will revise other sections of the Code to clarify regulations and address issues that have arisen since the last revisions to the Code, to help both the public and PRCF enforcement personnel. These revisions include:

- The Code will prohibit the dumping and abandoning of food, beverage, and other items in parks. PRCF personnel have seen an increase in this activity, resulting in food and trash scattered throughout the parks, creating unsanitary conditions.
- The Code will include splashpads in the regulations applicable to bathing, swimming, and wading.
- The regulations applicable to dogs will be clarified and will include the leash law and exceptions to the leash law such as when in off-leash dog parks and obedience classes, and will mandate that people dispose of their pet’s waste in the appropriate receptacles.
- The Code will clarify that patrons must comply with Arizona Department of Game and Fish bag limit and licensing requirements when fishing and will prohibit magnetic fishing devices.
- The Code will update and clarify the camping, multi-use path, and spirituous liquor regulations.
- The Code will prohibit the use of shopping carts, paragliders, and ignition-powered launching devices (e.g. potato launchers) in parks.
- The Code will regulate the use of drones in parks.
- The Code will update and clarify the regulations and prohibitions applicable to engaging in business as a peddler, solicitor, mobile food vendor, or other vendor.
- The Code will include clarifications regarding ADA accommodations and exceptions.

The proposed changes to the public park regulations are intended to facilitate patron enjoyment of the park system, assist with enforcement tools when inappropriate use of the park system occurs, and to provide clarity on allowable uses of the park system.

If Council adopts the ordinance, the effective date will be 30 days after adoption. This will allow time for increased education of park patrons as to the new policies,

procedures, and possible penalties.

Alternatives

City Council can recommend additional or different changes to the Mesa City Code Title 6, Chapter 10 public park regulations.

No action shall have the effect of leaving all portions of City Code as it currently exists.

Fiscal Impact

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

Coordinated With

The report and draft ordinance were completed in coordination with the City Attorney's Office, City Prosecutor's Office, and the Tax and Licensing Office.