

## **ORDINANCE \_\_\_\_\_**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, REPEALING IN ITS ENTIRETY MESA CITY CODE TITLE 6, CHAPTER 10 ENTITLED “PUBLIC PARK REGULATIONS” AND REPLACING IT WITH A NEW TITLE 6, CHAPTER 10 ENTITLED “PUBLIC PARK REGULATIONS.”

**WHEREAS**, pursuant to Arizona Revised Statutes (“A.R.S.”) § 9-240, the City Council has the power to define, abate, and remove nuisances, and punish persons committing nuisances.

**WHEREAS**, pursuant to A.R.S. § 9-240, the City Council has the power to prevent, suppress, and punish any riot, rout, affray, disorderly noise, or disturbance in any public or private place within the City of Mesa, Arizona.

**WHEREAS**, in order to protect the public health, safety, and welfare, to abate nuisances, to prevent and suppress disorderly noise and disturbances, and to assure that parks in Mesa are readily accessible, clean, and sanitary, the City Council wishes to codify permitting requirements for and reasonable regulations of events that take place in parks and to modify and clarify provisions of the Mesa City Code which regulate certain activities in parks, including those provisions regarding business activities, camping, fishing, animals, vehicles, spirituous liquor, and dumping or leaving items in parks.

**WHEREAS**, the City Council has determined that repealing Title 6, Chapter 10 of the Mesa City Code entitled “Public Park Regulations” and replacing it with revised language serves to protect the public health, safety, and welfare by enacting reasonable regulations to promote safe and orderly events and activities in parks and to clarify the regulations applicable to members of the public when using 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**SECTION 1.** Mesa City Code Title 6, Chapter 10 entitled “Public Park Regulations” is repealed in its entirety and replaced with a new Mesa City Code Title 6, Chapter 10 as follows:

### **CHAPTER 10 PUBLIC PARK REGULATIONS**

#### **SECTION:**

- 6-10-1: PURPOSE AND ADMINISTRATION**
- 6-10-2: DEFINITIONS**
- 6-10-3: HOURS OF USE; CLOSURE AND RESTRICTIONS**
- 6-10-4: PROHIBITED ACTIVITIES AND RESTRICTIONS**
- 6-10-5: SPIRITUOUS LIQUOR**

- 6-10-6: PERMITS**
- 6-10-7: MULTI-USE PATHS**
- 6-10-8: ENFORCEMENT AND PENALTY**

**6-10-1: PURPOSE AND ADMINISTRATION**

- (A) The purpose of this Chapter is to protect the 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.
- (B) It is the duty and responsibility of the Director to administer the provisions of this Chapter. Pursuant to this duty, the Director shall have the authority to create rules, regulations, and policies related to the use of parks consistent with the purpose of this Chapter.

**6-10-2: DEFINITIONS**

The terms of this Chapter have the below meanings, whether or not the term is capitalized, unless the context requires otherwise. Words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. Definitions set forth in this Section 6-10-2 apply only to this Chapter and do not affect and are not to be applied to any other Mesa City Code.

**ADA:** Americans with Disabilities Act of 1990 (42 U.S.C §§ 12101 through 12213), as amended.

**ADMINISTRATOR:** The City's Parks, Recreation & Community Facilities staff person(s) responsible for permits issued pursuant to this Chapter.

**A.R.S.:** Arizona Revised Statutes.

**AzDA:** Arizonans with Disabilities Act of 1992 (A.R.S. §§ 41-1492 through 41-1492.12), as amended.

**BEER:** As defined in A.R.S. § 4-101, as amended.

**“CAMP” or “CAMPING”:** The use of a park as a temporary or permanent place of dwelling, lodging, residence, or as a living accommodation. Indications of camping may include, but are not limited to, burning a fire, carrying on cooking activities, storing personal belongings, laying down bedding for sleeping, or using tents or temporary structures for shelter, sleeping, or storing of personal belongings. Such activities constitute camping when it reasonably appears under the circumstances that a person is using the area as a living accommodation, no matter how temporary.

**CITY:** The City of Mesa, Arizona.

**DIRECTOR:** The City's Parks, Recreation & Community Facilities Director or their designee.

**MOBILE FOOD VENDOR:** As defined by A.R.S. § 9-485, as amended.

**MOBILITY DEVICE:** Any “electric personal assistive mobility device” (as defined by A.R.S. § 28-101, as amended), wheelchair, scooter, or other mobility device, whether power-driven or manual, used by a person with a disability for mobility.

**MOTORIZED VEHICLE:** Any motorized vehicle or motor-assisted device, including any automobile, truck, motorcycle, motorbike, motor scooter, or all-terrain vehicle. The term motorized vehicle shall not include a mobility device.

**MULTI-USE PATH:** A surfaced path which may be separated from motorized vehicle traffic by an open space or barrier and has been designated or designed by the City for public use for human-powered travel or movement, such as by walking, jogging, running, skating, bicycling, or by use of a mobility device.

**PARK:** A City owned, leased, or licensed park, playground, retention basin, cemetery, golf course, multi-use path, recreation or community center, land designated for future park development, swimming pool, splashpad, athletic stadium or venue, or any other area that is owned, leased, or licensed by the City that accommodates active or passive recreation and entertainment, including the parking lots, roadways, sidewalks, and pathways of a park.

**PEDDLER:** As defined by Mesa City Code Title 5, Chapter 8, as amended.

**PEDESTRIAN:** Any person afoot or operating a human-powered device, such as a bicycle, roller skates, inline skates, or skateboard, or a person using a mobility device.

**PERMIT:** A permit, license, or reservation issued by the Administrator pursuant to this Chapter.

**PERMITTED USE:** The specific use or event for which a permit is issued.

**PERMITTEE:** A person issued a permit pursuant to this Chapter.

**PERSON:** An individual, firm, partnership, joint venture, association, corporation, or any other group or combination acting as a unit.

**REFUSE:** Any glass or plastic bottles or containers, broken glass, ashes, paper, boxes, cans, rubbish, waste, trash, garbage, household appliances or furniture, construction or landscaping materials, animal waste, human waste, or other discarded items.

**SHOPPING CART:** As defined by A.R.S. § 44-1799.31, as amended.

**SOLICITOR:** As defined by Mesa City Code Title 5, Chapter 8, as amended.

**SPECIAL EVENT:** A temporary use, event, or activity in a park beyond the normal scope of visitor use such as reservation of an area or facility, conducting business whether for-profit or not-for-profit, an activity which could impact public access or enjoyment, or a request for exemption from a park rule or regulation. A special event includes, but is not limited to, sporting event, parade, circus, fair, carnival, festival, procession, wedding, street dance, concert, rodeo, race, farmers market, religious revival, political rally, vehicle show and display.

**SPIRITUOUS LIQUOR:** As defined by A.R.S. § 4-101, as amended.

**WINE:** As defined by A.R.S. § 4-101, as amended.

### **6-10-3: HOURS OF USE; CLOSURE AND RESTRICTIONS**

- (A) Parks shall be open to the general public every day of the year from sunrise until 10:00 P.M., unless otherwise posted or due to unusual or unforeseen circumstances or emergencies. It is unlawful to remain in or enter a park outside of a park's designated hours unless a permit is obtained pursuant to Section 6-10-6.
- (B) The Director shall have the authority to modify the hours of use of parks and declare closed or restricted a park or area within a park, either temporarily or at regular or stated intervals (daily or otherwise), and either entirely or to certain uses, as the Director finds reasonably necessary. It is unlawful to enter or use any closed or restricted area of a park if such entry or use is prohibited unless a permit is obtained pursuant to Section 6-10-6.

### **6-10-4: PROHIBITED ACTIVITIES AND RESTRICTIONS**

It is unlawful for a person in a park to engage in any of the prohibited activities or to violate any of the restrictions set forth in this Section, unless otherwise allowed pursuant to the Subsections below.

- (A) **Pollution of Water.** No person shall throw, discharge, or otherwise place or cause to be placed in the water of any fountain, pond, lake, stream, swimming pool, splashpad, or other body of water in or adjacent to a park, or any stream, storm, sewer, or drain flowing into such water any refuse or substance, matter, liquid, or solid, that may result in the pollution of water.
- (B) **Refuse.** No person shall dump, deposit, abandon, or leave refuse in a park except within an appropriate receptacle.
- (C) **Items for Donation or Distribution.** No person shall dump, deposit, abandon, or leave unattended in a park any food, beverage, clothing, or any item intended for donation or distribution.
- (D) **Restroom Facilities.** No person shall urinate or defecate in a park except in a urinal or toilet provided for such purposes within a designated restroom facility.
- (E) **Bathing, Swimming, or Wading.** No person shall bathe, swim, or wade in any water or waterway, splashpad, or any restroom facility in or adjacent to a park except at places designated by the Director for such purposes and in compliance with the regulations established by the Director.
- (F) **Boating.** No person shall bring or operate any boat, raft, or other watercraft, whether motor-powered or not, upon any water in a park except at places designated for boating by the Director and in accordance with applicable regulations established by the Director, which may include separate requirements or allowances for motorized and non-motorized watercrafts.
- (G) **Golfing.** No person shall use any portion of a park for golfing purposes except at places designated for golfing by the Director and in compliance with the regulations established by the Director.

- (H) **Motorized Vehicles, Power-driven Mobility Devices.** No person shall drive, ride, or operate a motorized vehicle in a park except upon public roadways, designated parking areas, or within areas designated for such purposes by the Director. The prohibition in this Subsection shall not apply to City-owned vehicles or vehicles authorized by the City to operate in a park such as utility and maintenance vehicles and emergency and public safety vehicles. The Director shall have the authority to limit the use of power-driven mobility devices in parks when deemed necessary and in compliance with the ADA and AzDA.
- (I) **Non-motorized Vehicles, Manual Mobility Devices.** No person shall operate or ride a skateboard, roller skates, inline skates, bicycle, scooter, or any other type of rolling non-motorized vehicle in a park: (1) where such activity is specifically prohibited by posted notice; (2) on any brickwork, paver work, ornamental surface, picnic table, bench, playground, equipment, surface or area specifically designed for ADA access, fountain area, planter, or sculpture; or (3) in an unsafe manner so as to infringe upon or endanger the safety of themselves or the general public. A person operating a non-motorized vehicle in a park shall obey all posted traffic control signs and notices. The prohibitions in this Subsection shall not apply to a manual mobility device except where the Director limits the use of manual mobility devices in parks when deemed necessary by the Director and in compliance with the ADA and AzDA.
- (J) **Parked Vehicles, Vehicle Maintenance and Repair.** No person shall perform any maintenance or repair to any motorized vehicle or non-motorized vehicle within a park, including assembly, disassembly, washing, waxing, oil change, and engine tune-up, except for emergency maintenance or repair to remove the vehicle from the park. An unattended vehicle left in a park between the hours of 10:00 P.M. and sunrise may be impounded.
- (K) **Horses.** No person shall bring a horse into a park except on a designated bridle trail or path, equestrian area, or other area designated by the Director for horses. If horses are permitted in an area of a park, a horse shall: (1) be thoroughly broken, properly restrained, ridden with due care, and shall not be allowed to graze or go unattended, and (2) not be hitched to any rock, tree, shrub, fence, or park improvement not intended for hitching horses. This Subsection shall be interpreted, applied, and enforced in compliance with the ADA and AzDA, with legally required exceptions made for miniature horses.
- (L) **Dogs.** A person with a dog in their care or custody in a park shall: (1) keep the dog under their physical control and restrain the dog on a leash not greater than six feet (6') in length, except when the dog is otherwise under the control of a person and (a) the dog is within a fully enclosed and designated off-leash area of a designated dog park, or (b) the dog is actively engaged in obedience training during a session, class, or program the dog is currently enrolled in, or (c) a dog that is engaged in obedience training previously graduated from an obedience training school; (2) immediately dispose of the dog's waste in an appropriate receptacle; (3) immediately remove the dog from the park if it exhibits aggressive behavior that evidences a threat of injury; (4) ensure the dog is vaccinated against rabies in accordance with A.R.S. § 11-1010 and wearing tags in accordance with A.R.S. § 11-1008; and (5) comply with the animal control laws of the Mesa City Code Title 6, Chapter 4. The prohibitions in this Subsection shall not apply to dogs utilized by the Mesa Police Department. This Subsection shall be interpreted, applied, and enforced

in compliance with the ADA and AzDA, with legally required exceptions made for a “service animal” as that term is defined by the ADA.

- (M) **Other Animals.** Except with respect to horses and dogs as provided in Subsections 6-10-4(K) and 6-10-4(L), no person shall bring into a park any animal except in designated areas clearly marked by signs permitting such use or in areas approved by the Director, such as an animal show, petting zoo, educational event, or obedience or training class. In all cases, if animals are permitted in a park, they shall be under the control of a person at all times.
- (N) **Models and Drones.** No person shall use or operate in a park any drone or radio-controlled or non-radio-controlled model, including a model aircraft, model boat, and model motorized car, except at places designated for such use by the Director and in accordance with the applicable regulations established by the Director, which may have separate requirements or allowances for radio-controlled or non-radio controlled models or drones. The provisions of this Subsection shall be interpreted, applied, and enforced in compliance with the applicable State laws for the specific activity occurring in a park.
- (O) **Glass Containers.** No person in a park shall possess or have custody of a glass container of any kind or description.
- (P) **Disfiguration or Removal of Improvements.** No person shall deface, disfigure, injure, tamper with, displace, or remove any equipment or improvements owned or maintained by the City in a park, including, but not limited to, turf grass, landscape material, electrical equipment, wiring, playground equipment, picnic table, bench, fire pit, grill, paving, water fountain, public utility line, sign, monument, marker, fencing, and restroom fixture.
- (Q) **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 in a park.
- (R) **Harming, Removing, or Releasing Animals.** No person shall harm, remove from, or release into a park any animal or wildlife.
- (S) **Fires.** No person shall start or sustain a fire in a park except for the combustion of charcoal in a fire pit, grill, or other improvement as designated and approved for such use by the Director. This Subsection shall not prohibit the burning of wood in a fireplace located at Falcon Field park.
- (T) **Iceblocking and Water Sliding.** No person shall engage in iceblocking or erect or engage in any water sliding activity in a park except as designated and approved for such use by the Director.
- (U) **Shopping Carts.** No person shall operate, maintain, possess, store, abandon, or leave unattended a shopping cart in a park.
- (V) **Camping.** No person shall camp in a park unless the park or area therein is specifically authorized by the Director for camping, or the person possesses a permit pursuant to Section 6-10-6 allowing camping in a park or an area therein. If any item used for camping is left unattended or abandoned in a park, the City may confiscate and discard the item in

accordance with applicable law. This Subsection does not apply to temporary structures set up by a governmental agency or relief workers during a disaster or emergency.

- (W) Fishing. No person shall fish in a body of water in a park that is not designated by the Director for fishing. A person fishing in a park shall comply with the regulations of the Arizona Department of Game and Fish including licensure and bag limit requirements. No person shall use a magnetic fishing device in a park.
- (X) 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) 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) 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) 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.

#### **6-10-5: SPIRITUOUS LIQUOR**

It is unlawful for a person in a park to consume, possess, or have in their custody any spirituous liquor unless:

- (A) The sale, consumption, possession of spirituous liquor is governed by and in compliance with the requirements of a "liquor license" or a "special event license" issued by the Arizona Department of Liquor License and Control and by an alcohol permit issued pursuant to Subsection 6-10-5(B), and the sale, consumption, possession of spirituous liquor is in compliance with Mesa City Code Title 5, Chapter 9.
- (B) The consumption and possession of beer or wine is a permitted use authorized under and in compliance with the requirements of an alcohol permit issued by the Administrator pursuant to Subsection 6-10-6(B)(5).
  - (1) An alcohol permit may be issued only to a person at least twenty-one (21) years of age.

- (2) Every person consuming or possessing beer or wine pursuant to an alcohol permit, whether the permittee or a guest of the permittee, must be at least twenty-one (21) years of age.
- (3) An alcohol permit authorizes the consumption and possession in a park of beer and wine only and not of any other type of spirituous liquor.
- (4) The authority an alcohol permit confers to consume or possess beer or wine in a park does not authorize the sale of beer or wine.
- (5) The permittee must remain on-site at the park at all times during which beer or wine is consumed or possessed by the permittee or their guest.
- (6) Violation or non-compliance with any requirement of this Subsection is grounds for the revocation of an alcohol permit.

**6-10-6: PERMITS**

- (A) It is unlawful for a person to violate or fail to comply with any provision of this Section 6-10-6.
- (B) Permit Required. A permit is required for each of the uses in a park listed in this Subsection.
  - (1) Any special event. If a special event will take place in a manner that will impact a “right-of-way” as that term is defined by Mesa City Code 9-1-1, then the applicant must also obtain a license pursuant to Mesa City Code Title 5, Chapter 1.
  - (2) Any event involving the sale, distribution, or service to the public of food, beverage, or any other article or good if the event is intended, will, or is likely to attract ten (10) or more members of the public. In the case of the sale, distribution, or service of food or beverage, all required health permits must be obtained from the Maricopa County Health Department prior to the issuance of a permit.
  - (3) Reserving a designated area or facility such as a ramada, sports field or court, or pool for an event or use to the exclusion of others.
  - (4) Remaining in or entering a park outside of the park’s hours of use or entering or using any closed or restricted area of a park.
  - (5) Consuming or possessing beer or wine in accordance with Subsection 6-10-5(B).
  - (6) Any activity, use, or event in Section 6-10-4 requiring a permit.
  - (7) Any activity, use, or event reasonably determined by the Director to require a permit as set forth in City policy, rule, or regulation.
- (C) Application. A person seeking a permit shall submit a complete application to the Administrator on the forms prescribed by the Administrator and accompanied by the fees set forth in the City’s then current schedule of fees and charges.
- (D) Grounds for Denial. The Administrator may deny an application for a permit for any of the reasons listed in this Subsection.
  - (1) The submitted application was incomplete, contained fraudulent or misleading statements, or a required fee for the permit or application was not paid.



- (2) The requested park area or facility is previously reserved or otherwise unavailable for use or the proposed permitted use will unreasonably interfere with another permitted use or City-approved event.
- (3) The proposed permitted use will unreasonably interfere with or detract from the promotion of public health, safety, welfare, or recreation, or will disturb the peace of or cause undue hardship on neighboring residents or businesses.
- (4) The proposed permitted use will entail unusual, extraordinary, or burdensome City expense or public safety supervision by the City. In making this determination, the Administrator may consider whether the applicant will pay for off-duty police officers or other security required by the City to ensure the safety of participants.
- (5) Within the eighteen (18) month period immediately preceding submittal of the application, the applicant or the proposed permitted use violated or failed to comply with any of the permit conditions of Subsection 6-10-6(E) or failed to obtain a permit required by this Chapter.
- (6) Within the eighteen (18) month period immediately preceding submittal of the application, the applicant or the proposed permitted use had a permit revoked pursuant to Subsection 6-10-6(J).

(E) Permit Conditions.

- (1) The permitted use shall not unreasonably interfere with or detract from the promotion of public health, safety, welfare, or recreation.
- (2) The permittee and participants of the permitted use shall not engage in conduct that would constitute disorderly conduct under A.R.S. § 13-2904, as amended.
- (3) The permitted use shall not incite violence or crime.
- (4) The permitted use shall not result in food, beverage, clothing, or any item intended for donation or distribution dumped, deposited, abandoned, or left unattended in a park.
- (5) The permitted use shall not cause any unsanitary or unsafe condition in a park, such as the overwhelming of a park restroom or locker room facility with people or refuse, the overloading of a trash or recycling receptacle with refuse, or refuse being left or abandoned in a park outside of the appropriate receptacles.
- (6) All refuse from the permitted use shall be immediately removed from the park or properly disposed of in the appropriate receptacles. All personal property utilized for the permitted use shall be immediately removed from the park or properly disposed of in the appropriate receptacles upon expiration of the permit.
- (7) The permitted use shall not unreasonably interfere with any other permitted use or City-approved event and shall not unreasonably interfere with a person's reasonable and lawful use of a park.
- (8) The permitted use shall not disturb the peace of or cause undue hardship on neighboring residents or businesses.

- (9) The permitted use shall not interfere with the operation of a police department, fire department, or other emergency personnel and shall not interfere with the maintenance of a park.
- (F) Appeal of Permit Denial. If the Administrator denies an application for a permit, the applicant may appeal the denial to the Director within ten (10) days of issuance of the Administrator's decision. The Director will issue a decision to sustain, modify, or overrule the Administrator's decision. The Director may summarily deny an untimely appeal. The Director's decision is final.
- (G) Limitations. A permit is valid only for the specified location, date, time, and permitted use. If the location, date, time, or permitted use is changed after a permit is issued, the applicant must submit a new application and fees, and obtain a new permit.
- (H) Inspection. A permit shall, at all times while the permitted use is ongoing, be on-site at the permitted use and made available for inspection upon demand of any City official.
- (I) Non-transferability. A permit is not transferable and not assignable. Any attempted transfer or assignment will void a permit and any fees paid will be forfeited.
- (J) Revocation.
  - (1) The Director, Administrator, a park ranger, or a police officer may revoke a permit at any time for any of the reasons stated in this Subsection.
    - (a) Violation of or non-compliance with any permit condition listed in Section 6-10-6(E).
    - (b) The Director, Administrator, a park ranger, a police officer, or other City official determines, at any time, that a ground for denial listed in Section 6-10-6(D) exists.
  - (2) Upon revocation, the permitted use shall immediately cease, the permittee shall immediately remove from the park or properly dispose of in the appropriate receptacles all refuse of the permitted use and personal property utilized for the permitted use, and the permittee shall ensure that all participants immediately disperse and leave the park.

#### **6-10-7: MULTI-USE PATHS**

- (A) Multi-use paths are for the exclusive use of pedestrians, except that, unless otherwise prohibited, dogs are permitted on multi-use paths subject to the restrictions of Subsection 6-10-4(L).
- (B) A pedestrian operating a human-powered device or vehicle such as a bicycle, skateboard, roller skates, or inline skates upon a multi-use path shall yield the right-of-way to any pedestrian walking, jogging, running, or using a mobility device.
- (C) A pedestrian on a multi-use path shall travel at a rate of speed which is reasonable and prudent under the prevailing conditions, in a consistent and predictable manner, shall obey all instructions of any applicable traffic control device, warning sign, or pavement marking, and shall refrain from entering any portion of a multi-use path when it is flooded or contains standing water.

#### **6-10-8: ENFORCEMENT AND PENALTY**

- (A) The Director, Administrator, park rangers, and police officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this Chapter.
- (B) The Director, park rangers, and police officers shall have the authority to direct to leave or eject from a park a person who, while in a park, violates any provision of this Chapter or any other law or regulation, or who engages in any disorderly or disruptive behavior. It is unlawful for a person to remain in a park or return to the same park within twenty-four (24) hours after being directed to leave or ejected. A person directed to leave or ejected shall be informed at the time of the request to leave or ejection that re-entry into the park is prohibited for at least twenty-four (24) hours.
- (C) The Director, park rangers, and police officers shall have the authority to seize and confiscate any property, thing, or device, in accordance with applicable law, that is used or in a park in violation of this Chapter.
- (D) Park rangers and police officers shall have the authority to issue citations and warnings for violations of this Chapter. Citations shall be issued in accordance with A.R.S. § 13-3903, as amended.
- (E) A person who violates any provision of this Chapter, whether or not the provision states that a violation is unlawful, shall be charged with a Class One Misdemeanor. If found guilty, such person may be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

**SECTION 2. CONSTITUTIONAL PROTECTIONS.** This Ordinance shall be interpreted, applied, and enforced in compliance with the Constitution of the United States of America and the Arizona State Constitution (collectively, “Constitutional Law”). If a conflict exists between any provision of this Ordinance and a provision of Constitutional Law, the laws shall prevail and control in this order: (1) Constitution of the United States of America, (2) Arizona State Constitution, (3) this Ordinance.

**SECTION 3. ADA AND AZDA PROTECTIONS.** This Ordinance shall be interpreted, applied, and enforced in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C §§ 12101 through 12213) (“ADA”) and the Arizonans with Disabilities Act of 1992 (A.R.S. §§ 41-1492 through 41-1492.12) (“AzDA”), each as amended. If a conflict exists between any provision of this Ordinance and the ADA or AzDA, the laws shall prevail and control in this order: (1) ADA, (2) AzDA, (3) this Ordinance.

**SECTION 4. RECITALS.** The above recitals are fully incorporated in this Ordinance by reference.

**SECTION 5. EFFECTIVE DATE.** The effective date of this Ordinance shall be thirty (30) days following adoption by the City Council.

**SECTION 6. 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 7. 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 19<sup>th</sup> day of April, 2021.

APPROVED:

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Mayor

ATTEST:

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City Clerk