ORDINANCE NO. 2308

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 46 PARKS AND RECREATION, ARTICLE I IN GENERAL, BY AMENDING SECTION 46-1 RESERVATION PERMIT; ISSUING AUTHORITY TO REQUIRE ORGANIZED TEAMS TO OBTAIN A PERMIT FOR USE OF PARKS AND RECREATION FACILITIES, AND TO CLARIFY WHEN A PERSON OR GROUP MUST OBTAIN A RESERVATION PERMIT, AND BY ADDING A NEW SECTION 46-2 POSTED TIME LIMITS TO ESTABLISH TIME LIMITATIONS ON USE OF NON-RESERVED FACILITIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Section 46-1 Reservation Permit; Issuing Authority subsection (a) is amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

(A) A RESERVATION PERMIT ISSUED BY THE COMMUNITY SERVICES DIRECTOR IS REQUIRED:

(1) WHENEVER AN ORGANIZED TEAM USES ALL OR A PORTION OF ANY TOWN PARKS OR RECREATION FACILITY FOR A TEAM PRACTICE OR GAME. AN ORGANIZED TEAM MUST OBTAIN A RESERVATION PERMIT FROM THE COMMUNITY SERVICES DIRECTOR, EVEN IF NOT ALL MEMBERS ATTEND THE TEAM PRACTICE OR GAME. EACH ORGANIZED TEAM MUST OBTAIN ITS OWN PERMIT, EVEN IF SHARING USE OF THE SAME FACILITY. FOR PURPOSES OF THIS SECTION, AN ORGANIZED TEAM MEANS A TEAM THAT BELONGS TO A LEAGUE OR OTHER ORGANIZATION THAT SCHEDULES GAMES.

(2) WHENEVER ANY PERSON OR GROUP WANTS TO RESERVE OR OBTAIN EXCLUSIVE USE OF ALL OR ANY PORTION OF A TOWN PARKS OR RECREATION FACILITY FOR A SCHEDULED TIME PERIOD.

~~A reservation permit shall be obtained from the community services director whenever the person or group desires exclusive use and desires to reserve any portion of the town parks or recreational facilities . The community services director is hereby authorized to issue such permits and to promulgate rules for the regulation of such use.~~

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Section 46-1 Reservation Permit; Issuing Authority is amended by re-lettering paragraphs (b) and (c) as (c) and (d), and by adding a new paragraph (b) to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

(B) THE COMMUNITY SERVICES DIRECTOR IS AUTHORIZED TO ISSUE RESERVATION PERMITS AND PROMULGATE RULES FOR THE REGULATION OF SUCH USE.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation is amended by adding new Section 46-2 Posted Time Limits to read as follows (additions in ALL CAPS):

Section 46-2 POSTED TIME LIMITS

THE COMMUNITY SERVICES DIRECTOR IS AUTHORIZED TO POST TIME LIMITS ON USE OF TOWN PARKS AND RECREATION FACILITIES, AND TO ESTABLISH RULES FOR USE OF SUCH FACILITIES ON A FIRST-COME, FIRST-SERVED BASIS. EXCEPT AS AUTHORIZED BY A RESERVATION PERMIT, IT SHALL BE UNLAWFUL FOR A PERSON OR GROUP TO CONTINUE TO USE A TOWN PARK OR RECREATIONAL FACILITY IN EXCESS OF THE POSTED TIME LIMIT, WHENEVER: (1) SOMEONE ELSE HAS ASKED TO USE AND IS WAITING TO USE THAT SAME FACILITY OR (2) A PARK RANGER OR OTHER AUTHORIZED TOWN EMPLOYEE NOTIFIES THE PERSON OR GROUP THAT SOMEONE ELSE HAS ASKED TO USE AND IS WAITING TO USE THAT SAME FACILITY.

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 Civil Sanctions.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 1-5 of the Gilbert Municipal Code. Each day a violation continues, or the failure the failure to perform any act or duty required by the Municipal Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 21st day of October 2010, by the following vote:

AYES: Abbott, Crozier, Daniels, Presmyk, Sentz

NAYES: None ABSENT: Lewis, Cooper

EXCUSED: None ABSTAINED: None

APPROVED this 21st day of October 2010.

/s/ Les Presmyk, Vice Mayor

ATTEST:

/s/ Catherine A. Templeton, CMC, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall, & Schwab, P.L.C.
Town Attorneys
By Susan Goodwin