

## **ORDINANCE NO. 2500**

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 SECTIONS 46-1 DEFINITIONS, 46-2 RESERVATION PERMIT; ISSUING AUTHORITY, AND 46-4 INTERFERENCE WITH RESERVED USE; AMENDING ARTICLE II PARK AND RECREATIONAL FACILITY RULES, BY AMENDING SECTIONS 46-32 CLOSED AREAS, 46-38 ALCOHOLIC BEVERAGES, 46-39 DRIVING OR RIDING VEHICLES AND ANIMALS; PARKING, , 46-42 CONTROL OF ANIMALS; ABANDONMENT, 46-43 PROHIBITED ACTIVITIES, 46-44 REGULATIONS FOR ALLOWABLE MODEL ROCKETRY, 46-45 GEOCACHING, 46-46 PROTECTION OF ANIMALS AND WILDLIFE, 46-47 ABUSIVE LANGUAGE OR DISRUPTIVE BEHAVIOR, 46-48 VIOLATIONS, 46-49 ENFORCEMENT BY PARK RANGERS, 46-50 TEMPORARY SUSPENSION FROM USE, AND 46-51 NOTICE OF VIOLATION AND SUSPENSION; AMENDING ARTICLE III TOWN LAKES, BY AMENDING SECTIONS 46-63 TOWN LAKES WHERE FISHING IS PERMITTED, 46-65 HOURS OF FISHING, 46-66 BOATING, 46-67 SWIMMING; WADING; BOATING, AND 46-68 LOCATIONS WHERE FISHING IS NOT PERMITTED; AND AMENDING ARTICLE IV TOWN RIPARIAN PRESERVES, BY AMENDING SECTIONS 46-78 HOURS, 46-79 FEEDING, 46-80 PROTECTION OF WILDLIFE, AND 46-81 COLLECTION OR REMOVAL OF PLANTS AND INSECTS; RELATED TO USE OF TOWN OF GILBERT PARKS AND RECREATION FACILITIES, TOWN LAKES AND TOWN RIPARIAN PRESERVES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

WHEREAS, the parks of the Town of Gilbert are one of its most important assets;  
and

WHEREAS, the orderly administration and use of the parks are essential to their enjoyment by residents;

NOW THEREFORE, 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, Article I In General, Section 46-1 Definitions, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-1. Definitions.**

[The following words, terms and phrases, when used in this article, shall have the following meanings ascribed to them unless the context clearly indicates a different meaning:]

*AIRBORNE LANTERNS* MEANS A DEVICE OR ANY SIMILAR DEVICE DESIGNED TO CARRY AN OPEN FLAME SUCH AS A SMALL CANDLE OR FUEL CELL COMPOSED OF FLAMMABLE MATERIAL AS AN AIRBORNE LIGHT. WHEN LIT, THE FLAME HEATS THE AIR INSIDE THE LANTERN, LOWERING ITS DENSITY AND CAUSING THE LANTERN TO RISE INTO THE AIR.

*PHYSICAL Geocaching* is an outdoor activity in which participants use a global positioning system (GPS) receiver or other navigational techniques to hide-and-seek containers (called "geocaches" or "caches") ~~anywhere in the world~~. IT IS A ~~Game~~ game of high-tech hide-and-seek sharing many aspects with benchmarking, trig pointing, orienteering, treasure-hunting, letterboxing and way marking.

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*VIRTUAL GEOCACHING*; VIRTUAL GEOCACHING, THOUGH LIKE GEOCACHING, INVOLVES NO TANGIBLE ARTIFACTS, ONLY DISCOVERING A LOCATION RATHER THAN A CONTAINER, SUCH AS IS DEMONSTRATED WITH ACTIVITIES SUCH AS WAYMARKING AND EARTHCACHING.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article I In General, Section 46-2 Reservation Permit; Issuing Authority, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-2. Reservation permit; issuing authority.**

(a) *When reservation permit IS required.* A reservation permit issued by the parks and recreation director is required:

(1) Whenever an organized team, uses all or a portion of any town recreation facility or riparian preserve for a team practice or game. An organized team must obtain a reservation permit from the parks and recreation director, even if not all members attend the team practice or game. Each organized team shall 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 recreation facility, or riparian preserve for a scheduled time period.

(3) Whenever any person or group wants to move any large equipment in a park, set up large inflatable structures, dunk tanks, tents, generators, climbing walls, amplified music equipment, portable restrooms, lights, or other equipment or structures in any town recreation facility.

(b) *Permit rules.* The parks and recreation director is authorized to issue reservation permits and promulgate rules for the regulation of such use. The signature ~~of~~ OR RECEIPT OF THE PERMIT BY an authorized representative indicates the representative has read the regulations applicable to the use of the town recreation facilities or riparian preserve and agree to abide by those regulations and all applicable codes and ordinances.

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(d) THE PARKS AND RECREATION DIRECTOR SHALL MAINTAIN AN APPLICATION FORM FOR ANY REQUEST FOR FEE WAIVER IN A TOWN PARK OR RECREATION FACILITY AND MAY AUTHORIZE WAIVER OF SUCH FEES AND NO COST SUPPORT SERVICES WITH A MAXIMUM ANNUAL VALUE OF \$150.00 PER GROUP/ORGANIZATION. IF THE REQUEST FOR FEE WAIVER INCLUDES A REQUEST FOR NO CHARGE OF ADDITIONAL SUPPORT SERVICES WHICH CREATE A COST FOR THE TOWN IN EXCESS OF \$10.00 FOR THE YEAR, THE APPLICATION SHALL BE REVIEWED BY THE PARKS, RECREATION AND LIBRARY SERVICES ADVISORY BOARD AND FORWARDED TO THE COUNCIL FOR FINAL CONSIDERATION AND APPROVAL.

~~(d)~~(e) *Schools.* Schools are required to obtain reservation permits for use of town recreational facilities and riparian preserves. Fees may be waived if provided in an intergovernmental agreement with the school district.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article I In General, Section 46-4 Interference with Reserved Use, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-4. Interference with reserved use.**

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(c) For purposes of this section, the term "interfere" includes but is not limited to the following:

- (1) Using the reserved area or amenities;
- (2) Playing ball, OPERATING RADIO-CONTROLLED MODEL PLANES, DRONES, & MODEL CARS or THROWING A frisbee within 50 feet from the reserved area boundary;
- (3) Congregating a group of ten or more persons within 50 feet from the reserved area boundary for a cumulative period of 15 minutes or longer.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-32 Closed Areas, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-32. Closed areas.**

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(b) It shall be unlawful to enter or stay in any area where a sign has been posted stating that the area is "Closed To The Public," or "Closed For Maintenance" or "Reserved - Do Not Enter" OR SIMILAR LANGUAGE.

(c) It shall be unlawful to remove or tamper with any sign or notice posted designating areas as "Closed To The Public," "Closed For Maintenance" or "Reserved - Do Not Enter" OR SIMILAR LANGUAGE.

(d) The provisions of sections ~~46-31(b)~~ 46-32(b) and (c) shall not apply to any town employee, contractor or other person performing work authorized by the parks and recreation director.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-38 Alcoholic Beverages, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-38. Alcoholic beverages.**

(a) No person shall possess or consume alcoholic beverages within town recreation facilities or riparian preserves except as set forth below:

(1) In McQueen Park Activity Center, Gilbert Community Center, Southeast Regional Library, Freestone Recreation Center, special event areas, designated facilities located in the Big League Dreams Sports Complex in Elliot Park, the ~~Polar~~-AZ Ice Facility in Crossroads District Park, AND the Riparian Preserve ~~and Veterans Park~~. Alcoholic beverages may be consumed in accordance with any agreement between the town and a concessionaire, contractor, licensee or lessee in accordance with state laws and liquor license for such facility.

(2) Consumption and sale of all forms of alcoholic beverages shall be permitted at McQueen Park Activity Center, the Gilbert Community Center, Freestone Recreation Center, and Southeast Regional Library, the Riparian Preserve, and special event areas if such alcoholic beverages are sold or provided on the premises in conjunction with a state special event liquor license, a special event permit or an event authorized by the PARKS AND RECREATION DIRECTOR OR town council.

(a) All requests for permission TO SELL ALCOHOLIC BEVERAGES shall be submitted to the town council for approval.

(b) ALL REQUESTS FOR PERMISSION TO CONSUME PREPACKAGED BEER OR WINE PRODUCTS (NO SPIRITS) SHALL BE SUBMITTED TO THE PARKS AND RECREATION DIRECTOR FOR APPROVAL. THE PARKS AND RECREATION DIRECTOR OR DESIGNEE IS AUTHORIZED TO ISSUE PERMITS ALLOWING THE CONSUMPTION AND POSSESSION OF BEER AND WINE AT MCQUEEN PARK ACTIVITY CENTER, THE GILBERT COMMUNITY CENTER, FREESTONE RECREATION CENTER, AND SOUTHEAST REGIONAL LIBRARY. PERMITS SHALL IDENTIFY THE NAME AND SIGNATURE OF THE RESPONSIBLE PARTY; AND THE DATE AND SPECIFIC PARK OR FACILITY FOR WHICH THE PERMIT IS ISSUED. THE TOWN PERMIT

SHALL STATE THAT THE AUTHORITY IT CONFERS TO POSSESS OR CONSUME BEER AND WINE IS CONTINGENT UPON COMPLIANCE WITH ALL TERMS AND CONDITIONS OF THE PERMIT, PARK RULES, TOWN ORDINANCES, AND STATE LAWS. THE PERSON'S NAME THAT IS IDENTIFIED ON THE TOWN PERMIT AS THE RESPONSIBLE PARTY SHALL REMAIN ON SITE AT ALL TIMES DURING WHICH BEER AND WINE IS CONSUMED. IF THE TOWN PERMIT IS NOT COMPLIED WITH IN ANY RESPECT; THE PERMIT IS NULL AND VOID, AND THE PROHIBITION DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS REINSTATED.

(b)(c) The parks and recreation department shall adopt rules and regulations which they determine are necessary to implement and administer this section.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-39 Driving or Riding Vehicles and Animals; Parking, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-39. Driving or riding vehicles and animals; parking.**

(a) No person shall drive or ride at any time any automobile, truck, motorcycle, motor scooter, all-terrain vehicle (ATV), GOLF CART OR other ~~motor~~-MOTORIZED vehicle, horse or other animal upon the grounds of any town recreation facility or riparian preserve except in public streets running through such premises or within designated parking areas located upon the premises, without the express written permission of the parks and recreation director. This prohibition shall not apply to town-owned vehicles or vehicles providing contracted services for the town.

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The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-42 Control of Animals, Abandonment, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-42. Control of animals; abandonment.**

(a) All animals must be under the custody and control of a responsible adult PERSON and DOMESTIC ANIMALS must be on a leash not to exceed six feet at all times when in a town recreation facility or in a riparian preserve except when participating in a program authorized by the town or in designated off leash areas. Animal owners are responsible for cleaning up and properly disposing of their animal's excrement.

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(d) THE OWNER/CUSTODIAN IS RESPONSIBLE FOR AND LIABLE FOR ALL INJURIES AND DAMAGES CAUSED BY THEIR ANIMALS.

(e) NO ANIMALS, OTHER THAN DOGS, AND NO MORE THAN THREE (3) DOGS PER OWNER/CUSTODIAN ARE ALLOWED IN ANY OFF-LEASH DOG AREAS.

(f) ALL DOGS MUST BE AT LEAST FOUR MONTHS OF AGE AND NOT IN HEAT TO USE OFF-LEASH DOG AREAS.

(g) ANY PERSON LESS THAN THIRTEEN (13) YEARS OF AGE MUST BE ACCOMPANIED BY AND BE UNDER THE DIRECT SUPERVISION OF AN ADULT TO ENTER AND REMAIN IN AN OFF-LEASH DOG AREA.

(h) DOG OWNERS/CUSTODIANS MUST BE INSIDE THE ENCLOSED DOG PARK AND HAVE VISUAL AND VOICE CONTROL OF THEIR DOG(S) AT ALL TIMES. DOGS SHALL NOT BE LEFT UNATTENDED AT OR INSIDE OF THE DOG PARK AND THE OWNER/CUSTODIAN MUST AT ALL SUCH TIMES HAVE A LEASH IN HIS/HER POSSESSION.

(i) DOGS EXHIBITING AGGRESSIVE BEHAVIOR MUST BE REMOVED FROM THE AREA IMMEDIATELY. DOGS THAT HAVE A HISTORY OF AGGRESSIVE BEHAVIOR TOWARD OTHER ANIMALS OR HUMANS ARE NOT PERMITTED IN THE OFF LEASH DOG AREAS.

(j) FOOD OR TREATS FOR DOGS MAY NOT BE BROUGHT INTO ANY OFF-LEASH AREAS.

(k) A PERSON FOUND TO BE IN VIOLATION OF ANY OF THE PROVISIONS OF THIS SECTION AND/OR DOG PARK RULES IS SUBJECT TO REMOVAL FROM THE FACILITY AND MAY BE PROHIBITED FROM FUTURE USE OF THE OFF- LEASH DOG AREAS.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-43 Prohibited Activities, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-43. Prohibited activities.**

Except where such use is conducted by the town or by others pursuant to a town organized program or permit issued by the parks and recreation department, the following activities are prohibited in town recreation facilities and riparian preserves:

(a) Dangerous act: No person shall commit OR PERMIT ANY ANIMAL UNDER THEIR CONTROL OR SUPERVISION TO COMMIT any act so as to endanger the health and safety of themselves or ~~others~~ OTHER PERSONS.

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(d) Ice blocking/sliding: No person shall use ice blocks, WATERSLIDES, cardboard or other material to slide or propel themselves down hills on town owned property.

~~(e) Conduct: No person shall engage in abusive, violent or seriously disruptive behavior or use abusive or offensive language or gestures to any person.~~

~~(f)~~(e) Littering: No person shall dispose of trash, flyers or other unwanted items in any manner other than depositing them in a designated waste container.

~~(g)~~(f) Posting of handbills: No person shall place advertising or signs on any tree, building, pole or other structure within a town recreation facility or riparian preserve, except with written permission of the parks and recreation director or approval of the town council.

~~(h)~~(g) Car washing/maintenance: No person shall clean, wash, polish, change oil or make other than emergency repairs upon an automobile, motorcycle, or other self-driven VEHICLE.

~~(i)~~(h) Solicitation: No person shall solicit, carry on, conduct or solicit for any trade, occupation, business or profession within a town recreation facility or riparian preserve, except with written permission of the parks and recreation director.



~~(j)~~(i) 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.

~~(k)~~(j) Smoking: No person under the age of 18 shall smoke or possess tobacco or illegal substances in any area of a town park.

~~(l)~~(k) Hot air balloons: Launching or landing a hot air balloon or other aircraft.

~~(m)~~(l) Fireworks: See section 42-115.

~~(n)~~(m) Fires: No person shall start or sustain a fire, except for the combustion of charcoal in fire pits, grills, or other areas as designated and approved for such use by the parks and recreation director. No person shall set fire to the contents of a trash container, or place or burn garbage in park grills.

~~(o)~~(n) Urban camping: No person shall camp, set up living accommodations or store personal belongings except in areas specifically for such use, or specifically authorized by permit.

(o) AIRBORNE LANTERNS: NO PERSON SHALL LIGHT AND RELEASE AIRBORNE LANTERNS.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-44 Regulations for Allowable Model Rocketry, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-44. Regulations for allowable model rocketry.**

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(e) Size "C" and "D" engines can only be launched in large open areas of the ~~district parks~~ FOLLOWING PARKS: (Freestone, Crossroads, McQueen NICHOLS, AND GILBERT YOUTH SOCCER COMPLEX) with strict adherence to the NAR safety code;

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(h) No rocket launches are permitted in the town riparian preserves, DISCOVERY PARK OR ZANJERO PARK.

(i) ALL ROCKET LAUNCHES MUST BE CONTAINED WITHIN THE OPEN AREA OF THE PARK.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-45 Geocaching, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-45. Geocaching.**

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(a) The following rules shall be complied with by all participants in geocaching activities:

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(5) PHYSICAL ~~Caches~~ caches may not be located in historical and archaeological sites, within the riparian preserve, sports fields, playgrounds or picnic areas. VIRTUAL CACHING IS ALLOWED IN THESE SITES AS LONG AS ALL ACTIVITY OCCURS WITHIN AREAS DESIGNATED FOR PUBLIC ACCESS AND NO DISTURBANCE OCCURS AS DESCRIBED ELSEWHERE IN THE CODE.

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The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-46 Protection of Animals and Wildlife, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-46. Protection of animals and wildlife.**

- (a) It is unlawful to harass, ~~chase~~, harm, or capture, or to shoot or throw an object at a MAMMAL, bird, ~~animal or~~ reptile, AMPHIBIAN OR INVERTEBRATES on town park property or in a riparian preserve. (EXCEPTION, SMALL ROCKS MAY BE THROWN AT COYOTES TO DISCOURAGE INTERACTION WITH HUMANS).
- (b) It is unlawful to disturb or move bird OR OTHER ANIMAL nests on town property or in the riparian preserves.
- (c) This section shall not apply to persons performing wildlife rescue, rehabilitation or management of the preserves with permission from the parks and recreation director ~~or riparian institute director~~.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-47 Abusive Language or Disruptive Behavior, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-47. Abusive language or disruptive behavior.**

- (a) No person shall use abusive, harassing, or violent language or engage in disruptive behavior in the Freestone Recreation Center, McQueen Park Activity Center, Gilbert Community Center, Page Park Community Center ("Gilbert Activity Centers"), Skate Park, PERRY BRANCH LIBRARY or in the Southeast Regional Library.

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- (c) THE TERM "ABUSIVE, HARASSING, OR VIOLENT LANGUAGE" MEANS LANGUAGE THAT IS DIRECTED TOWARD OR ABOUT ANY OTHER PERSON IN THAT PERSON'S PRESENCE WHICH WOULD CAUSE A REASONABLE PERSON TO BE SERIOUSLY ALARMED, ANNOYED, OR FEEL ATTACKED OR THREATENED. "DISRUPTIVE BEHAVIOR" MEANS INAPPROPRIATE LANGUAGE OR CONDUCT WHICH INTERFERES, HINDERS, OR PREVENTS THE NORMAL OPERATION OF GILBERT ACTIVITY CENTERS, THE SKATE

PARK, THE PERRY BRANCH LIBRARY, THE SOUTHEAST REGIONAL LIBRARY, OR PARKS AND RECREATION PROGRAMS AND ACTIVITIES.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-48 Violations, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-48. Violations.**

ANY PERSON FOUND TO BE IN VIOLATION OF THIS ARTICLE IS RESPONSIBLE FOR A CIVIL VIOLATION AND MAY BE PUNISHED BY IMPOSITION OF A CIVIL SANCTION NOT TO EXCEED \$500.00. A PERSON WHO IS FOUND RESPONSIBLE FOR COMMITTING THREE OR MORE CIVIL VIOLATIONS WITHIN AN 18-MONTH PERIOD IS GUILTY OF A CLASS ONE MISDEMEANOR, AS SPECIFIED IN SECTION 1-5 OF THIS CODE. EACH DAY THAT A VIOLATION CONTINUES SHALL BE A SEPARATE VIOLATION. ~~A violation of this chapter other than section 46-47(a) shall constitute a civil offense and any person found responsible for violating this section shall be subject the civil sanctions and habitual offender provisions set forth in section 1-5 of this Code.~~ A violation of section 46-43(a)(j) shall result in the referral of the person under the age of 18 to the town's pre-diversion program. A PERSON UNDER THE AGE OF 18 IN POSSESSION OF OR CONSUMING ALCOHOLIC BEVERAGES IN GILBERT PARKS, FACILITIES OR RIPARIAN AREAS SHALL ALSO BE REFERRED TO THE TOWN'S PRE-DIVERSION PROGRAM.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-49 Enforcement by Park Rangers, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-49. Enforcement by park rangers.**

The regulations set forth in this article, the Gilbert park and facility codes of conduct and any other ordinances adopted by the council which are applicable in or to Gilbert parks, facilities and riparian preserves may be enforced by Gilbert park rangers. Gilbert park rangers shall have authority to issue citations or to file civil code infraction complaints for violations of this article and other ordinances. Gilbert park rangers shall also have authority to refer persons under the age of 18 who violate section 46-43(a)(j) OR ARE IN POSSESSION OF OR

CONSUMING ALCOHOLIC BEVERAGES IN GILBERT PARKS, FACILITIES OR RIPARIAN AREAS to the town's pre-diversion program.

IT IS UNLAWFUL FOR ANY PERSON TO HINDER, RESIST, DELAY, OBSTRUCT OR PREVENT ANY PARK RANGER IN THE DISCHARGE OF OR HIS ATTEMPT TO DISCHARGE HIS OFFICIAL DUTIES AS PROVIDED IN SECTION 46-49 AND 46-50. IT IS FURTHER UNLAWFUL FOR ANY PERSON TO FAIL OR REFUSE TO OBEY OR OTHERWISE COMPLY WITH ANY LAWFUL ORDER ISSUED BY A PARK RANGER, INCLUDING A REQUEST TO PROVIDE A FULL, TRUE NAME, WHEN SUCH RANGER HAS A REASONABLE SUSPICION THAT CRIMINAL ACTIVITY IS OCCURRING, HAS OCCURRED OR IS ABOUT TO OCCUR.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-50 Temporary Suspension from Use, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-50. Temporary suspension from use.**

(a) *Authority to suspend.* For a violation of section 46-47(a), the parks and recreation ~~director or~~ DIRECTOR, a park ranger or THE GILBERT NATURALIST may suspend a person's privilege to use all of such facility and prohibit such person from coming within a 75-foot radius of the exit or entrance for the following periods:

(1) For a violation after a warning notice has been previously issued, privileges shall be immediately suspended for ~~24 hours~~ 5 CALENDAR DAYS.

(2) For a violation occurring within 180 days after a violation resulting in a ~~24-hour~~ 5 DAY suspension, privileges shall be suspended for ~~60~~ 30 calendar days.

(3) For a violation occurring within 180 days after a violation resulting in a ~~60~~ 30 day suspension, privileges shall be suspended for 60 calendar days.

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The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-51 Notice of Violation and Suspension, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-51. Notice of violation and suspension.**

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(b) *Form of notice.* The form of notice shall include the following information and shall be in a form approved by the parks and recreation director:

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(4) If Gilbert is issuing a ~~24-hour~~ 5 DAY suspension, a statement that the suspension is not appealable.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article III Town Lakes, Section 46-63 Town Lakes Where Fishing is Permitted, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-63. Town lakes where fishing is permitted.**

Town fishing lakes are Water Ranch Lake, Freestone Park Lakes, Crossroads Park Lake, McQueen Park Lake, DISCOVERY PARK LAKE and the pond at the municipal center. The recharge ponds at the town riparian preserve are not town fishing lakes. It shall be unlawful to fish in any town lakes other than town fishing lakes. It shall be unlawful for any person to exceed the legal bag limit as determined by the fishing regulations of the Arizona Game and Fish Department. The taking of any fish for any purpose from any town lake by any means other than a fishing rod is prohibited.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article III Town Lakes, Section 46-65 Hours of Fishing, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-65. Hours of fishing.**

Hours of fishing in all town fishing lakes except Water Ranch Lake shall be from ~~6:00~~ 5:30 a.m. to 10:00 p.m. Fishing hours posted for Water Ranch Lake shall be from dawn to 10:00 p.m.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article III Town Lakes, Section 46-66 Boating, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-66. Boating.**

(a) Boating is prohibited in town lakes unless express written permission is granted by the parks and recreation department director. Boating includes actual life-size boats, model boats (EXCEPT IN 46-66(c)), model amphibious aircraft and radio-controlled watercraft and aircraft. Inner tubes and rafts are strictly prohibited.

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(c) RADIO CONTROLLED MODEL SAILBOATS ARE PERMITTED EXCEPT IN WATER RANCH PARK AND COSMO PARK.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article III Town Lakes, Section 46-67 Swimming; Wading; Boating, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-67. Swimming; wading; boating.**

No person shall swim or wade in any portion of any town lake. THIS SHALL NOT APPLY TO ANY PERSONS AUTHORIZED BY THE PARKS AND RECREATION DIRECTOR TO PERFORM WILDLIFE RESCUE.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article III Town Lakes, Section 46-68 Locations Where Fishing is not Permitted, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-68. Locations where fishing is not permitted.**

(a) The ~~community services~~ PARKS AND RECREATION director shall post areas at town fishing lakes where fishing is not permitted. It shall be unlawful for any person to fish in areas posted for no fishing.

(b) The ~~community services~~ PARKS AND RECREATION director may post handicap accessible areas, and in such areas fishing is limited to persons with disabilities who require handicap accessibility.

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The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article IV Town Riparian Preserves, Section 46-78 Hours, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-78. Hours.**

It shall be unlawful for any person, other than town contractors, employees or agents conducting town business therein, to occupy or be present in the riparian preserves during any hours in which the riparian preserves are not open to the public. Riparian preserves are open to the public from dawn ½ HOUR PRIOR TO SUNRISE to ~~dusk~~ ½ HOUR AFTER SUNSET daily IN THOSE AREAS WITHOUT LIGHTING. PUBLIC AREAS OF THE PRESERVE WITH LIGHTING ARE OPEN FROM 5:30 A.M. UNTIL 10:00 P.M. or as posted. Functions in the riparian preserves may extend beyond the hours set forth in this section by permit issued by the ~~community services~~ PARKS AND RECREATION director.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article IV Town Riparian Preserves, Section 46-79 Feeding, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-79. Feeding.**

It is unlawful to feed any birds or animals in the riparian preserves, except as follows:

- (a) It is permissible to feed birds or animals in accordance with signs posted by the ~~community services~~ PARKS AND RECREATION director ~~or riparian institute director~~;
- (b) It is permissible to feed birds or animals with written permission of the ~~community services~~ PARKS AND RECREATION director ~~or riparian institute director~~ for purposes of wildlife rescue, rehabilitation or management of the preserves.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article IV Town Riparian Preserves, Section 46-80 Protection of Wildlife, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):



**Sec. 46-80. Protection of wildlife.**

- (a) It is unlawful to harass, ~~chase~~, harm, or capture, or to shoot or throw an object at a MAMMAL, bird, ~~animal~~, or reptile, AMPHIBIAN OR INVERTEBRATES in the riparian preserves. (EXCEPTION, SMALL ROCKS MAY BE THROWN AT COYOTES TO DISCOURAGE INTERACTION WITH HUMANS).
- (b) It is unlawful to disturb or move bird OR OTHER ANIMAL nests in the riparian preserves.
- (c) This section shall not apply to persons performing RESEARCH WORK, wildlife rescue, rehabilitation or management of the preserves with permission from the ~~community-services-PARKS AND RECREATION director or riparian institute director~~.
- (d) NO PERSON SHALL SWIM, WADE, OR ENTER THE WASTEWATER RECHARGE BASINS AT THE RIPARIAN PRESERVES UNLESS AUTHORIZED BY THE PARKS AND RECREATION OR PUBLIC WORKS DIRECTOR FOR MANAGEMENT OF THE BASINS.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article IV Town Riparian Preserves, Section 46-81 Collection or Removal of Plants and Insects, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

**Sec. 46-81. Collection or removal of plants and insects.**

- (a) It is unlawful to ~~pick~~-DAMAGE flowers, or to remove any plant or vegetation from the riparian preserves.

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- (c) This section shall not apply to persons performing pest control or landscape maintenance with permission from the ~~community-services-PARKS AND RECREATION director or riparian institute director~~.

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.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 18<sup>th</sup> day of August, 2014, by the following vote:

AYES: COOK, COOPER, DANIELS, LEWIS, PETERSEN, RAY, TAYLOR

NAYES: NONE ABSENT: NONE

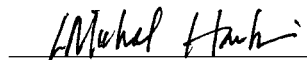
EXCUSED: NONE ABSTAINED: NONE

APPROVED this 18<sup>TH</sup> day of AUGUST, 2014.

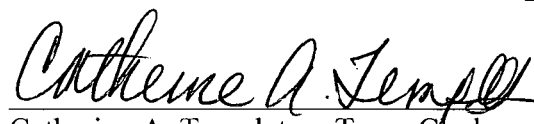
  
\_\_\_\_\_  
John W. Lewis, Mayor

ATTEST:   
\_\_\_\_\_  
Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
L. Michael Hamblin  
Town Attorney

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2500 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 18<sup>TH</sup> DAY OF AUGUST, 2014, WAS POSTED IN FOUR PLACES ON THE 28<sup>th</sup> DAY OF AUGUST, 2014.

  
\_\_\_\_\_  
Catherine A. Templeton, Town Clerk