

ORDINANCE NO. 2513

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, AND 46-2 RESERVATION PERMIT; ISSUING AUTHORITY; AMENDING ARTICLE II PARK AND RECREATIONAL FACILITY RULES, BY AMENDING SECTIONS 46-41 SALE OF GOODS (CONCESSIONS), 46-46 PROTECTION OF ANIMALS AND WILDLIFE, 46-49 ENFORCEMENT BY PARK RANGERS, AND 46-50 TEMPORARY SUSPENSION FROM USE; AMENDING ARTICLE III TOWN LAKES, BY AMENDING SECTIONS 46-61 GENERAL, 46-63 TOWN LAKES WHERE FISHING IS PERMITTED, 46-65 HOURS OF FISHING, AND 46-66 BOATING; 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

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

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:]

BUSINESS MEANS THOSE ACTIVITIES OR ACTS ENGAGED IN OR CAUSED TO BE ENGAGED IN WITH THE OBJECT OF GAIN, BENEFIT OR

ADVANTAGE, OR CONSIDERATION EITHER DIRECTLY OR INDIRECTLY; AND SHALL INCLUDE ANY TRADE, GAME OR AMUSEMENT, CALLING, PROFESSION, OCCUPATION OR PERFORMANCE OF SERVICES WHETHER ENGAGED IN FOR PROFIT OR NOT FOR PROFIT.

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:

(2) Whenever any person or group wants to reserve, USE FOR PHYSICAL EDUCATION OR RECREATION BASED CLASSES or obtain exclusive use of all or any portion of a town recreation facility, or riparian preserve for a scheduled time period.

(4) WHENEVER ANY BUSINESS OR SERVICE USING A FACILITY AS A LOCATION FOR THE DELIVERY OF A PROGRAM, SERVICE OR CONTEST OF ANY NATURE. THIS INCLUDES, BUT IS NOT LIMITED TO ANY PERSON OR ENTITY PROVIDING EXERCISE OR FITNESS TRAINING, GROUP OR PRIVATE LESSONS (EX. TENNIS, KARATE, ETC.), AND ANY TYPE OF DOG TRAINING OR COMPETITION.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article II Park and Recreational Facility Rules, Section 46-41 Sales of Goods (Concessions), is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 46-41. - Sale of goods (concessions).

It is unlawful to sell food, beverages or other items in town recreation facilities and riparian preserves, and all adjacent sidewalks except pursuant to a permit issued by the parks and recreation director or as approved by town council.

FOOD TRUCKS ARE GOVERNED BY SECTION 14-136 OF THE MUNICIPAL CODE.

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, harm, or capture, or to shoot or throw an object at a mammal, bird, 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 OR IN CASES OF SELF DEFENSE).

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 OR NATURALISTS. Gilbert park rangers OR NATURALISTS shall have authority to issue citations or to file civil code infraction complaints for violations of this article and other ordinances. Gilbert park rangers OR NATURALISTS shall also have authority to refer persons under the age of 18 who violate section 46-43(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 OR NATURALISTS 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 OR NATURALISTS.

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, a GILBERT park ranger OR NATURALISTS 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:

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article III Town Lakes, Section 46-61 General, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 46-61. - General.

It shall be unlawful TO FISH IN ANY TOWN LAKES OTHER THAN TOWN FISHING LAKES, for any person to occupy or carry on activities at town lakes except in accordance with this article and the regulations of the Arizona Department of Game and Fish, INCLUDING:

- A. NOT IN POSSESSION OF A VALID FISHING LICENSE
- B. EXCEEDING THE LEGAL BAG LIMIT
- C. THE TAKING OF ANY FISH FOR ANY PURPOSE FROM ANY TOWN LAKE BY ANY MEANS OTHER THAN A FISHING ROD

- D. NOT RELEASING ALL BASS AND SUNFISH IMMEDIATELY UNHARMED AT WATER RANCH LAKE. WATER RANCH LAKE IS A SPECIAL REGULATION WATER WITH CATCH-AND-RELEASE FOR BASS AND SUNFISH.
- E. NOT USING ONLY SINGLE BARBLESS HOOKS AT WATER RANCH LAKE.

The Code of Gilbert, Arizona, Chapter 46 Parks and Recreation, Article III Town Lakes, Section 46-61 General, 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 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.

- (b) Personal flotation devices AND PONTOON BOATS are permitted in Water Ranch Park FOR FISHING PURPOSES only. Personal flotation devices

are devices designed expressly for fishing, are used without paddles or oars, are propelled by kickfins, and which have a seat, arms and back to support the occupant. PONTOON BOATS ARE INFLATABLE BOATS PROPELLED BY KICKFINS AND WITHOUT OARS.

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 18th day of December, 2014, by the following vote:

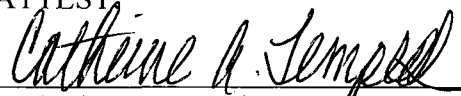
AYES: Cook, Cooper, Daniels, Lewis, Petersen, Taylor, Ray

NAYES: none ABSENT: none

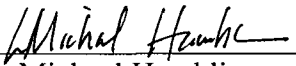
EXCUSED: none ABSTAINED: none

APPROVED this 18th day of December, 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. 2513 ADOPTED BY THE
COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 18th DAY OF
December, 2014, WAS POSTED IN FOUR PLACES ON THE 30th DAY OF
December, 2014



Catherine A. Templeton, Town Clerk