

ORDINANCE NO. 2556

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 46-2 RESERVATION PERMIT; ISSUING AUTHORITY; AMENDING ARTICLE II PARK AND RECREATIONAL FACILITY RULES, BY AMENDING SECTIONS 46-39 DRIVING OR RIDING VEHICLES AND ANIMALS; PARKING, 46-42 CONTROL OF ANIMALS; ABANDONMENT, 46-43 PROHIBITED ACTIVITIES, AND 46-44 REGULATIONS FOR ALLOWABLE MODEL ROCKETRY; AMENDING ARTICLE IV- TOWN RIPARIAN PRESERVES, BY AMENDING SECTIONS 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:

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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:

(5) WHENEVER AN INDIVIDUAL OR GROUP WANTS TO LAUNCH FIVE OR MORE ROCKETS IN THE SAME LOCATION DURING A SPECIFIED TIME PERIOD.

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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 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, **OR TO HORSES, MULES OR DONKEYS ON POSTED EQUESTRIAN AREAS OR BRIDLE PATHS.**

(d) ~~Horses shall be allowed only on specific equestrian areas and bridle paths, where designated.~~

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

(a) All animals must be under the custody and control of a responsible person and domestic animals must be on a PHYSICAL 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.

(b) **NO PLANT LIFE (INCLUDING SEEDS) OR ANIMALS (INCLUDING MAMMALS, BIRDS, REPTILES, AMPHIBIANS, FISH, INSECTS, CRUSTACEANS, MOLLUSKS) SHALL BE RELEASED OR INTRODUCED INTO A TOWN PARK OR RIPARIAN PRESERVE BY ANY PERSON OR ORGANIZATION WITHOUT SPECIFIC PRIOR, No person shall release a bird, animal or reptile in a town park or riparian preserve, except with** written permission of the parks and recreation director.

(h) Dog owners/custodians WHILE ~~must be~~ inside the enclosed dog park MUST ~~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 PHYSICAL leash in his/her possession.

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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:

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(Q) POSTED RULES: NO PERSON SHALL FAIL TO OBEY ANY RULES POSTED IN TOWN PARKS OR RECREATIONAL FACILITIES.

(R) FEEDING: IT IS UNLAWFUL TO FEED, OR PLACE FOOD OUTDOORS FOR, ANY ANIMAL EXCEPT:

(1) IT IS PERMISSIBLE TO FEED WATERFOWL ONLY IN ACCORDANCE WITH SIGNAGE POSTED BY THE PARKS AND RECREATION DIRECTOR, AND

(2) THE PARKS AND RECREATION DIRECTOR MAY AUTHORIZE SPECIFIC PERSON(S) TO FEED ONLY FOR PURPOSES OF WILDLIFE RESCUE, REHABILITATION, OR MANAGEMENT RELATED TO THE PROTECTION OF NATIVE WILDLIFE.

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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.**

(e) Size "C" and "D" engines can only be launched in large open areas of the following parks: Freestone, Crossroads, ~~McQueen~~ Nichols; and Gilbert Youth Soccer Complex with strict adherence to the NAR safety code;

(J) A PERMIT IS REQUIRED WHENEVER ANY INDIVIDUAL OR GROUP WANTS TO LAUNCH FIVE OR MORE ROCKETS IN ONE LOCATION DURING A SPECIFIED TIME PERIOD.

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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, OR PLACE FOOD OUTDOORS, FOR any ~~birds or~~ animals in the riparian preserves, except as follows:

(a) It is permissible to feed WATERFOWL ONLY ~~birds or animals~~ in accordance with signAGEs posted by the parks and recreation director; AND

(b) THE PARKS AND RECREATION DIRECTOR MAY AUTHORIZE SPECIFIC PERSON (S) TO FEED ONLY ~~it is permissible to feed birds or animals with written permission of the parks and director~~ for purposes of wildlife rescue, rehabilitation or management RELATED TO THE PROTECTION OF NATIVE OR MIGRATORY WILDLIFE ~~of the preserves.~~

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

(c) This section shall not apply to persons performing ~~research work~~, wildlife rescue, rehabilitation, or LAWFUL management of the preserves with SPECIFIC, PRIOR permission from the parks and recreation 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 the purpose of management of the ~~basins~~ PRESERVES.

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

(a) It is unlawful to damage ~~flowers~~ or remove ~~any~~ PLANTS, or ~~vegetation~~ PARTS OF PLANTS, from the riparian preserves.

(b) It is unlawful to ~~or~~ capture, COLLECT OR TO INTENTIONALLY HARM *LEPIDOPERA* ( butterflies, moths), *ODONATOIA* (dragonflies, ~~and~~ damselflies), *APOIDEA* (BEES) OR *COLEOPTERA* (BEETLES) ~~capture~~ or remove them from the riparian preserves.

(c) This section shall not apply to person(s) performing pest control or landscape maintenance with SPECIFIC, PRIOR permission from the parks and recreation director.

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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.

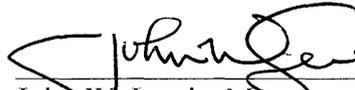
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 1<sup>st</sup> day of October, 2015, by the following vote:

AYES: E. Cook, J. Daniels, J. Lewis, V. Petersen, B. Peterson  
J. Ray, J. Taylor

NAYES: none ABSENT: none

EXCUSED: none ABSTAINED: none

APPROVED this 1<sup>ST</sup> day of OCTOBER, 2015.

  
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John W. Lewis, Mayor

ATTEST:

  
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Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

  
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L. Michael Hamblin  
Town Attorney

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2556 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 1<sup>ST</sup> DAY OF OCTOBER, 2015, WAS POSTED IN FOUR PLACES ON THE 8th DAY OF OCTOBER, 2015.

  
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Catherine A. Templeton, Town Clerk