

Ordinance No. 867

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENT TO ARTICLE 10-02 'TOWN PROPERTY'" (DECLARED BY RESOLUTION NO. 2107 TO BE A PUBLIC RECORD), WHICH AMENDS ARTICLE 10-02 IN CHAPTER 10 "OFFENSES" IN THE TOWN CODE OF THE TOWN OF PRESCOTT VALLEY TO PROVIDE GENERAL RULES RELATING TO PICKLEBALL COURT AREAS OF TOWN PARKS AND REORGANIZE AND SIMPLIFY ALL EXISTING RULES RELATING TO RECREATION AREAS AND PARKS; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED, RE-ENACTED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, by Ordinance No. 271 (January 9, 1992), the Town Council amended Town Code Article 10-02 "TOWN PROPERTY" to adopt formal rules and regulations for all Town parks and recreation areas; and

WHEREAS, through the years various specialty recreation areas have been developed (e.g. Mountain Valley Skate/Bike Park, Off-leash areas, and artificial turf areas) and the Council has adopted rules and regulations relevant to each in Article 10-02; and

WHEREAS, the FY 2018-2019 Budget included construction of four new pickleball courts at Santa Fe Station Park; and

WHEREAS, at its September 5, 2019 work-study session the Council considered formal rules and regulations for the new pickleball courts developed by staff after consultation with the Parks & Recreation Commission; and

WHEREAS, the Council finds that such rules preserve the peace, health and safety of the community; and

WHEREAS, as a matter of housekeeping, it is proposed to reorganize all existing rules in Article 10-02 related to recreation areas and parks under a single Town Code section and eliminate redundancies; and

WHEREAS, A.R.S. § 9-802 provides for adoption by reference of "public records" (except that any penalty clauses therein shall not be adopted by reference but shall be included in the adopting ordinance per A.R.S. § 9-803); and

WHEREAS, the document entitled "Amendment to Article 10-02 'Town Property'" has been declared by Resolution No. 2107 to be a "public record";

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That certain document entitled "Amendment to Article 10-02 'Town Property'" declared to be a "public record" by Resolution No. 2107 (and available for public inspection in the Office of the Town Clerk, 7501 East Skoog Blvd., Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION TWO. That, all other Chapters, Articles and Sections of the Town Code not herein repealed, re-enacted and amended shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 10th day of October, 2019.



Kell Palguta, Mayor

ATTEST:



Diane Russell, Town Clerk

APPROVED AS TO FORM:



Ivan Legler, Town Attorney

AMENDMENTS TO ARTICLE 10-02 "TOWN PROPERTY"

SECTION 1. That Section 10-02-020 "Town Parks - Hours of Operation" in Article 10-02 "TOWN PROPERTY" in Chapter 10 "OFFENSES" of the Town Code of the Town of Prescott Valley, Arizona, be hereby amended as follows:

10-02-020 Town Parks - Hours of Operation.

- A. The hours of operation during which Town parks, playgrounds or outdoor recreational areas (except for the off-leash area pursuant to Section 10-02-040(B)(16)) shall be open to public access are hereby established as:

Daily, 7:00 a.m. to 10:00 p.m.
October 1 through March 31

Daily, 5:00 a.m. to 10:00 p.m.
April 1 through September 30

The hours of operation may be extended only upon the express permission or consent of authorized Town officials. In no event shall an extension of park operating hours be construed to extend curfew limits. All park operating hours shall be posted at the established entrances thereto.

- B. The provisions of Subsection A shall not apply when a person has express permission or consent from Town officials to be engaged in any action otherwise prohibited in Section 10-02-010(D).

(Ord. No. 71, Enacted, 06/10/82; Ord. No. 178, Ren&Amd, 05/26/88, 11-03-020; Ord. No. 271, Amended, 01/09/92; Ord. No. 429, Amended, 11/20/97; Ord. No. 573, Amended, 11/13/03; Ord. No. 867, Amended, 10/10/19)

SECTION 2. That Section 10-02-040 "Prohibited Activities in Parks, Playgrounds and Outdoor Recreational Areas" in Article 10-02 "TOWN PROPERTY" in Chapter 10 "OFFENSES" of the Town Code be hereby renamed "Town Parks, Playgrounds and Outdoor Recreational Areas - Rules and Regulations" and amended as follows:

10-02-040 ~~Prohibited Activities in Town~~ Parks, Playgrounds and Outdoor Recreational Areas - Rules and Regulations

- A. The following activities are prohibited at all times within all Town parks, playgrounds and outdoor recreational areas, unless otherwise expressly permitted by authorized Town officials:

1. The possession of any open container of, or the consumption of "spirituous liquor" as defined in ARS §4-101, as amended;
2. The possession and/or consumption of illegal drugs;

- ~~23.~~ The allowing of any dog to be at-large, as defined by Section 6-01-010(~~D~~)(E), by any owner or responsible party, subject to the exceptions set forth in Section 6-01-110(B)(~~6~~)(5) & (7);
- ~~34.~~ The operation of motorized vehicles in violation of Section 11-02-130, as amended;
- ~~45.~~ The leading or riding of horses, including any animal of the equine species, other than service animals, as defined in A.R.S. §11-1024, except in an undeveloped park or outdoor recreational areas;
- ~~56.~~ Golfing or golfing practice;
- ~~67.~~ The allowing of any forage-consuming domestic livestock to graze or roam at-large within the boundaries of any Town park or recreation area;
- ~~78.~~ Fishing in Town ponds and lakes where signs are posted prohibiting such activity, and fishing in any and all Town ponds and lakes without obtaining a state-issued fishing license;
- ~~89.~~ Wading or swimming in Town ponds and lakes;
- ~~910.~~ Participating in paintball games, contests, tournaments or similar activities;
- ~~4011.~~ Use of Gglass containers (including, but not limited to, bottles) is prohibited; of any kind; and

B. In addition to adhering to the prohibitions set forth above, all persons entering The following activities are prohibited at all times within Mountain Valley Skate/Bike Park, designated off-leash areas, Pickleball Courts and/or any Town parks, playgrounds and outdoor recreational areas in which synthetic athletic turf has been installed (collectively "Specialty Parks") shall strictly adhere to the following rules and regulations, unless otherwise expressly permitted by authorized Town officials:

1. Organized use of Specialty Parks, including without limitation, programs, lessons, scheduled competitive and demonstration events is not permitted without the express approval of the Parks and Recreation Department.
2. Marking (including, but not limited to, painting) any part, fixture, turf, court or other surface of the Specialty Parks is prohibited.
3. Consumption of any beverage or liquid other than water carried in clear plastic containers (including, but not limited to, soda, sports drinks, and coffee) is prohibited.
4. Consumption of any food (including, but not limited to, snacks, candy, chewing gum, nuts and sunflower/pumpkin seeds) is prohibited.
5. Users shall not possess and/or consume tobacco (in any form) while using the Specialty Parks.

6. Animals (including pets) with or without a leash, other than service animals as defined in A.R.S. §11-1024, are not permitted within the Specialty Parks (except as otherwise permitted within the off-leash area).
7. Use of motorized and non-motorized devices including without limitation, unicycles, bicycles, tricycles, scooters, skateboards, in-line skates and strollers (except as otherwise permitted within Mountain Valley Skate/Bike Park) is prohibited. Nothing herein shall apply to wheelchairs and other mobility aid devices.
8. No User shall enter or use the Specialty Parks during the time any or all of them are closed due to rain, snow or lightening or for routine maintenance or in any other circumstance deemed necessary by authorized Town staff.
9. Foul or derogatory language and/or gestures within and surrounding the Specialty Parks are prohibited.
10. All users of the Specialty Parks shall demonstrate common courtesy to all other users of the Specialty Parks and be respectful of their different levels of ability.
11. All trash must be deposited in the provided trash containers.
12. All persons entering the Specialty Parks are deemed to have acknowledged that the Town of Prescott Valley is not responsible for lost or stolen property.
13. The Town of Prescott Valley reserves the right to change or modify user groups, use hours, or days of use.
14. Additional rules and regulations - Athletic Turf Areas:
 - a. Kicking or bouncing balls against any perimeter fence or related standing structure is prohibited.
 - b. Picking or pulling grass fibers, or redistributing or removing infill material is prohibited.
 - c. Use of footwear other than turf shoes, sneakers, or rubber cleats (including, but not limited to, metal cleats and high-heeled shoes) is prohibited.
 - d. Using any open flames (including, but not limited to, lighters and grills) within twenty (20) feet of the turf area is prohibited.
15. Additional rules and regulations - Mountain Valley Skate/Bike Park:
 - a. All persons entering the Skate/Bike Park are deemed to have acknowledged that the Skate/Bike Park is a non-supervised activity site designed for skateboarding, in-line skating, and BMX biking only, and

that all use of the Skate/Bike Park is at the risk of the user.

b. All persons entering the Skate/Bike Park are deemed to have agreed to indemnify, defend, and save harmless the Town of Prescott Valley, its officers, employees, agents and volunteers for, from and against any accident, injury, including death, and/or loss of property or damage thereto sustained as a result of using the Skate/Bike Park.

c. All persons entering the Skate/Bike Park are deemed to have acknowledged the recommendation that personal protective equipment (helmet, elbow and knee pads) be used by them at all times during their use of the Skate/Bike Park.

d. No spectators are permitted within the Skate/Bike Park.

e. No additional obstacles (including, without limitation, benches and tables) may be taken into or used within the Skate/Bike Park.

f. Amplified music is not permitted within the Skate/Bike Park without the express approval of the Parks and Recreation Director ("Director").

g. Users are encouraged to travel with the "flow" of the Skate/Bike Park and not across it. Users shall not proceed down a ramp until clear of other skaters and/or bikers. Users must know their ability and skate/bike accordingly.

h. Bike pegs are not permitted for use in the Skate/Bike Park.

16. Additional rules and regulations - Off-Leash Area Park(s):

a. For purposes of this Section, "leash" means a chain, rope, strap, cord or similar restraint attached to a collar or harness or otherwise secured around an animal's neck. "Leash" does not include electronic leashes or other similar electronic devices.

b. All persons entering the Town's off-leash area park(s) are deemed to have acknowledged that the off-leash area park(s) is at the risk of the user.

c. All persons entering the Town's off-leash area park(s) are deemed to have agreed to indemnify, defend, and save harmless the Town of Prescott Valley, its officers, employees, agents and volunteers for, from and against any accident, injury, including death, and/or loss of property or damage thereto sustained as a result of using the off-leash area park(s).

d. Dogs must be kept on a leash (no longer than six (6) feet) until inside the fenced off-leash area, subject to the exception set forth in A.R.S. §11-1024(W)(6) for service animals.

- e. Dog handlers must carry a leash for each dog in their custody while using the off-leash area, subject to the exception set forth in A.R.S. §11-1024(M)(6) for service animals.
- f. Dogs must be supervised and maintained under voice control at all times.
- g. Owners and/or handlers of dogs using the off-leash area are responsible and legally liable for the acts and conduct of the dog at all times when the dog is in a Town park.
- h. Aggressive dogs, as defined in Subsection 6-01-010(A) of the Town Code, shall be prohibited from entering the off-leash area at any time.
- i. Any dog exhibiting vicious, fierce, aggressive, or dangerous behavior shall be immediately removed from the off-leash area.
- j. No child or youth under the age of sixteen (16) shall be allowed in the off-leash area unless accompanied by an adult. Infants, toddlers and small children must remain within arm's reach of a supervising adult at all times and shall, in no instance, be permitted to run or chase dogs in the off-leash area.
- k. All dogs must be currently licensed and vaccinated against rabies, bordetella, distemper, and parvo.
- l. Puppies under the age of four (4) months shall not be permitted in the off-leash area until they have been vaccinated and licensed.
- m. All dogs must bear permanent ID (collar tag or microchip) and a current license.
- n. Dog owners and/or handlers shall be responsible for cleaning up after the dog(s) in their custody by removing and disposing of the dog's waste, using the canisters provided by the Town. This subsection shall not apply to an individual who has a disability and who uses a service animal as defined in A.R.S. §11-1024, or police officers or other law enforcement officers accompanied by police dogs while responding to an emergency.
- o. Female dogs in heat are not permitted within the facility.
- p. It is recommended that only spayed or neutered animals be permitted to use the off-leash area park(s).
- q. Food bowls, long-lasting chews and/or dog food are not allowed within the facility. This subparagraph shall not be construed as prohibiting dog treats used for training/rewarding purposes.

- r. No more than three (3) dogs per person shall be permitted at any time.
- s. Dog owners and/or handlers shall be responsible for providing water to their dogs before and after exercise.
- t. Incessant barking is prohibited. Dog owners and/or handlers shall immediately remove from the off-leash area any dog in their custody that ignores commands to stop barking.
- u. Dog agility equipment is for dog use only. Users of the off-leash area, including children, are prohibited from sitting on or playing with dog agility equipment.
- v. The off-leash area park(s) shall be open from 7:00 a.m. to dusk, seven (7) days per week. Use of the off-leash areas after the posted times is prohibited.
- w. No one may enter the off-leash area park(s) during the time that it is closed for maintenance and repairs.
- x. Any dog attack, dog/owner behavior issue and park maintenance concerns shall be reported to the Town of Prescott Valley Parks and Recreation Department immediately.

17. Additional rules and regulations - Pickleball Courts:

- a. All persons entering the Pickleball Courts are deemed to have acknowledged that the Pickleball Courts are a non-supervised activity site designed for Pickleball game play only, and that all use of the Pickleball Courts is at the risk of the user.
- b. All persons entering the Pickleball Courts are deemed to have agreed to indemnify, defend, and save harmless the Town of Prescott Valley, its officers, employees, agents and volunteers for, from and against any accident, injury, including death, and/or loss of property or damage thereto sustained as a result of using the Pickleball Courts.
- c. Use of the Pickleball Courts for any game or purpose other than Pickleball game play is prohibited.
- d. Use of footwear other than non-marking athletic shoes is prohibited.
- e. Any equipment or devices other than Pickleball game-play equipment is prohibited on the Pickleball Courts.

(Ord. No. 271, Enacted, 01/09/92, Ord. No. 533, Amended, 11/07/02; Ord. No. 614, Amended, 02/10/05; Ord. No. 651, Amended, 03/23/06; Ord. No. 747, Amended, 07/08/10; Ord. No. 759, Amended, 05/12/11; Ord. No. 824, Amended, 02/23/17; Ord. No. 839, Amended, 02/22/18; Ord. No. 867, Amended, 10/10/19)

SECTION 3. That Section 10-02-045 "Mountain Valley Skate/Bike Park Rules and Regulations" in Article 10-02 "TOWN PROPERTY" in Chapter 10 "OFFENSES" of the Town Code be hereby renamed "Reserved" and amended in its entirety as follows:

10-02-045 Reserved Mountain Valley Skate/Bike Park Rules and Regulations.

All persons entering the Skate/Bike Park at Mountain Valley Park shall strictly adhere to the following rules and regulations:

A. ~~All persons entering the Skate/Bike Park are deemed to have acknowledged that the Skate/Bike Park is a non-supervised activity site designed for skateboarding, in-line skating, and BMX biking only, and that all use of the Skate/Bike Park is at the risk of the user.~~

B. ~~All persons entering the Skate/Bike Park are deemed to have agreed to indemnify, defend, and save harmless the Town of Prescott Valley, its officers, employees, agents and volunteers for, from and against any accident, injury, including death, and/or loss of property or damage thereto sustained as a result of using the Skate/Bike Park.~~

C. ~~All persons entering the Skate/Bike Park are deemed to have acknowledged the recommendation that personal protective equipment (helmet, elbow and knee pads) be used by them at all times during their use of the Skate/Bike Park.~~

D. ~~Use of any and all motorized and non-motorized vehicles within the Skate/Bike Park, including (without limitation) tricycles, unicycles and scooters, is strictly prohibited. Use of the Skate/Bike Park is limited to non-motorized skateboards, in-line skates, and BMX bikes.~~

E. ~~No food, beverages or glass containers are permitted within the Skate/Bike Park (with the sole exception of water contained in plastic water bottles).~~

F. ~~No alcoholic beverages, tobacco in any form, or illegal drugs are permitted within the Skate/Bike Park.~~

G. ~~All trash must be deposited in the provided trash containers.~~

H. ~~No spectators and/or pets are permitted within the Skate/Bike Park.~~

I. ~~No one may enter or use the Skate/Bike Park during the time that it is closed due to rain, snow or lightning.~~

J. ~~No one may enter the Skate/Bike Park during the time that it is closed for routine maintenance or in any other circumstance deemed necessary by authorized Town staff.~~

K. ~~The hours of operation during which the Skate/Bike Park shall be open to public access are:~~

Daily, 7:00 a.m. to 10:00 p.m.

~~October 1 through March 31~~

~~Daily, 5:00 a.m. to 10:00 p.m.~~

~~April 1 through September 30~~

~~L. No additional obstacles (including, without limitation, benches and tables) may be taken into or used within the Skate/Bike Park.~~

~~M. Amplified music is not permitted within the Skate/Bike Park without the express approval of the Parks and Recreation Director ("Director").~~

~~N. Express approval of the Director is required for any and all competitive and demonstration events at the Skate/Bike Park.~~

~~O. All users of the Skate/Bike Park shall demonstrate common courtesy to all other users of the Skate/Bike Park and be respectful of their different levels of ability.~~

~~P. Foul language and gestures are strictly prohibited within and surrounding the Skate/Bike Park.~~

~~Q. All persons entering the Skate/Bike Park are deemed to have acknowledged that the Town of Prescott Valley is not responsible for lost or stolen property.~~

~~R. Users are encouraged to travel with the "flow" of the park and not across it. Users shall not proceed down a ramp until clear of other skaters and/or bikers. Users must know their ability and skate/bike accordingly.~~

~~S. Bike pegs are not permitted for use in the Skate/Bike Park.~~

~~T. The Town of Prescott Valley reserves the right to change or modify user groups, use hours, or days of use.~~

~~U. All persons using the Skate/Bike Park shall adhere to all other rules and regulations governing Town parks/property as set forth in the Town Code.~~

(Ord. No. 528, Enacted, 6/27/02; Ord. No. 573, Amended, 11/13/03; Ord. No. 703, Amended, 11/08/07; Ord. No. 867, Amended, 10/10/19)

SECTION 4. That Section 10-02-055 "Off-Leash Park(s) Rules and Regulations" in Article 10-02 "TOWN PROPERTY" in Chapter 10 "OFFENSES" of the Town Code be hereby renamed "Reserved" and amended in its entirety as follows:

10-02-055 Reserved, Off-Leash Area Park(s) Rules and Regulations.

All persons entering the Town's off-leash area park(s) shall strictly adhere to the following rules and regulations:

~~A. For purposes of this Section, "leash" means a chain, rope, strap, cord or similar restraint attached to a collar or harness or otherwise secured around an animal's neck. "Leash" does not include electronic leashes or other similar electronic devices.~~

~~B. All persons entering the Town's off-leash area park(s) are deemed to have acknowledged that the off-leash area park(s) are not supervised by the Town and that all use of the off-leash area park(s) is at the risk of the user.~~

~~C. All persons entering the Town's off-leash area park(s) are deemed to have agreed to indemnify, defend, and save harmless the Town of Prescott Valley, its officers, employees, agents and volunteers for, from and against any accident, injury, including death, and/or loss of property or damage thereto sustained as a result of using the off-leash area park(s).~~

~~D. Dogs must be kept on a leash (no longer than six (6) feet) until inside the fenced off-leash area, subject to the exception set forth in A.R.S. §11-1024(L)(6) for service animals.~~

~~E. Dog handlers must carry a leash for each dog in their custody while using the off-leash area, subject to the exception set forth in A.R.S. §11-1024(L)(6) for service animals.~~

~~F. Dogs must be supervised and maintained under voice control at all times.~~

~~G. Owners and/or handlers of dogs using the off-leash area are responsible and legally liable for the acts and conduct of the dog at all times when the dog is in a Town park.~~

~~H. Aggressive dogs, as defined in Subsection 6-01-010(A) of the Town Code, shall be prohibited from entering the off-leash area at any time.~~

~~I. Any dog exhibiting vicious, fierce, aggressive, or dangerous behavior shall be immediately removed from the off-leash area.~~

~~J. No child or youth under the age of sixteen (16) shall be allowed in the off-leash area unless accompanied by an adult. Infants, toddlers and small children must remain within arm's reach of a supervising adult at all times and shall, in no instance, be permitted to run or chase dogs in the off-leash area.~~

~~K. All dogs must be currently licensed and vaccinated against rabies, bordetella, distemper, and parvo.~~

~~L. Puppies under the age of four (4) months shall not be permitted in the off-leash area until they have been vaccinated and licensed.~~

~~M. All dogs must bear permanent ID (collar tag or microchip) and a current license.~~

~~N. Dog owners and/or handlers shall be responsible for cleaning up after the dog(s) in their custody by removing and disposing of the dog's waste, using the canisters provided by~~

~~the Town. This subsection shall not apply to an individual who has a disability and who uses a service animal as defined in A.R.S. §11-1024, or police officers or other law enforcement officers accompanied by police dogs while responding to an emergency.~~

~~O. Female dogs in heat are not permitted within the facility.~~

~~P. It is recommended that only spayed or neutered animals be permitted to use the off-leash area park(s).~~

~~Q. Food bowls, long-lasting chews and/or dog food are not allowed within the facility. This subparagraph shall not be construed as prohibiting dog treats used for training/rewarding purposes.~~

~~R. Smoking and eating within the off-leash facility are strictly prohibited.~~

~~S. Glass containers of any kind are not permitted in the off-leash area.~~

~~T. No more than three (3) dogs per person shall be permitted at any time.~~

~~U. Dog owners and/or handlers shall be responsible for providing water to their dogs before and after exercise.~~

~~V. Incessant barking is prohibited. Dog owners and/or handlers shall immediately remove from the off-leash area any dog in their custody that ignores commands to stop barking.~~

~~W. Dog agility equipment is for dog use only. Users of the off-leash area, including children, are prohibited from sitting on or playing with dog agility equipment.~~

~~X. The off-leash area park(s) shall be open from 7:00 a.m. to dusk, seven (7) days per week. Use of the off-leash areas after the posted times is prohibited.~~

~~Y. No one may enter the off-leash area park(s) during the time that it is closed for maintenance and repairs.~~

~~Z. Any dog attack, dog/owner behavior issue and park maintenance concerns shall be reported to the Town of Prescott Valley Parks and Recreation Department immediately.~~

~~AA. Any person violating or failing to comply with any of the provisions of this Section shall be guilty of a class 1 misdemeanor subject to fines and/or imprisonment as set forth in Section 1-08-010 of this Code.~~

(Ord. No. 632, Enacted, 07/14/05; Ord. No. 759, Amended, 05/12/11; Ord. No. 759, Amended, 05/12/11; Ord. No. 824, Amended, 02/23/17; Ord. No. 867, Amended, 10/10/19)