

**TITLE XV
PARKS AND RECREATION**

CHAPTERS:

[15-1: PARKS AND RECREATION](#)

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SECTIONS:

- 15-1-1: COMPLIANCE WITH RULES AND REGULATIONS:
- 15-1-2: DEFINITIONS:
- 15-1-3: VANDALISM:
- 15-1-4: RESTRICTED AREAS:
- 15-1-5: HOURS:
- 15-1-6: USE OF BUILDINGS AND STRUCTURES:
- 15-1-7: USE OF FACILITIES, PAYMENT:
- 15-1-8: PUBLIC NUDITY WITHIN THE PARK SYSTEM:
- 15-1-9: CAMPING:
- 15-1-10: OCCUPANCY OF A PARK UNIT:
- 15-1-11: FIRES:
- 15-1-12: VEHICLES, SPEED LIMITS AND PARKING:
- 15-1-13: MEDICAL SHARPS WASTE, PROHIBITED:
- 15-1-14: RUBBISH AND LITTER:
- 15-1-15: PETS:
- 15-1-16: CREATING A NUISANCE, PROHIBITED:
- 15-1-17: EJECTION FROM A CITY PARK:
- 15-1-18: FISHING AND HUNTING:
- 15-1-19: FIREARMS, AIR OR GAS WEAPONS, BOWS AND ARROWS:
- 15-1-20: FIREWORKS AND EXPLOSIVES:
- 15-1-21: RESERVED:
- 15-1-22: ADVERTISING AND COMMERCIAL USE:
- 15-1-23: SOLICITING:
- 15-1-24: NOISE OR NUISANCE:
- 15-1-25: WATERCRAFT, LAUNCHING AND MOORING:
- 15-1-26: SPECIAL EVENTS:
- 15-1-27: CONTRACTS, ADMISSION:
- 15-1-28: PENALTIES:
- 15-1-29: APPLICABILITY OF CHAPTER:

15-1-1: COMPLIANCE WITH RULES AND REGULATIONS:

Permission to enter, occupy, use or otherwise utilize any facility, roadway, trail or waterway on or within the boundaries of any park or recreation area under the control of the city parks, recreation and library department shall be conditioned upon compliance with all laws, rules, regulations and orders of the city governing such areas, and any person violating such laws, rules, regulations and orders may be cited into a court of proper jurisdiction by a city law enforcement officer, any peace officer, or a city park ranger, and/or such person may be required to leave the park or recreation area or any portion thereof. (Ord. 3971, 3-28-2000)

15-1-2: DEFINITIONS:

CAMPING (Used Interchangeably With "Camp"): The use of an area outdoors for living accommodation purposes, and shall include, but not be limited to, erecting a tent or other type of shelter, or laying down bedding material, or both, for the purpose of, or in such a way as will permit it to be used for living accommodation purposes or for sleeping purposes; or parking a trailer, camper or other vehicle for the foregoing purposes.

CONCESSION: A grant by the city for the use of land or property for the specific purpose of providing services, facilities or improvements for the public.

DAY USE AREA: A place not for overnight use in a designated area.

DEPARTMENT: The city of Prescott parks, recreation and library department.

DIRECTOR: The city of Prescott recreation services director.

FEE AREA: Any area designated by the city of Prescott for which a fee is charged for its use, occupancy or entrance thereto.

MEDICAL SHARPS WASTE: Any used medical devices having acute rigid corners, edges or protuberances capable of cutting or piercing, including, but not limited to: hypodermic needles, hypodermic needles with syringes, blades, needles with attached tubing, syringes, acupuncture needles, root canal files, and broken glass items such as Pasteur pipettes and blood vials.

PARK OFFICER: Any city of Prescott law enforcement officer with the authority and power of a peace officer.

PARK RANGER: An employee of the department so designated.

PARK SYSTEM (Used Interchangeably With "Park"):

- (A) The following designated parks: Watson Lake park (including Watson Lake and adjacent property owned by the city), Goldwater Lake park (including Goldwater Lake and adjacent property owned by the city), Willow Lake (including any adjacent property owned by the city), Roughrider complex, Ken Lindley complex, Prescott activity center, A.C. Williams Granite Creek park, West Granite Creek park, Dr. John W. Flinn Memorial park, Leroux minipark, Peppertree minipark, Willow Creek park, Heritage park, Pioneer park, J.S. Acker Memorial park, Howard B. Stricklin park, and the Watson Woods riparian preserve.

- (B) Any property designated by the recreation services director as a part of the city's trail system.
- (C) Any property designated by the recreation services director as "open space" area which is owned and/or maintained by the city.
- (D) The Prescott public library.

PARK UNIT: A space for use in a designated area.

PERSON: Any individual or individuals, corporations, firms, copartnerships, clubs and all associations or combinations thereof.

WILDLIFE: All wild mammals, wild birds and the nests and eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs or spawn. (Ord. 3533, eff. 10-10-1996; amd. Ord. 3776, 7-14-1998; Ord. 4376, 2-24-2004)

15-1-3: VANDALISM:

No person shall disturb, deface, injure, destroy or remove any building, sign, marker, facility or any other structure, tree, shrub, fruit, wildflower, or any object of archaeological, geological or historical significance. (Ord. 3533, eff. 10-10-1996)

15-1-4: RESTRICTED AREAS:

No person shall enter, use or occupy any restricted zone, either land or water, which has been posted or otherwise designated as being closed to entry, use or occupancy by the director or his designee. (Ord. 3533, eff. 10-10-1996)

15-1-5: HOURS:

The opening and closing time for any unit of the park system or any portion thereof, as established by the recreation services director or his designee, and posted at the established entrances thereto, shall be complied with. (Ord. 3533, eff. 10-10-1996)

15-1-6: USE OF BUILDINGS AND STRUCTURES:

No person shall leave any park structure or facility in an unclean or unsanitary manner, or destroy, damage, deface, remove or disturb in any manner any public building, sign, equipment marker or other structure or property within the boundaries of the park system or located on any property administered by the department. (Ord. 3533, eff. 10-10-1996)

15-1-7: USE OF FACILITIES, PAYMENT:

No person shall use or occupy facilities in the park system for which a use fee has been lawfully established and posted by the department unless the fee has been paid upon demand by the director or his designee. (Ord. 3533, eff. 10-10-1996)

15-1-8: PUBLIC NUDITY WITHIN THE PARK SYSTEM:

The following is hereby declared to be unlawful in the city park system: exposing of the genitals or anus of either sex, or the exposing of a female's areola or nipple of her breast or breasts. (Ord. 3971, 3-28-2000)

15-1-9: CAMPING:

No person shall camp in the park system outside a specifically designated camping area, without a permit from the department, or leave a setup camp unattended overnight without permission from the director or his designee. (Ord. 3533, eff. 10-10-1996)

15-1-10: OCCUPANCY OF A PARK UNIT:

- (A) The number of vehicles or persons occupying a park facility shall not exceed the load limit established and posted by the Director or his agent.
- (B) A park unit is considered occupied when a person or persons have paid the use fee within the applicable time limits. No person shall take possession of a park unit when he has reason to believe or has been informed by a local park employee that such unit is occupied.
- (C) Fees for the use of park facilities shall be due and payable daily and shall cover use of such facilities.
- (D) Occupants shall vacate the park facility by removing all personal property therefrom on or before termination of the reservation time. Any personal property remaining at a park facility after the termination of the reservation time shall be deemed abandoned, and shall become the property of the City. (Ord. 3533, eff. 10-10-1996)

15-1-11: FIRES:

- (A) No person shall build, ignite or maintain, or allow to be built, ignited or maintained, any outdoor fire within the park system without the written permission of the Director or his designee; provided, however, that outdoor fires are allowed in Watson Lake Park in designated fire rings.

- (B) No person shall use any permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material. (Ord. 3533, eff. 10-10-1996)

15-1-12: VEHICLES, SPEED LIMITS AND PARKING:

- (A) Motorized vehicles, including motorcycles and "off-road" vehicles, shall be operated only on maintained roadways, except as otherwise provided and posted in certain areas, and in all cases the operator shall comply with the Arizona Motor Vehicle Code, as provided under title 28, Arizona Revised Statutes, while within the boundaries of the City park system. The Director or his designee may further restrict and post certain areas in the park system to protect life and property.
- (B) Parking in any nondesignated area, or on the roadways is prohibited unless posted for parking. Vehicles parked in any unauthorized parking zone, or vehicles parked in such a manner as to pose a danger to others, may be removed at owner's expense. (Ord. 3533, eff. 10-10-1996)
- (C) Parking Regulations
 1. Each person parking a vehicle or motor-driven cycle within a designated parking area at Watson Lake Park, Willow Lake Park, Goldwater Lake Park, or the Prescott Peavine National Recreation Trail every day of the week except Wednesday (which is a free parking day) shall immediately, after parking in a designated parking spot, deposit in the pay station kiosk a sum of \$2.00 using cash or credit card.
 2. Upon obtaining a receipt from the pay station kiosk after remittance, the vehicle operator shall place the receipt in a location that is clearly visible from outside the vehicle on the front dash of their vehicle, or on the seat of a motor-driven cycle.
 3. No person shall park or stand a vehicle within a parking area except within a designated space, or in other areas authorized as parking areas by the Parks Director or the Director's designees. No person shall park or stand a vehicle in such a position that it shall not be entirely within the space designated by such lines or markings.
 4. No person shall park or stand a vehicle in a parking area during the hours that the park is posted as closed unless authorized to do so by the Parks Director or the Director's designee.
 5. The prohibitions of this ordinance shall be conspicuously posted near all entrances to any parking area. The prohibitions of this ordinance

shall not apply to persons exempted by the Parks Director or the Director's designees, or to persons performing work authorized by the City of Prescott.

(D) Parking Penalties.

1. **Driver and Owner Liable for Violation** - Both the driver and the owner of vehicles charged with violating this section shall be liable for parking violations as set forth herein.
2. **Penalties** - Sanctions for a violation of this section shall be as set forth in Section 9-1-17 of the Prescott City Code, provided however, that the mandatory minimum sanction shall be not less than twenty (\$20.00) dollars for each such violation. (All fines are to be imposed on a per violation/per day basis and each day a violation occurs shall be deemed a separate offense).
3. **Late Fee** - Whenever enforcement is initiated by issuance of a parking ticket, and the fine or penalty is not received by the City or the owner or driver does not appear to pay his fine within fourteen days of the date of issue, the fine or penalty shall be increased by a late payment fee of \$15.00.
4. **Separate Infractions** - For all other parking infractions, a new and separate infraction occurs when a vehicle remains illegally parked for more than twenty four hours after the issuance of a parking ticket.

15-1-13: MEDICAL SHARPS WASTE, PROHIBITED:

No person within the park system shall possess, use or dispose of medical sharps waste in the park system unless expressly allowed by law. (Ord. 3776, 7-14-1998)

15-1-14: RUBBISH AND LITTER:

- (A) All garbage, rubbish, cans, bottles, broken glass and other litter shall be disposed of in receptacles designated for such purposes, or carried away when leaving an area.
- (B) Draining or dumping wastes or refuse from any trailer, camper or other vehicle except in places or receptacles provided for such uses is prohibited.
- (C) Using public park refuse containers to dispose of household or commercial garbage brought as such from private property is prohibited. (Ord. 3533, eff. 10-10-1996)

15-1-15: PETS:

- (A) Dogs, cats and other domestic pets shall be kept under physical restraint or on a leash not longer than six feet (6') in length while in the confines of a park. In the interest of public health and safety, the Director may designate certain areas as closed to all pets.
- (B) The leash requirement shall not apply to dogs while being used in dog shows, or in field trials, or while being trained when upon lands open to such uses; at no time will dogs or other pets other than seeing eye dogs be allowed within the confines of public park buildings. (Ord. 3533, eff. 10-10-1996)

15-1-16: CREATING A NUISANCE, PROHIBITED:

No person shall unreasonably disturb or interfere with any reasonable person or persons legally and properly occupying or using any area in the park system. (Ord. 3776, 7-14-1998)

15-1-17: EJECTION FROM A CITY PARK:

- (A) Police officers and City park rangers shall have the authority to order any person arrested or cited for a violation of any provision of this Chapter, posted park rule, State law or City ordinance violation occurring in a park, from a City park; police officers and City park rangers shall also have the authority to order any person from a City park or from the City park system who engages in any other disorderly, unsanitary or disruptive behavior in any area in the park system. A person ordered out of the park or park system shall be informed, in writing at the time of ejection, of the period of time during which reentry into the park or park system is prohibited.
- (B) Subsequent to a police officer or park ranger ordering an arrested or cited person from a park or from the park system, it shall be unlawful for that person to remain in the park, or to return to the same park (or park system, if so designated), within not less than thirty (30) calendar days, nor more than one year, as set forth in the written notice provided for in subsection (A) of this section.
- (C) It shall be unlawful for a person who has been ordered out of a park, or the park system, pursuant to this section, to not immediately comply with the order of the police officer or park ranger. (Ord. 3971, 3-28-2000)
- (D) Police officers shall have the authority to seize any property, thing, contraband or device in the park system as evidence when used in

violation of state or city laws, ordinances, rules or regulations when arresting or citing a person for a criminal violation. (Ord. 3776, 7-14-1998)

15-1-18: FISHING AND HUNTING:

Every person shall comply with Arizona Revised Statutes, title 17, and all lawful rules, regulations and orders adopted by the Arizona Game and Fish Commission. (Ord. 3533, eff. 10-10-1996)

15-1-19: FIREARMS, AIR OR GAS WEAPONS, BOWS AND ARROWS:
(Rep. by Ord. 4051, 11-14-2000)

15-1-20: FIREWORKS AND EXPLOSIVES:

- (A) No person shall possess fireworks or explosives or devices for such use of any kind within the park system except under special permit for fireworks display issued by the director or his agent.
- (B) All municipal, county, state or federal ordinances, rules, regulations and acts shall be complied with. (Ord. 3533, eff. 10-10-1996)

15-1-21: RESERVED:

15-1-22: ADVERTISING AND COMMERCIAL USE:

- (A) No person shall post, place or erect any signs or distribute or place any advertising material in the park system for any purpose without a permit issued by the director or his agent. Exception: This regulation does not bar from entry into the park system a commercially marked vehicle operated by a:
 - 1. Park visitor.
 - 2. Person in service to the park or a park concessioner.
 - 3. Person passing through the park system in the normal course of his work.
 - 4. Person in service to a park visitor in an emergency situation at the request of the visitor or a park ranger. (Ord. 3533, eff. 10-10-1996)
- (B) No person or entity shall engage in any commercial activity within the City Park System without having first obtained a concession agreement approved by the Prescott City Council or having first obtained a special events permit, in compliance with Title VIII, Chapter 9, of the Prescott City Code and as defined pursuant to Section 8-9-1 of the Prescott City Code.

1. For purposes of this section, commercial activity shall include and apply to, but not be limited to, all commercial activities such as commercial tours, for which paying passengers are engaged in tours, either by motorized vehicle or motorized water craft, hot air balloons, horses or any other means whatsoever in City parks and lakes; the sale or offer for sale of any goods or services for profit within the City park system, concerts, musical and theatrical or other performances for which an admission fee or entrance fee is charged, and all other commercial activities occurring in whole or part within the City park system. Special event permits shall not be available for regularly scheduled or commercial activities or ventures including, but not limited to, activities such as commercial tours, commercial boating tours and other scheduled reoccurring commercial activities without an approved concession agreement having been first obtained.
2. Nothing in this section shall prevent the activities set forth in Section 15-1-22 (A) 2, 3 and 4.

(Ord. 4561, eff. 10-10-2006)

15-1-23: SOLICITING:

No person shall solicit funds, donations, sell, or offer for sale, any food, goods, wares, merchandise or liquids, or distribute circulars in the park system except by written concession granted by the director or his agent. (Ord. 3533, eff. 10-10-1996)

15-1-24: NOISE OR NUISANCE:

- (A) No person shall cause or permit any loud noise or sound which creates a nuisance. For the purpose of this section, a "nuisance by noise" shall be defined as any sound which in volume or character would reasonably tend to disturb the peace of people who are legally occupying other portions of the park or residents of neighborhoods adjacent to the park.
- (B) Upon complaint by any person, the director or his designee shall investigate and determine if a noise nuisance exists as defined in subsection (A) of this section. If the director or his designee determines that a noise nuisance does exist, he shall inform the person in violation and order him to correct the situation to the extent that the nuisance is abated. If said person fails to abate the nuisance or further complaints are received, the director or his designee may, in his discretion, immediately cancel any permit issued for park use and order the person and/or his

employees, invitees, or guests to vacate the park. (Ord. 3533, eff. 10-10-1996)

- (C) No person shall use or cause to be used a loudspeaker system or any other means of amplifying sound without a special permit issued by the director or his agent. (Ord. 1463, 8-11-1980)

15-1-25: WATERCRAFT, LAUNCHING AND MOORING:

- (A) Every person shall comply with Arizona Revised Statutes, title 5.
- (B) Mooring of any watercraft is prohibited at certain locations where so designated and posted by the director or his agent. (Ord. 1463, 8-11-10/12/06 10)
- (C) No person shall place, operate or allow to be operated motorized watercraft (other than watercraft with electric motors, and watercraft owned or operated by a governmental entity for management, maintenance or public safety purposes) on Willow Lake and Goldwater Lake.
- (D) The operators of all watercraft shall obey any and all navigational aids, signs and similar devices posted or placed on or adjacent to Watson Lake, Willow Lake and Goldwater Lake. (Ord. 3899, 8-10-1999)

15-1-26: SPECIAL EVENTS:

Any special events or public assemblies within a park, as defined in section 8-9-1 of this code, must comply with title VIII, chapter 9 of this code. (Ord. 4088, 2-27-2001)

15-1-27: CONTRACTS, ADMISSION:

An applicant for a reservation for use of a fee area may be required to enter into a contract with the city relating to loss, damage, assumption of liability and indemnification of the city. An applicant may also be required to obtain general liability insurance, naming the city as additional insured, for the event. (Ord. 4088, 2-27-2001)

15-1-28: PENALTIES:

It shall be unlawful and a misdemeanor for any person to violate any of the provisions or requirements contained in this chapter. Unless otherwise provided in a specific section of this chapter, any person convicted of a violation of any section of this chapter shall be punished as provided in section 1-3-1 of this code. (Ord. 1463, 8-11-1980; amd. Ord. 1834, 9-23-1986)

15-1-29: APPLICABILITY OF CHAPTER:

The provisions of this chapter shall apply to all of the city's parks and park system unless otherwise specifically provided for in this chapter. (Ord. 4376, 2-24-2004)