

TOWN OF PINETOP-LAKESIDE

ORDINANCE 25-482

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, ADOPTING AN AMENDMENT TO TOWN CODE TITLE 12, CHAPTER 12.12 TOWN PARKS, BY ADDING SECTION 12.12.070 PROHIBITING THE USE OF INFLATABLE PLAY STRUCTURES IN TOWN PARKS, RECREATIONAL FACILITIES, TOWN OWNED PROPERTIES, AND PUBLIC RIGHTS-OF-WAY; AND ADJUSTING THE NUMBERING SYSTEM OF ALL SUCCEEDING SECTIONS.

WHEREAS, the Town Council of the Town of Pinetop-Lakeside, Arizona believes that amending Town Code Chapter 12.12 TOWN PARKS of Title 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, is in the best interests of the citizens of the Town.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, NAVAJO COUNTY, ARIZONA, as follows:

- Section 1. **Adoption by Reference.** Pursuant to A.R.S. §9-802, the Town hereby adopts the amendment to Town Code Title 12, Chapter 12.12 TOWN PARKS, by adding Section 12.12.070 INFLATABLE PLAY STRUCTURES, and adjusting the numbering system of all succeeding sections as set forth in "Exhibit A", a copy of which is on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, located at 325 W. White Mountain Blvd. Lakeside, AZ 85929.
- Section 2. **Effective Date.** This Ordinance is to be effective upon the expiration of a thirty (30) day period following the adoption hereof and completion of publication and any postings pursuant to A.R.S. §9-812.
- Section 3. **Severability.** All ordinances, or parts of ordinances, adopted by the Town of Pinetop-Lakeside in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

PASSED AND ADOPTED by the Mayor and Town Council in an open meeting of the Town Council of the Town of Pinetop-Lakeside, Arizona, this 3rd^h day of April 2025.



TOWN OF PINETOP-LAKESIDE

Stephanie Irwin

Stephanie Irwin, Mayor

APPROVED AS TO FORM:

William J. Sims

William J. Sims, III, Town Attorney

ATTEST:

Kristi Salskov

Kristi Salskov, CMC, Town Clerk

EXHIBIT A

**Title 12.12 TOWN PARKS
(Addition of Chapter 12.12.070 and renumbering)**

Chapter 12.12

TOWN PARKS

Sections:

- 12.12.010 Purpose.
- 12.12.020 Applicability.
- 12.12.030 Park hours.
- 12.12.040 Rules of conduct.
- 12.12.050 Vehicles.
- 12.12.060 Boating.
- 12.12.070 **Inflatable Play Structures.**
- 12.12.080 Alcoholic beverages.
- 12.12.090 Advertising, entertainment, assembly.
- 12.12.100 Soliciting, gambling, sale of merchandise prohibited.
- 12.12.110 No fires or burning.
- 12.12.120 Reservations and permits.
- 12.12.130 Park policies, fees and charges.
- 12.12.140 Enforcement and penalties.

12.12.010 Purpose.

The purpose of this chapter is to provide rules and regulations for the use of and conduct in the parks and recreation areas of the Town (referred to as "Town parks" or "parks" in this chapter). (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.020 Applicability.

This chapter shall apply in all parks and recreation areas within the Town, unless expressly exempted. For the issuance of permits, authorizations, and the granting of approval for groups or other special uses of the Town parks (a "park facility permit"), the approving agency shall be the Town Public Works Department (the "Department"). (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.030 Park hours.

Parks open at 5:00 a.m. (MST) and close at 10:00 p.m. (MST); no one is allowed in the park after 10:00 p.m., except during a scheduled Department activity or event, or with a park facility permit from the Public Works Department. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.040 Rules of conduct.

A. The following rules of conduct shall apply to all users and persons who are within parks and recreation areas of the Town:

1. Park use is available on a first-come, first-served basis except as needed for:
 - a. Leagues and Team Use. Parks and recreation areas may be reserved for Public Works Department scheduled or specially permitted events. These events may include Little League baseball, youth soccer leagues, adult recreation league events, and other scheduled team uses or uses by the Department.
 - b. Other Group Use. All parties of one hundred (100) or more wanting to use Town parks shall be required to submit an application and get a park facility permit from the Public Works Department. The applicable fee(s) shall be paid at the time of application.

- c. Use of Ramadas. Reservations can be made via the Town of Pinetop-Lakeside's website. The applicable fee(s) shall be paid at the time of application.
 - d. Special Events. Refer to the Parks and Recreation Rules and Regulations.
2. Littering is prohibited. Each person or group is responsible for the cleanup of the area of the park which they use. Dumping of domestic or commercial trash also is prohibited. Domestic and commercial trash shall not be put into designated trash cans or containers, or otherwise left in parks. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
3. Children, eight (8) years old and younger, must be supervised by an adult while playing on parks playground equipment.
4. No overnight camping is allowed in the park. No overnight parking of recreational vehicles is allowed in the park without a Town permit. The Town will allow overnight parking for special events with a Town permit approved by the Department.
5. No open fires or campfires are allowed in the park, except in the grills provided. Written requests for the use of other special fire containers shall be submitted to the Department but may not be used without the written approval of the Department. Fire restrictions issued by the Town to help prevent wildfires may prohibit all fires, including the use of park grills, from time to time.
6. Possession, use or discharge of explosives, fireworks, spring guns, BB guns, air guns, rockets, fireworks, slingshots, bows and other archery equipment or other similar weapons, arms or equipment is strictly prohibited in parks. Any use or discharge of firearms, rifles, pistols, or revolvers is prohibited except as allowed by state statute(s) (currently found in A.R.S. § 13-3108(G)(5)).
7. Hunting, trapping, catching, wounding or killing, or treating cruelly, attempting to catch, wound or kill, any bird or animal, molest or rob any nest of any kind or any lair or burrow of any animal is prohibited. No person may hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest or young of any reptile or bird.
8. Excessive noise or other disturbance of the peace is not permitted.
9. Pets at a town park are subject to the Town's Animal Control Ordinances found in Title 6.
10. Fishing at Woodland Lake Park is governed by Arizona Game and Fish Department laws, rules and regulations. A valid Arizona fishing license with applicable stamps is required.
11. Glass containers including glass beverage bottles are not allowed in Town parks and recreation areas.
12. Marking, tampering with, destroying, damaging, injuring, disfiguring, defacing, displacing, removing or disturbing any natural or manmade feature, tree, shrub, wildflower, public building, sign, structure, equipment or other property is prohibited. No person may damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seeds of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.
13. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm

sewer, or drain flowing into such water any substance, matter or thing, liquid or solid which will or may result in the pollution of those waters.

14. Parks shall not be used for profit or gain unless specifically approved. No admission fee, event fee, donation or other cost for attendance at an event held in Town parks may be charged, collected or paid by any person or entity without the express, written permission of the Department.

15. Swimming is strictly prohibited in lakes, streams or other waters in Town parks.

16. All persons shall cooperate and shall maintain restrooms and washrooms in a neat and sanitary condition.

17. No person shall enter an area posted as "Closed" or "Closed to the Public."

18. No person shall engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.

19. Persons shall produce and exhibit any permit he or she claims to have, upon request of any authorized person who asks to inspect the same for the purpose of enforcing compliance with any ordinance, rule or regulation.

20. No person shall disturb or interfere unreasonably with any person or party occupying any park or recreation area. (Ord. 24-469 § 1 (Exh. A); Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-383; Ord. 14-379 § 2 (Exh. A)(part))

12.12.050 Vehicles.

A. Maximum speed limit is fifteen (15) miles per hour.

B. No vehicles are allowed inside of the park except on designated roads and in designated parking areas.

C. No person shall leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed. During a snowstorm and for three (3) days thereafter established parking areas in parks and recreation areas may be utilized for automobile and light truck parking only, but not by motor homes, trailers, recreational vehicles, or other vehicles of any kind. Large commercial size vehicles that can cause damage to parking areas may be excluded.

D. All-terrain vehicles (ATVs) and other motorized off-road vehicles are not allowed in parks and shall not be used in parks unless such vehicle is licensed for street and road use by the Arizona Department of Motor Vehicles. Vehicles shall be operated only on paved roads, and shall be parked only in designated parking areas.

E. Parking is prohibited except in designated parking areas. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.060 Boating.

A. All boats must conform to the Arizona Game and Fish Department laws and regulations governing registration and operation.

B. Power boats are restricted to the use of a single electric motor only. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.070 Inflatable Play Structures

Inflatable play structures designed to be inflated with air or gas, are prohibited in all Town parks and recreational facilities, and other Town owned properties, including but not limited to public rights-of-way.

12.12.080 Alcoholic beverages.

- A. Only beer and wine are allowed in areas of Town parks which are not in use for league and team use as defined in Section 12.12.040(A)(1)(a). No alcoholic beverages may be sold in Town parks, except when allowed under a special event permit.
- B. Individuals consuming alcoholic beverages must abide by state and Town laws, rules and regulations regarding alcohol consumption.
- C. Glass beverage bottles and containers are not allowed in the park. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.090 Advertising, entertainment, assembly.

- A. No person shall post, paint, affix, distribute, deliver, place, cast or leave about any sign, bill, billboard, placard, ticket, handbill, circular, or advertisement in Town parks unless it has been approved by the Department.
- B. No person shall do any of the following without a permit:
 - 1. Display any advertising signs or other advertising matter; provided, that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxicab or bus, is not prohibited.
 - 2. Operate for advertising purposes any musical instrument, soundtrack or drum.
 - 3. Hold public assemblages of twenty (20) persons or more without a park facility permit.
 - 4. Conduct exhibitions without a park facility permit.
 - 5. Hold a parade without a park facility permit.
- C. An event sponsored by the Town will not be required to have a permit. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.100 Soliciting, gambling, sale of merchandise prohibited.

No person shall:

- A. Sell or offer for sale any goods, services or other things in any park or recreation area, without a park facility permit and any applicable license.
- B. Solicit alms or contributions for any purpose, whether public or private, unless as part of an approved or permitted event.
- C. Play any game of chance or have possession of any instrument or device for gambling.
- D. Play, engage or take part in any game or competitive sport for money, or other valuable thing, without a written permit. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.110 No fires or burning.

- A. No open fires or campfires are allowed in the park, except in the grills provided. Written requests for the use of other special fire containers shall be submitted to the Department, but may not be used

without the written approval of the Department. From time to time, fire restrictions issued by the Town to help prevent wildfires may prohibit all fires, including the use of park grills.

B. All fires and burning are further subject to Chapter 8.04, regulations of the United States Forest Service in Woodland Lake Park and on other United States Forest Service land, and other federal, state and local laws, rules and regulations. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.120 Reservations and permits.

A. Information about applications and park facility permits is available at the Town of Pinetop-Lakeside Public Works Department.

B. Reservations for scheduled events and park facility permits for parks and recreation areas may be obtained by application to the Department on forms provided by the Department. The following information shall be provided:

1. The name and address of the applicant.
2. The name and address of the person, persons, corporation or association sponsoring the activity, if any.
3. The day and hours for which the permit is desired.
4. The park or portion thereof for which the permit is desired.
5. Any other information reasonably necessary to a determination as to whether a permit should be issued hereunder.
6. Any requests for variances from park rules and regulations.

C. Standards for scheduling an activity or issuing an event/park facility permit shall include the following:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
3. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
4. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Town unless the expenses or police costs are covered by the applicant.
5. That the facilities desired have not been reserved for other use on the date and hour requested in the application.

D. An applicant for a park facility permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be required prior to the commencement of any activity or issuance of any permit.

E. Revocation. The Department shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon good cause shown. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.130 Park policies, fees and charges.

Fees and policies for parks use and security deposits to pay for damage and cleanup shall be set by resolution of the Town Council. Cleanup or damage costs which exceed the amount of the security deposit shall be paid by the applicant or responsible party for the event. Unpaid fees including excess fees for cleanup or damages may be recovered by the Town by filing a civil lawsuit in the Pinetop-Lakeside Justice Court, the Navajo County Superior Court or any other court of competent jurisdiction. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))

12.12.140 Enforcement and penalties.

A. The Town Police Department, the Code Enforcement Officer, and employees of the Parks and Recreation Department shall, in connection with their duties imposed by law, enforce the provisions of this chapter.

B. The Town Police Department, the Code Enforcement Officer, and employees of the Parks and Recreation Department shall have the authority to order any person or persons acting in violation of this chapter to leave the park or recreation area.

C. Violators of this chapter may be cited using the uniform traffic citation form or any other form approved by the Chief of Police. The citation shall show the specific section or sections alleged to have been violated, a brief description of the violation, whether the citation is for a civil or criminal offense, and whether the violation is charged as a second, third or greater offense. If there is no designation of a second or greater offense, the citation shall be considered a first offense. For continuing violations, the dates or the number of days shall also be noted on the citation.

D. Violations of the following sections of this chapter shall be charged on the first and subsequent offenses as a Class 2 misdemeanor:

1. Sections 12.12.040(A)(5), (6), (7), (13), (14), (15), and (19).
2. Sections 12.12.070(A), (B), and (C).
3. Sections 12.12.090(C) and (D).
4. Sections 12.12.100(A) and (B).
5. Subsection B of this section.

E. Civil Violations. When a violation of this chapter, except as set forth in subsection D of this section, is undesignated or designated a first offense by the enforcement officer or the Town Attorney, a person found to have been in violation of this chapter shall be deemed to have committed a civil offense and shall be subject to a civil penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), plus restitution for personal injuries, property damage or any other economic loss suffered by any person(s) including the Town.

F. Criminal Violations. When a person convicted of a violation of this chapter is a person who has been previously convicted of a violation of a provision of this chapter within a period of twelve (12) months, the person shall be deemed to have committed a Class 2 misdemeanor, pursuant to A.R.S. Title 13, Chapters 6, 7 and 8, as amended, and shall be subject to a fine of not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00) for each violation or count, plus surcharges,

fees and restitution for personal injuries, property damage or any other economic loss suffered by any person(s) including the Town.

G. Jail Time. No violator shall be subject to jail time for offenses charged pursuant to this chapter, but this prohibition shall not apply to offenses designated as violations of Arizona Revised Statutes, the United States Code or other applicable laws. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-379 § 2 (Exh. A)(part))