

## TOWN OF GUADALUPE

### ORDINANCE NO. O2023.02

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GUADALUPE, MARICOPA COUNTY, ARIZONA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF GUADALUPE, CHAPTER 97, AMENDING SECTIONS 97.01, 97.02, 97.03, 97.04 AND ADDING SECTIONS 97.05, 97.06, 97.07, 97.08 AND 97.09, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR PENALTIES.

BE IT ORDAINED by the Council of the Town of Guadalupe, Arizona as follows:

#### Section 1 in General

The Town of Guadalupe Code of Ordinances, Chapter 97 Park and Basin Regulations is amended as follows:

#### I. GENERAL REGULATIONS

Section 97.01 Alcoholic Beverages in Park. It is unlawful for any person while in a park, basin, or any other open space owned by the Town of Guadalupe to commit any of the following acts:

- (A) Drink or have in his or her possession any alcoholic beverage.
- (B) Have in his or her possession any bottle, can, container box, or receptacle containing any alcoholic beverage, which has been opened or its seal broken or the contents partially removed.
- (C) Have in his or her possession any type of glass, bottle, or other glass container.

Section 97.02 Hours of Operation.

- (A) All municipal parks and basins, playgrounds, recreational facilities, shall be open for the use of the general public from 5:00 a.m. to 10 p.m. **Penalty see section 97.99**
- (B) No person shall be physically present on the grounds of any park, basin, playground, recreational area without the express written permission of an authorized representative of the Town between the hours of 5:00 a.m. and 10:00 p.m. **Penalty see section 97.99**

Section 97.03 Riding Vehicles on the Grounds.

- (A) No person shall drive or ride at any time any automobile, truck, motorcycle, motor scooter, or any other notarized conveyance with the exception of health aids such as motorized wheel chairs upon the grounds of any park, basin, playground, recreational facility, or other open public area owned by the Town except within designated parking areas located on the premises without the express written permission of the Town by an authorized Town representative. **Penalty see section 97.99**

Section 97.04 Damaging Facilities. No person shall damage or wastefully or improperly use any temporary or permanent fixture in any municipal park, basin, playground or recreation area. **Penalty see section 97.99**

Section 97.05 Camping. There shall be no sleeping, camping or overnight stays at any alley, right-of-way, road, municipal park, basin, playground or recreation area without the express written permission by an authorized representative of the Town. **Penalty see section 97.99**

Section 97.06 Dumping and Litter. There shall be no dumping of trash, garbage, litter, rubbish, refuse, landscaping debris, tents, tarps, bedding, shopping carts or any other type of waste in the Town parks, basins, playgrounds or recreation areas, alleys or right-of-ways. **Penalty see section 97.99**

Section 97.07 Disorderly Conduct and Extreme Noise. There shall be no disorderly conduct, amplified sound or other excessive noise in any Town park, basin, playground or recreation area without the express written permission by an authorized representative of the Town. **Penalty see section 97.99**

Section 97.08 Open Fires.

- (A) Open fires are not allowed in Town parks, basins, playgrounds or recreation areas, alleys, sidewalks or right-of-ways.
- (B) An open fire is a fire in which material is burned in an open outdoor area or in a receptacle without a stack or chimney. **Penalty see section 97.99**

Section 97.09 Dogs/Horses.

- (A) Dogs are allowed in Town parks, basins, playgrounds, and recreation areas providing they are under the control of the owner and on at least a six-foot leash and are not running free.
- (B) It is the owner's responsibility to clean up and properly dispose of any fecal matter.
- (C) Horses are not allowed in any Town parks, basins, playgrounds or recreation areas. **Penalty see section 97.99**

## II. AMENDMENTS

Sections 97.01 Alcoholic Beverages, 97.02 Hours, 97.03 Riding Vehicles on Grounds, 97.04 Damaging Facilities are amendments to Chapter 97.

## III. ADDITIONS

Sections 97.05 Camping, 97.06 Dumping and Litter, 97.07 Disorderly Conduct and Excessive Noise, and Section 97.10 Dogs and Horses are additions to Chapter 97.

**IV. EFFECTIVE DATE**

The Amendments in Sections 97.0 through 97.04 take effect 30 days after approval by the Town Council. Until that time, Sections 97.0 through 97.04 as currently written remain in full effect.

The additions in Sections 97.05 through 97.09 take effect 30 days after approval by the Town Council.

The La Lomita regulations and permitted uses set forth in Section 97.10 apply only to La Lomita and remain in full force and unaffected by this ordinance.

**V. PROVIDING FOR SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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.

**VI. PROVIDING FOR PENALTIES**

Violations of this Ordinance are in addition to any other violation set forth in the Town Code of Ordinances and in no way limit the penalties the Town may impose for a violation of this Ordinance which may also be in violation of another ordinance, state or federal law.

Pursuant to Section 97.99(A) and Sections 10.99, a violation of this Ordinance is a class one misdemeanor with a base fine not to exceed Twenty-Five Hundred Dollars (\$2,500.00) plus statutory assessments, or by imprisonment for up to six (6) months. However, Section 97.99(B) says a violation of 97.01 is a class three misdemeanor with a base fine of Five Hundred Dollar (\$500.00) and 30 days jail or both.

**VII. REPORT OF CONFLICTING ORDINANCES**

All Ordinances and parts of Ordinances, unless otherwise stated herein, in conflict with the provisions of this Ordinance are hereby repealed.

PASSED AND ADOPTED by the Mayor and Council of the Town of Guadalupe, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote.

AYES \_\_\_\_\_  
NAYS \_\_\_\_\_  
EXCUSED \_\_\_\_\_

ABSENT \_\_\_\_\_  
ABSTAINED \_\_\_\_\_

\_\_\_\_\_  
Valerie Molina, Mayor

ATTEST:

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Jeff Kulaga, Town Manager / Clerk

APPROVED AS TO FORM:

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David E. Ledyard, Town Attorney