

ORDINANCE NO. O2024-024

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AMENDING TITLE 17, CHAPTER 170 OF THE YUMA CITY
CODE REGULATING PARKS WITHIN THE CITY**

WHEREAS, City ordinances pertaining to Parks and Recreation have not been modified since the 1990's and an update is warranted; and,

WHEREAS, the current City ordinance permits use of City parks until 11:00 P.M; and,

WHEREAS, it is dark, or nearly dark, by 9:00 P.M. year-round in Yuma, Arizona; and,

WHEREAS, many City parks do not have lighting appropriate or sufficient for safe nighttime use; and,

WHEREAS, use of City parks after dark provides an environment for criminal activity, resulting in damage to City property, graffiti, exposure to drugs and drug paraphernalia during park clean-ups, and exposure to unsafe conditions by the public; and,

WHEREAS, there are City parks frequented after 9:00 P.M. for events, or due to extreme heat during daytime hours, and flexibility is necessary to allow for those uses while also protecting the quality and safety of the City parks; and,

WHEREAS, the City is in the process of replacing and updating playground equipment in the parks, to include the Inclusive Play Plan, and has an interest in ensuring this equipment remains intact and safe for the public; and,

WHEREAS, this update provides for easier enforcement of violations, and further provides the Director of Parks and Recreation the authority and flexibility to adopt and/or modify rules necessary for the daily operations and maintenance of City parks.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code, Chapter 170: *Parks and Recreation*, is amended where strike through text indicates a deletion and bolded text indicates an addition as follows:

§ 170-01 ~~Desert Hills Golf Course hours.~~ **Definitions.**

~~—The Desert Hills Municipal Golf Course shall be open to the public as follows:~~

~~—(A) Summer (May 1 September 30): 6:00 a.m. to dark (daily) Wednesday through Monday; closed Tuesdays.~~

~~—(B) Winter (October 1 April 30): 7:00 a.m. to dark (daily) Monday through Sunday.~~

- 1. CITY PARK is defined as an area of land owned, leased, or operated by the City for recreational use by the general public.**

2. ALCOHOL is defined as:

- a. Any product obtained by the fermentation of grapes, other agricultural products containing natural or added sugar or cider or any such alcoholic beverage fortified with grape brandy and containing not more than twenty-four percent of alcohol by volume.
- b. Alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor or malt beverage, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, any liquid mixture or preparation, whether patented or otherwise, that produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.
- c. Any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, rice, bran or other grain, glucose, sugar or molasses, or any combination of them, and may include, as adjuncts in fermentation, honey, fruit, fruit juice, fruit concentrate, herbs, spices and other food materials.
- d. Alcohol, brandy, whiskey, rum, tequila, mescal, gin, absinthe, a compound or mixture of any of them or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, fruits preserved in ardent spirits, and any alcoholic mixture or preparation, whether patented or otherwise, that may in sufficient quantities produce intoxication.

3. VEHICLE is defined as a self-propelled device in or on which a person or property is transported, but does not include motorized wheelchairs, electric scooters, electric bicycles, motorized skateboards, personal delivery devices, or personal mobile carrying devices.

§ 170-02 Park Closing Regulations. Hours.

~~—(A) All city parks, inclusive of all adjoining parking areas which are provided for parking for park users, are closed to the public from 11:00 p.m. to one hour prior to sunrise~~ **9:00PM to 5:00AM daily, unless otherwise posted at the individual park. Park hours may be modified by the City for the purposes of events or programs sponsored, sanctioned, or permitted by the City.**

~~—(B) All city athletic fields and recreation centers and gymnasiums which may be located adjacent to park properties are excluded from this provision when they are being provided for programs and/or activities which are co-sponsored or sponsored by the City of Yuma Special Services Department.~~

~~—(C) Special permits granted by the city for overnight camping in parks are not subject to this section.~~

~~—(D) A CITY PARK is defined as an area of land owned, leased, or operated by the city and developed for recreational use by the general public within the city limits.~~

§ 170-03 Consumption of Alcohol in Parks; Glass Beverage Containers Prohibited.

~~—(A) Alcoholic beverages defined. ALCOHOLIC BEVERAGES shall encompass all those items falling within the definition of BEER, SPIRITUOUS LIQUOR, and WINE, as defined in A.R.S. § 4-101.~~

~~—(B) Park classifications.~~

~~—(1) Mini park. Local and close to home space. Specialized facilities that serve a concentrated or limited population or specific group such as tots or senior citizens. Service area for this type of park is less than one fourth mile. The size of the park is less than one acre. The desirable characteristics are close to neighborhoods and in close proximity to apartment complexes.~~

~~—(2) Neighborhood park. An area for intense recreational activities such as field games, court games, crafts, playground apparatus area, skating, picnicking, wading pools, and the like. Service area for this type of park is between one fourth to one half mile radius to serve a population up to 5,000 people in a neighborhood. The desirable size is from one to 15 acres. The desirable characteristics are suited for intense development and easily accessible to the neighborhood population geographically centered with safe walking and bike access. May be developed as a school park facility.~~

~~—(3) Community parks/specialized facilities. An area of diverse environmental quality. These parks may include areas suited for intense recreational facilities such as athletic complexes and large swimming pools. These areas may be ones of natural quality or outdoor recreation such as walking, viewing, sitting, picnicking, and other passive activities. It may be all or any of the combination of the above depending on the site suitability and community need. The service area to the community for this type of park is one to two miles and the size is from 15 to 25 acres. Community parks may also include features such as water bodies and areas suited for intense development. These parks are easily accessible to the neighborhood served.~~

~~—(4) Regional/metropolitan park. An area of natural or ornamental quality for outdoor recreation such as picnicking, play areas, boating, fishing, swimming, walking, and camping. The service area for this type of park is one hour driving time. A park of this nature will generally service several communities. The park size is from 25 to 200 acres. Regional/metropolitan parks may also include features that are contiguous to or encompassing natural resources.~~

~~(C) 1. Consumption prohibited. The consumption of alcoholic beverages alcohol is prohibited in City parks unless permitted. at all mini and neighborhood parks. The consumption of alcoholic beverages may be permitted at community and regional parks by permit.~~

~~(D) 2. Permit authorization. The Parks and Recreation Department is empowered to issue permits authorizing the consumption and possession of beer or malt liquor alcohol in community and regional City parks and to adopt rules and procedures for the issuance of such permits. Nothing herein, however, shall be deemed to authorize the consumption and possession of any alcoholic beverage in community and regional parks which is prohibited by state law.~~

~~(E) Exception. The following areas are exempt from the consumption and permitting provisions of this section:~~

- ~~—(1) Those areas specified as the premises covered by the City of Yuma liquor license.~~
- ~~—(2) The Arroyo Dunes Golf Course.~~
- ~~—(3) Caballero Park.~~
- ~~—(4) Other city facilities where special permits have been obtained pursuant to the City of Yuma Rules and Regulations for Parks and Recreational Facilities.~~

§ 170-04 Glass Containers

~~(F) Glass beverage containers prohibited. It shall be unlawful for any person to have a possess glass beverage containers in his possession in any public in any City park under the jurisdiction of the city.~~

§ 170-04 Civic Center Rules and Regulations Adopted; Amendments.

~~—(A) The rules and regulations, standard operating procedures reference liquor and fee schedules of the Yuma Civic and Convention Center on file with the City Clerk and each and all of the rules and regulations, provisions, penalties, conditions and terms of said documents are hereby adopted as if set forth in full herein.~~

~~—(B) The rules and regulations, standard operating procedures and fee schedules for the Yuma Civic and Convention Center may be amended from time to time by the Council by resolution.~~

§ 170-05 Lakes and Ponds

- 1. Swimming or bathing in lakes and ponds located within City parks is prohibited.**
- 2. Fishing is permitted in lakes and ponds located within City parks, unless otherwise posted. All Arizona fishing laws shall be complied with.**

§ 170-06 Unauthorized Vehicles

- 1. Parking inoperable or unregistered vehicles in or on City parks and adjoining parking areas is prohibited.**
- 2. Only vehicles authorized by the City may be operated in areas other than those paved areas officially provided for vehicular ingress, egress and parking.**
- 3. Violations of A.R.S. § 28-3511 may also result in impoundment.**

§ 170-99 Penalty

~~—(A) Unless otherwise specifically provided for in this chapter, any Any person, entity, or corporation who shall violate found in violation of any provision of this chapter shall be deemed guilty of a class 2 misdemeanor, and shall be punished as provided in § 10-99 of this code.~~

~~—(B) Any person who violates the provisions of § 170-02 of this chapter shall be guilty of a class 1 misdemeanor and is punishable by a fine not to exceed \$1,000 and a maximum of ten days in jail, or by both fine and imprisonment.~~

SECTION 2: Penalty

Any person, entity, or corporation found in violation of any provision of this ordinance shall be deemed guilty of a class 2 misdemeanor, and shall be punished as provided in § 10-99 of this code.

SECTION 3: Repeal of Conflicting Ordinances

Ordinance No. 1381 and Resolution No. 2064 are repealed. All ordinances and parts of ordinances in conflict with the provisions of this Chapter are repealed.

Adopted this _____ day of _____ 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney