

ORDINANCE NO. 21-1137

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING ARTICLE 12 OF THE STREETS, SIDEWALKS AND PUBLIC PLACES CODE, RELATING TO THE REGULATION OF PARKS AND RECREATIONAL AREAS; ESTABLISHING MISCELLANEOUS RULES OF CONDUCT; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City owns and operates numerous parks and recreational areas for the use and enjoyment by residents and visitors alike; and

WHEREAS, the City seeks to protect public health, safety, and welfare by prohibiting the use of park and recreational amenities for other than their intended use and to restrict certain activities in these public areas of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Douglas, Arizona, as follows:

SECTION 1. Chapter 12.36 is stricken in its entirety and its provisions incorporated into Chapter 12.28.

SECTION 2. Chapter 12.28 shall be amended within the City of Douglas Streets, Sidewalks and Public Places Code, and shall further read as follows:

Chapter 12.28. PARK AND RECREATION AREAS; MISCELLANEOUS RULES OF CONDUCT; VIOLATIONS.~~SPRITUOUS LIQUOR IN PUBLIC PARKS AND RECREATION AREAS~~

12.28.010 Purpose.

~~This chapter is adopted to protect the health, safety, and welfare of the community by prohibiting the use of park and recreational amenities for other than their intended use and to restrict certain activities in these public areas of the City.~~

~~The purpose of this chapter is to regulate the time and place of consumption of spirituous liquor in the public parks and recreational areas within the City of Douglas.~~

12.28.020~~15~~ Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as set forth herein:

Animals: Includes cats, dogs, horses, any fowl or birds and any living creatures within the jurisdiction of the park and recreation area.

Bike Park: A purpose-built recreational environment for BMX bicycle riders to ride, at their own risk.

City Manager: The City Manager or their designee.

Commercial purpose: Offering to sell any goods or services or otherwise advertising or conducting a business or any portion of a business, whether or not for profit or not-for-profit.

Crossing: Any crossing whether marked by a pavement or otherwise; the extension to any sidewalk space across any intersecting drive, street, highway.

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1	<u>Curb:</u> Any boundary of any street, road, avenue, boulevard, or drive, whether or not marked by a curb.	Formatted: Font: (Default) Times New Roman, Not
2	<u>Parks and Recreation Manager:</u> Parks and Recreation Manager, or his or her designee.	Formatted: Font: (Default) Times New Roman, Not
3	<u>Dog friendly area:</u> means a designated area in a park and recreation area which is enclosed where dogs need not be restrained by a leash. Commonly referred to as a dog park.	Formatted: Font: (Default) Times New Roman, Not
4	<u>Electronic cigarette:</u> Any product containing or delivering nicotine or any other similar substance intended for human consumption that employs a mechanical heating element, battery or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution and can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or description.	Formatted: Font: (Default) Times New Roman, Not
5	<u>Fireworks:</u> Means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework or display firework.	Formatted: Font: Not Italic
6	<u>Food:</u> Any items intended for human consumption as defined by rules and regulations adopted by the Department of Revenue, State of Arizona, pursuant to A.R.S. § 42-5106.	Formatted: Font: (Default) Times New Roman, Not
7	<u>Glass Beverage Container:</u> Means any glass bottle, glass, tumbler, jug, mug, cup or other vessel or container, made of glass and designed or used to contain liquid beverages for drinking purposes.	Formatted: Font: (Default) Times New Roman, Not
8	<u>In-line skates:</u> A shoe or boot that have attached to their soles a row of wheels which are used for gliding with alternate movement of the legs on a surface other than ice. Commonly referred to as rollerblades.	Formatted: Font: (Default) Times New Roman, Not
9	<u>Multi-Use Trail or Pathway:</u> Any paved or unpaved recreational corridor established by the City for use by multiple recreational user groups and normally located along roadways, washes, canals and utility corridors as well as within small and large open space areas.	Formatted: Font: (Default) Times New Roman, Not
10	<u>Organized Sports Activity:</u> A group consisting of 6 or more people engaging in a sports or fitness related activity (such as, but not limited to soccer, football, basketball, pickleball, baseball and/or softball) and where similar uniforms, boundary or distance markers, safety or specialized equipment, conditioning apparatus or other devices are being utilized or where, by the very nature of the activity being conducted would lead one to reasonably believe the activity is subject to a formal set of rules or a regimen and is more than passive recreation. Organized sports activities shall also include any activity which is advertised to solicit participation, paid or otherwise, regardless of group size.	Formatted: Font: (Default) Times New Roman, Not
11	<u>Park and Recreation Area:</u> Any neighborhood park, community park, regional park, public open space, multi-use trail, mountain hiking trail, trailhead, or swimming pool or other facility whether enclosed or open in which the City has an interest in property and which is open to the public for either active or passive recreation.	Formatted: Font: (Default) Times New Roman, Not
12	<u>Park and Recreation staff:</u> Any person employed by the City to perform duties or tasks within the park and recreation areas.	Formatted: Font: (Default) Times New Roman, Not
13	<u>Pedestrian:</u> A person afoot.	Formatted: Font: (Default) Times New Roman, Not
14	<u>Permit:</u> Any written license issued by or under the authority of the Parks and Recreation Department, or City Manager or designee, permitting a special event or activity on any park and recreation area.	Formatted: Font: (Default) Times New Roman, Not
15	<u>Person:</u> Any natural person, corporation, company, association, joint stock association, firm or co-partnership.	Formatted: Font: (Default) Times New Roman, Not
16	<u>Portable shade Structure:</u> Any portable cover made of plastic, nylon, canvas, or any like material, supported by one or more poles, or a frame, used to provide shelter from the sun.	Formatted: Font: (Default) Times New Roman, Not
17	<u>Skate park:</u> A purpose-built recreational environment for skateboarders, in-line skaters or scooter riders to skate, at their own risk.	Formatted: Font: (Default) Times New Roman, Not
18	<u>Special Event:</u> Means a block party, festival, celebration, public assembly, concert or similar occurrence to which the public is invited, and which is conducted or occurring upon any city property and at which fees are charged to spectators, participants or vendors, or goods or services are sold or donations accepted for goods or services. A sporting, cultural, business or other type of unique activity, occurring for a limited or fixed duration (one time, annual) and presented to a live audience that impacts the City.	Formatted: Font: (Default) Times New Roman, Not
19	<u>Spirituous liquor</u> means and includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine porter, ale or beer, any malt liquor, malt beverage, absinthe or compound or mixture of	Formatted: Font: (Default) Times New Roman, Not
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any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters contained alcohol, and any mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.

Trailhead: An area designated by the City for the public to access a mountain hiking or multi-use trail or pathway.

Vehicle: Any conveyance (except baby carriages) including motor vehicles, trailers of all types, campers, tricycles, bicycles or scooters, motorized or not, sleds, sleighs, pushcarts, or vehicles propelled by other than muscular power. A "pushcart" means any device which is on wheels, is propelled solely by human power and is specifically designed for the sale of or for storage and preservation of food or goods for a short time. A "vehicle" also includes any horse or horse-drawn conveyance.

Park Names and Boundaries:

Airport Park means the area located adjacent to the Douglas Municipal Airport at Airport Road and Geronimo Trail.

Raul Castro Park means the area bounded by Tenth Street on the north, Ninth Street on the south, E Avenue on the west and D Avenue on the east.

Joe Causey Park means the area on the northeast corner of 15th Street and Carmelita Avenue. The park does not include the football and baseball stadiums.

Paseo de las Americas Park means the linear park area from the international border to 16th Street on the west side of Pan American Avenue.

Placita del Sol means the area located on the east side of G Avenue between 10th Street and 11th Street.

Seventeenth Street Park means the area located on the southeast corner of Seventeenth Street and North I Avenue.

Speer Park means the area located on the southwest corner of Third Street and H Avenue.

Spirituuous liquor means and includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale or beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters contained alcohol, and any mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one percent of alcohol by volume.

Termite field means the area located on the northeast corner of Eighteenth Street and Bonita Avenue.

Third Street Park means the area located along the east side of C Avenue between 2nd Street and 3rd Street.

Veterans Memorial Park means the area bounded by Eighth Street on the north, Fifth Street on the south, Dolores Avenue on the west, and Florida Avenue on the east.

Visitor Center Park means the area bounded by 14th Street on the south, State Route 80 on the north, J Avenue on the west, and Pan American Avenue on the east.

Sec. 12.28.030 – Park and Recreation Areas; Miscellaneous Rules of Conduct; Violations

A. It shall be unlawful for any person in a park and recreation area to:

(1) Camp or stay overnight anywhere except in areas designated for camping or staying overnight in vehicles or trailers unless otherwise authorized by City Administration or special event permit or law. For the purposes of this section to camp means to sleep at any time between the hours of sunset to sunrise with or without bedding, tent, hammock or other similar protection or equipment or on, in or under any structure not intended for human occupancy or any parked vehicle.

(2) Take part in the playing of any games involving thrown or otherwise propelled objects except in those areas designated for such forms of recreation.

(3) Play football, baseball, softball, basketball, pickleball, soccer or lacrosse, or any other organized sport, fitness or other group activities except in areas designated for such games.

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(4) Use roller skates, skateboards, in line skates, street skates, roller blades, motorized play vehicles, non-motorized scooters, and bicycles except in those areas specifically designated for such uses.

a. The activities outlined in paragraphs (2), (3), and (4) may take place in open areas of the park as long as the activity does not interfere with other's use of the park.

(5) Fail to comply with any posted rule or regulation which has been established by the City to regulate the use of any area or amenity within a park and recreation area.

(6) Smoke in a ramada(s), playground(s), restroom(s) or enclosed public place(s), or to smoke in violation of any sign posted to prohibit or regulate smoking. It also shall be a violation of this Section for a minor to be in possession of tobacco products including cigars, cigarettes, or chewing tobacco, or in possession of hookah, or shisha products. Airport Park is designated a Tobacco-Free and Smoke-Free park pursuant to Section 8.36.020(p)

(7) Utilize electronic cigarettes or vapor products in restrooms or enclosed public place, or utilize electronic cigarettes or vapor products in violation of any sign posted to prohibit or regulate the use of electronic cigarettes. It also shall be a violation of this Section for a minor to be in possession of an electronic cigarette as defined in this Chapter.

(8) Engage in threatening, abusive, insulting or indecent language likely to provoke immediate retaliation by any person present or engage in any unwanted physical contact or disorderly conduct or behavior tending to breach or interfere with the public peace, safety, or orderly administration of a park and recreation area. This prohibition shall include any acts of intimidation that are intended to hinder, prevent, or attempt to hinder or prevent any person from using a park and recreation area. Nothing in this paragraph of this section shall prohibit a peace officer from citing or arresting a person for a violation of A.R.S. § 13-2904.

(9) Fail to produce and exhibit any permit a person claims to have, upon request of any peace officer, designated police services officer, Parks and Recreation employee, or Parks and Recreation Manager or their designee, who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(10) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(11) Enter any area posted with restricted access signs.

(12) Erect any table, portable shade structure, or other structure in any park and recreation area. These prohibitions are subject to following exception:

a. A person may set up a portable shade structure if the following requirements are met:

i. Portable shade structures are limited to spectator viewing areas immediately surrounding sports fields, courts, and skate and bike parks for the purpose of providing temporary shade for spectators and participants when such areas have been reserved for use through the Parks and Recreation Department, or when such areas are being used as part of a City-sponsored event.

ii. Portable shade structures must be weighted down so that they cannot be moved or overturned by the wind. Staking of portable shade structures is not allowed. Weighting must be accomplished by sand bags, at all four corners, or similar effective means, following manufacturer's guidelines for securing the portable shade structure.

iii. Portable shade structures shall not block entrances or exits, aisles, sidewalks, parking areas, or any portion thereof.

(13) Sell, market, render services or give away, at any park and recreation area location, any food, drink or other thing, without a permit.

(14) Fail to vacate any ramada upon request of a Parks and Recreation staff or peace officer where such ramada has been reserved for use by another person.

Presentation of a reservation permit shall constitute presumption of registration of use of the ramada.

(15) Enter a skate park or bike park at any time other than during posted operating hours or when such has been closed due to maintenance, inclement weather or a hazardous condition.

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(16) Obstruct, impede, or create a hazard for vehicles or pedestrians that are using roads, parking areas, sidewalks, or other driving or walking areas, including access to and from parking lots, buildings, and other facilities that are part of a park and recreation area, without a permit.

B. Violation of this section shall be deemed to be a civil infraction. A person found guilty of violating this code shall pay civil sanctions in an amount not to exceed \$50.00 per day. Each calendar day shall be considered a separate period for purposes of imposing civil sanctions.

C. It shall be unlawful to knowingly obstruct, interfere, impair, hinder with any Parks and Recreation or city employee in the performance of such person's official duties in a park and recreation area. Violation of this subsection is a class one (1) misdemeanor.

Sec. 12.28.040. Park and recreation areas; fireworks, fires, glass, weapons; violations.

A. Within a park and recreation area it shall be unlawful for any person to:

(1) Have in his possession or set off any fireworks. Permits may be issued by the Fire Chief and Parks and Recreation Department to properly conduct supervised firework displays in designated park and recreation areas. ~~For the purposes of this section, "fireworks" means any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.~~

(2) Kindle, build, maintain or use a fire except in barbecue containers within a ramada or as permitted during City sponsored events. Any fire shall be continuously under the care and supervision of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, boat or vehicle, or under any tree or in underbrush. The City Manager or their designee may declare a Fire Emergency and prohibit all fires and/or smoking of tobacco products in one or more park and recreation areas.

(3) Throw, toss or otherwise propel or either willfully or maliciously or carelessly or negligently break any glass object.

(4) Have a glass beverage container in his or her possession.

(5) Bring into, use or have in his possession in any park and recreation area any BB gun, air gun, spring gun, slingshot, bow, or other similar weapon in which the propelling force is a spring or air.

(6) Discharge or fire any firearm or other weapon in which the propelling force is gunpowder, except in self-defense or defense of another person against a use or an attempted use of unlawful physical or deadly physical force by a third person or an animal attack if a reasonable person would believe that the use of physical force or deadly physical force against the third person or animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

B. Violations of this section, other than subsection (a)(6) shall be deemed to be a civil infraction. A person found guilty of violating this code shall pay civil sanctions in an amount not to exceed \$50.00 per day. Each calendar day shall be considered a separate period for purposes of imposing civil sanctions. ~~A person found guilty of violating this code shall pay civil sanctions in an amount not to exceed \$500.00 per day. Each calendar day shall be considered a separate period for purposes of imposing civil sanctions.~~

C. Violation of subsection (a)(6) of this section shall be a class one (1) misdemeanor and may be subject to additional civil or criminal penalties. (Ord. 487 § A, 1984); (Ord. 487 § B, 1984); (Ord. 487 § C, 1984); (Ord. 487 §§ D, E, 1984)

Sec. 12.28.050. Park and recreation areas; enforcement; violations.

A. The Parks and Recreation Manager shall have the authority to revoke a permit issued under this Chapter upon a finding of violation of any rule, ordinance, or condition of the permit or upon good cause shown. A permit holder who has a permit revoked shall not be entitled to a refund by the City of any fees paid.

B. The Police Department and Parks and Recreation Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance.

C. Any peace officer, Parks and Recreation staff, animal control officer, authorized city staff or Parks and Recreation Manager shall have the authority to order any person or persons acting in violation of this ordinance to leave the park and recreation area.

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1 D. Any peace officer, Parks and Recreation staff, animal control officer or designee of the Parks and Recreation Manager shall have the authority to temporarily detain any individual in a park and recreation area for the purposes of obtaining and inspecting identification of the individual.

2 E. Upon reasonable suspicion of violating this Title, it shall be unlawful for any person in a park and recreation area to fail to present a valid identification or full true name upon request of a Parks and Recreation staff, animal control officer or peace officer and/or presentation of a false or altered ID to a Parks and Recreation staff, animal control officer or peace officer.

4 F. Violation of an order issued under this section shall be a civil infraction.

5 **Sec. 12.28.060. Parks; operation of remotely controlled or model aircraft, unmanned aircraft vehicles and unmanned aircraft systems; violations.**

6 A. Definitions. The following definitions apply to this section. The singular of the word or phrase includes the plural, and the plural includes the singular.

8 (1) Hobby or recreational purposes: A pursuit engaged in for relaxation, and not for business purposes and not for compensation or hire.

9 (2) **Model Rocket: Constructed of safe material such as cardboard, plastic, or balsa wood and fueled by a single-use rocket motor; commonly purchased as a kit.**

10 (32) Operate or Operation: To pilot, steer, direct, fly, take off, land, or manage a remotely controlled or model aircraft, or an UAV/UAS. The term Operate includes managing or initiating a computer system that pilots, steers, directs, flies, or manages a remotely controlled aircraft or an UAV/UAS.

11 (43) Remotely controlled or model aircraft: An unmanned aircraft capable of sustained flight in the atmosphere; and Operated within visual line of sight of the person operating the aircraft; and Operated for hobby or recreational purposes; and limited to not more than 55 pounds; and Operated consistent with the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012 (P.L. 112-95, Section 336).

13 (54) Unmanned aircraft vehicle (UAV): An unmanned aircraft, also known as a drone, that is Operated without the possibility of direct human intervention from within or on the aircraft. This definition excludes remotely controlled or model aircraft. An UAV must be marked, identified, and operated as required by Federal law.

15 (65) Unmanned aircraft system (UAS): An unmanned aircraft vehicle and associated elements (including communication links and the components that control the UAV) that are required to Operate safely and efficiently in the national airspace system. This definition excludes remotely controlled or model aircraft. An UAS must be marked, identified, and Operated as required by Federal law.

17 (76) Critical Facility has the same meaning provided in A.R.S. § 13-3729.

18 B. Application of this Section.

19 (1) This Section applies to both of the following:

20 i. The Operation of UAV and UAS within the City of Douglas.

21 ii. The Operation of remotely controlled or model aircraft within the City of Douglas.

22 iii. **The Operation of model rockets within the City of Douglas.**

23 (2) This Section shall not apply to any of the following:

24 i. Operation of UAV/UAS as part of operation, repair, or maintenance of park or preserve facilities or infrastructure, or as permitted through the City of Douglas, or as a part of construction services under City of Douglas agreements.

25 ii. Operation of "public unmanned aircraft," meaning a UAV or UAS Operated by a public agency for a government related purpose, as this term is defined in A.R.S. § 13-3729.

iii. Operation of UAV/UAS by a law enforcement agency for any lawful purpose including, but not limited to, search and rescue operations for persons and property in distress, or during any emergency.

C. Operations.

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(1) All remotely controlled or model aircraft, UAV, or UAS shall be Operated in compliance with federal, state, and local laws or regulations, including FAA regulations.

(2) All remotely controlled or model aircraft, UAV, or UAS shall not, in any way, interfere with law enforcement, firefighter, or emergency services operations.

(3) All remotely controlled or model aircraft, UAV, or UAS shall remain, during the entire time of flight, within the Visual line-of-sight (VLOS) of the person(s) manipulating the flight controls. At all times the remotely controlled or model aircraft, UAV, or UAS shall remain close enough to the remote pilot in command to be capable of seeing the aircraft with vision unaided by any device other than corrective lenses.

(4) All remotely controlled or model aircraft, UAV, or UAS shall be Operated during daylight. Remotely controlled or model aircraft, UAV, or UAS shall not be Operated at night, but may Operate during "civil twilight" if equipped with the appropriate anti-collision lighting, or as authorized by a special event permit. Civil twilight means 30 minutes before official sunrise to 30 minutes after official sunset, local time.

(5) Persons using model rockets shall observe and abide by the National Association of Rocketry Safety Code and Safety Zone Requirements. Rockets shall not be Operated in unsafe weather conditions, when wind speeds are greater than 20 miles per hour, or when fire restrictions are imposed. Only certified, commercially made model rocket motors may be used and are limited to "A", "B", or "C" motor sizes.

(6) A person shall Operate a remotely controlled or model aircraft or model rocket only in a park owned or Operated by the City of Douglas and designated as an Operations Site that meet the requirements of subsection E of this code. Operations Site are designated by the Parks and Recreation Manager or designee.

(7) A remote controlled or model aircraft, or UAV or UAS shall not be Operated to intentionally photograph or loiter over or near a Critical Facility, or in the furtherance of violation of any City of Douglas code, or any civil or criminal offense.

(8) A remote controlled or model aircraft, UAV or UAS shall not Operate in the air, on the ground or on the water in a careless or reckless manner that endangers the life or property of another. Violation of this code is guilty of a class 1 misdemeanor. Pursuant to A.R.S. § 28-8280, determining whether the operation was careless or reckless, the court shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

D. *Safety Code.* The City of Douglas recognizes the Academy of Model Aeronautics (AMA) Safety Code as an appropriately safe way to Operate remote controlled or model aircraft and the Model Rocket Safety Code as an appropriately safe way to Operate model rockets in parks owned or Operated by the City of Douglas, or any Operation site located in a park. Operations of remote controlled or model aircraft in parks or preserves owned by the City of Douglas, or any Operations Site, shall be conducted in accordance with the AMA Safety Code/Model Rocket Safety Code, in addition to any other City of Douglas rules and regulations.

E. *Operation Sites.* Operation Sites shall at all times remain unobstructed and a safe distance away from other park users. Operation Sites shall be no less than 400 feet on all sides. For purposes of this section, unobstructed means an open park area that is level and free of trees, structures, sports field lighting, or fences eight feet or higher, and that is fully accessible for the retrieval of launched aircraft.

F. *Operation by minors.* Children 17 years of age, or younger, must be accompanied by an adult when operating remotely controlled or model aircraft in the City.

G. *Additional safety requirements.* Remote controlled or model aircraft that meet or exceed any of the specifications listed below may only be Operated in City of Douglas Municipal Airport where there is a specifically developed operation site with established runways, flight pads or flying circles, and safety barriers. A special event permit shall be required as specified in Section 12.40 of the Douglas Municipal Code.

(1) Fueled radio-controlled model airplanes with an engine size of 0.20 cubic inches, wingspan of 60 inches, or weight of three pounds.

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(2) Electric powered radio-controlled model airplanes with a wingspan of 80 inches or weight of three pounds.

(3) Radio controlled helicopters with a main blade diameter of 40 inches or a weight of three pounds.

(4) Radio controlled gliders with a wingspan of 80 inches or weight of three pounds.

(5) Control line model airplanes with a single engine size of 0.25 cubic inches.

(6) Remotely controlled aircraft which weigh three pounds.

H. Civil sanctions for prohibited operation. A person found guilty of violating this code shall pay civil sanctions in an amount not to exceed \$500.00 per day. Each calendar day shall be considered a separate period for purposes of imposing civil sanctions.

I. Savings clause. If any section, subsection, sentence, clause, phrase, or portion of this code is, for any reason, held invalid or unconstitutional by the decision of any court of competent jurisdiction, the court's decision shall not affect the validity of the remaining portions of the ordinance and such portions shall remain in full force and effect.

J. Conflict in law. This section shall be construed and enforced in accordance with Federal and State law. If a conflict or ambiguity exists between this section and Federal or State law related to the operation of a remotely controlled or model aircraft, model rocket, or an UAV/UAS within a City of Douglas park, the laws in the following order shall prevail and control: (1) Federal; (2) State; (3) City of Douglas.

Sec. 12.28.070 Spirituous Liquor in Public Parks and Recreation Areas

A. Purpose. The purpose of this section is to regulate the time and place of consumption of spirituous liquor in the public parks and recreational areas within the City of Douglas.

B. Spirituous liquor is prohibited at:

(1) Raul Castro Park

(2) Paseo de las Americas Park

(3) Placita del Sol

(4) Seventeenth Street Park

(5) Speer Park

(6) Termite Field

(7) Third Street Park

(8) Visitor Center Park

(9) Armando de Lucas Field and Copper King Baseball Stadium

(10) With the exception of events with city council approval and pursuant to a special event permit and liquor license as provided for in this chapter, or pursuant to a Government Liquor License, it is unlawful at any time for any person to consume or have in their possession any spirituous- liquor at the parks listed in this Sec. 12.28.070(B) **12.28.020 Spirituous liquor prohibited at Castro Park, Paseo de las Americas Park,**

the Placita del Sol, Seventeenth Street Park, Speer Park, Termite Field, Third Street Park, Visitor Center Park, Armando de Lucas Field and Copper King Baseball Stadium.

With the exception of events with City Council approval and pursuant to a special events permit and liquor license as provided for in this chapter, or pursuant to a Government Liquor License, it is unlawful at any time for any person to consume or have their possession any spirituous liquor in Castro Park, Paseo de las Americas Park, the Placita del Sol, Seventeenth Street Park, Speer Park, Termite Field, Third Street Park, Visitor Center Park, Armando de Lucas Field and Copper King Stadium.

(Ord. 14-1036 § 1, 2014)

12.28.030 Spirituous liquor in Airport Park, Joe Causey Park or Veterans Memorial Park.

A. It is unlawful for any person to consume or have in his possession any spirituous liquor in Airport Park, Joe Causey Park or Veterans Memorial Park between the hours of 7:00 p.m. and 6:00 a.m.

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B. Spirituous liquor may be consumed during the above prohibited hours by any person or group who has obtained a written permit in advance from the City Manager or designee.

C. Spirituous liquor is prohibited at any time within one hundred (100) feet of any ball fields during any organized youth league play.

12.28.0490 City Manager empowered to issue permits.

A. The City Manager or designee is empowered to issue permits authorizing the consumption and possession of spirituous liquor as provided in this chapter, and to adopt rules and procedures for the issuance of such permits including a non-refundable permit processing fee of no more than ~~ten~~twenty-five dollars (\$~~10.00~~25.00).

B. Each permit issued pursuant to this chapter shall state a specific period of time, to be set at the discretion of the City Manager or designee, during which the consumption and possession of spirituous liquor is authorized and each such permit shall explain that consumption or possession of any spirituous liquor before or after such time period is punishable as a civil~~criminal~~ infraction~~offense~~. (Ord. 19-1109 § 1, 2019)

12.28.100050 Violation—Penalty.

Possession or consumption of spirituous liquor in violation of the provisions of this ~~chapter~~section shall constitute a civil infraction.~~Class 3 misdemeanor to be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than thirty days. A person found guilty of violating this code shall pay civil sanctions in an amount not to exceed \$50.00 per day. Each calendar day shall be considered a separate period for purposes of imposing civil sanctions.~~

(Ord. 836 § 1, 2003; Ord. 06-902 § 1-6, 2007)

SECTION 3. Severability. If any chapter, section, subsection, sentence, clause or phrase 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 of this Ordinance.

SECTION 4. This ordinance shall be effective thirty (30) days after final approval and adoption by the Mayor and Council.

PASSED AND ADOPTED by the Mayor and Council of the City of Douglas, Arizona, this 8~~13~~th day of September~~October~~, 2021.

Donald C. Huish, Mayor

Attest:

Approved as to form:

Alma Andrade, City Clerk

Denis Fitzgibbons, City Attorney

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