

MARANA ORDINANCE NO. 2015.006

RELATING TO PARKS AND RECREATION; AMENDING MARANA TOWN CODE CHAPTER 13-1 (PARKS AND RECREATION REGULATIONS); AMENDING SECTION 13-1-2 (INTOXICANTS AND DISTURBING THE PEACE) BY RENAMING IT AS "SPIRITUOUS LIQUOR PROHIBITED; PERMITS; EXCEPTION; DEFINITIONS" AND REWRITING IT IN ITS ENTIRETY; AMENDING SECTION 13-1-3 (USE AND OCCUPANCY RULES AND REGULATIONS) REGARDING POSSESSION OF GLASS CONTAINERS; AMENDING SECTION 13-1-4 (VIOLATIONS AND PENALTIES); AND DESIGNATING AN EFFECTIVE DATE

WHEREAS the Town Council is authorized by A.R.S. § 9-240 to control the property of the Town; to make, amend or repeal all ordinances necessary or proper for the carrying into effect of the powers vested in the Town; and to enforce the observance and punish violations of such ordinances; and

WHEREAS the Town Council finds that the regulations established by this ordinance are necessary for the public health, safety and general welfare of the Town of Marana.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, AS FOLLOWS:

SECTION 1. Existing section 13-1-2 of the Marana Town Code is hereby deleted in its entirety and replaced with new section 13-1-2, as follows:

13-1-2 Spirituous liquor prohibited; permits; exception; definitions

- A. It shall be unlawful for any person to consume or have in his possession any spirituous liquor in a town park, including any parkway, trail, recreational area, playground, mountain park, open space area or mountain preserve area or any parking lot or driveway associated with the foregoing, except as provided in paragraph B of this section.
- B. The parks and recreation director is empowered to issue permits authorizing the consumption and possession of beer and wine in a park and to adopt rules and procedures for the issuance of such permits.
- C. A person who has obtained a permit pursuant to paragraph B of this section shall display the permit upon request. The permit holder and all persons covered by the permit shall abide by the terms and conditions of use set forth in the permit. The permit may be revoked for failure to comply with the terms and conditions.

- D. This section shall not apply to premises or events for which a liquor license has been issued pursuant to title 4, Arizona revised statutes.
- E. For purposes of this chapter, the following definitions shall apply:
1. "Beer" means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley malt, hops, or other ingredients not drinkable, or any combination of them.
 2. "Spirituous liquor" means 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, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than one-half of one per cent of alcohol by volume.
 3. "Wine" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage fortified with grape brandy and containing not more than twenty-four per cent of alcohol by volume.

SECTION 2. Marana Town Code section 13-1-3 (Use and occupancy rules and regulations) is hereby amended as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

13-1-3 Use and occupancy rules and regulations

A. It is unlawful in any town park to:

[Subparagraphs 1 through 14 remain unchanged]

15. Possess glass containers, ~~except that the parks and recreation director is empowered to issue an exemption authorizing the possession of glass containers and to adopt rules and procedures for the issuance of such exemptions. The person issued the exemption and all persons covered by the exemption shall abide by any terms and conditions regarding the exemption. The exemption may be revoked for failure to comply with the terms and conditions.~~

[Subparagraphs 16 and 17 and paragraph B remain unchanged]

SECTION 3. Marana Town Code section 13-1-4 (Violations and penalties) is hereby amended as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

13-1-4 Violations; classification and penalties

- A. Except as provided in paragraph B of this section, any violation of this chapter a person or corporation who violates any of the foregoing rules and regulations is ~~guilty of a class 1 misdemeanor, punishable by a maximum fine of \$2,500, a maximum term of incarceration of six months, and a maximum length of probation of three years.~~
- B. ~~A person or corporation who violates~~ Any violation of section 13-1-3A.16 is ~~guilty of a class 2 misdemeanor, punishable by a maximum fine of \$750, a maximum term of incarceration of four months, and a maximum length of probation of two years.~~

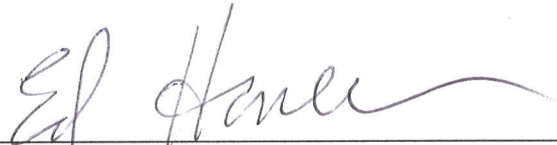
SECTION 4. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 5. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 6. 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, the decision shall not affect the validity of the remaining portions of this ordinance.

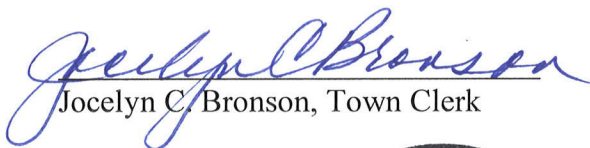
SECTION 7. This ordinance shall become effective on the thirty-first day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 3rd day of February, 2015.



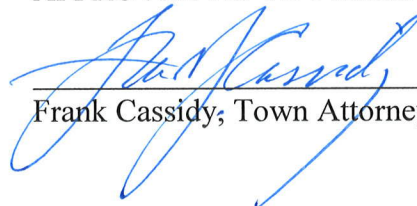
Mayor Ed Honea

ATTEST:



Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney

