

ORDINANCE NO. 2023-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING CITY CODE TITLE 8, PUBLIC WAYS AND PROPERTY, CHAPTER 11, POLICIES REGARDING USE OF MUNICIPAL PARKS, SECTION 8-11-001-0005, USE BY THE GENERAL PUBLIC/HOURS OF USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council of the City of Flagstaff has determined that it is in the best interests of the City to amend the chapter of its City Code regarding the hours of use for City Parks and the hours for lighting of sport courts within City Parks.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION # 1. Amendments to City Code

The Flagstaff City Code, Title 8, *Public Ways and Property*, Chapter 11, *Policies Regarding Use of Municipal Parks*, Section 8-11-001-0005, *Use by the General Public/Hours of Use*, is hereby amended as set forth below (deletions shown as stricken red text and additions shown as underlined red text in all caps):

8-11-001-0005 USE BY THE GENERAL PUBLIC/HOURS OF USE:

- A. Park property and recreation programs are open to use by all members of the public regardless of race, sex, national origin, color or physical disabilities.
- B. PARKS SHALL BE OPEN TO THE PUBLIC EVERY DAY OF THE YEAR FROM SUNRISE UNTIL 10:00 P.M., UNLESS USE OF THE PARK IS SUBJECT TO A PERMIT ISSUED BY THE PARKS, RECREATION, OPEN SPACE, AND EVENTS DIVISION. ~~Permitted hours of use shall be between 5:00 a.m. and 10:00 p.m., Sunday through Thursday, and 5:00 a.m. and 12:00 midnight, Friday and Saturday, unless such person has acquired the appropriate permit from the City Parks Section and Recreation Section.~~
- C. LIGHTING FOR SPORT COURTS IN CITY PARKS SHALL NOT OPERATE PAST 9:00 P.M., UNLESS USE OF THE COURT IS SUBJECT TO A PERMIT ISSUED BY THE PARKS, RECREATION, OPEN SPACE, AND EVENTS DIVISION. ~~In park property with functioning sports lighting, the hours of use shall be extended to 12:00 midnight, Sunday through Thursday, for conducting sporting events, and other events approved by permit.~~
- D. Hours of use shall not apply to the use of public sidewalks, or public streets located within any park property, which are being used as a transportation corridor.

E. No person shall enter park property which has been closed to use, and is so posted by the City of Flagstaff.

F. City employees and law enforcement officers acting within their authority shall be exempt from the provisions of this Section. (Ord. 1891, 09/19/95)

SECTION 2. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 3. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference 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.

SECTION 4. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 5. Effective Date

This Ordinance shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 7th day of November, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY