

SUMMARY OF AGENDA ITEM

DATE: 4-17-08

SUBMITTED BY: Mary McMullen

RESOLUTION/ORDINANCE # 736

TITLE: Compliance with Signage on the Payson Area Trails System (PATS)

PURPOSE:

This Ordinance makes it a violation to use PATS in violation of any signed restriction. In addition, amending of current code provision 73.04 has been proposed to address operation of motorized play vehicles on PATS in park routes.

SUMMARY OF CHANGES TO ACCOMPLISH THIS PURPOSE:

In order to be able to enforce a non-motorized use designation, an ordinance specifying accepted use is needed. The ordinance will do the following:

- provide more public exposure and guidance regarding accepted trail usage on in-Town PATS routes.
- enable local law enforcement to enforce designated in-Town trail usage.
- provide trail users with non-motorized areas to use within Payson.

In order to establish this ordinance, a new proposed provision, 93.14, has been created to establish adherence to regulatory signs erected on PATS.

BACKGROUND:

PATS is an in-progress, interconnecting network of existing USFS trails, along with existing and proposed detached trails and routes in Payson commercial and residential areas. The Town of Payson PATS Construction Segments and Sections Narratives and Specifications Manual, which is the operating manual which will guide implementation of PATS, all in-Town, non-USFS routes are designated as non-motorized. In order to be able to enforce this designation, an ordinance is necessary.

1st Reading & Public Hearing APR 17 2008 Cr. 8

ORDINANCE NO. 736

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 93.14 AND AMENDING SECTION 73.04 OF THE CODE OF THE TOWN OF PAYSON, REQUIRING COMPLIANCE WITH SIGNAGE ON THE PAYSON AREA TRAILS SYSTEMS (PATS) AND PROHIBITING THE USE OF MOTORIZED PLAY VEHICLES ON PATS WITHIN THE TOWN PARKS.

WHEREAS, the Town of Payson has created the Payson Area Trails System (PATS); and

WHEREAS, certain of the trails within PATS contain various use restrictions, including but not limited to, non vehicular use; and

WHEREAS, signage notifying the public of such restrictions is being placed on PATS; and

WHEREAS, section 73.04 currently allows motorized play vehicles on PATS within Town Parks; and

WHEREAS, it is the desire of the Mayor and Common Council to add Section 93.14 of the Code of the Town of Payson requiring compliance with PATS signage and to amend Section 73.04 of the Code of the Town of Payson to prohibit motorized play vehicles on PATS within Town Parks,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 93.14 is hereby added to Chapter 93 of Title IX of the Code of the Town of Payson, and shall read as follows:

93.13 COMPLIANCE WITH SIGNAGE ON THE PAYSON AREA TRAILS SYSTEM (PATS)

Whenever regulatory signs are erected on the Payson Area Trails System, every person using or being upon such Trails shall obey such signs.

Section 2. That Section 73.04 of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

73.04 PROHIBITED AREAS OF OPERATION FOR MOTORIZED PLAY VEHICLES.

No person shall operate a motorized play vehicle:

(A) On any sidewalk, except for use in crossing such sidewalk by the

most direct route to gain access to any public or private road or driveway.

(B) In any Town park, except for use on public roadways within the park, ~~or designated hike/bike trails.~~

(C) On any property that has been posted or designated by the owner of such property as an area prohibiting the use of "skateboards" or "motorized play vehicles."

(D) On any roadway having an established speed limit of greater than 25 miles per hour.

Section 3. All violations of Chapter 93 of Title IX of the Code of the Town of Payson shall be punishable as class one misdemeanor violations pursuant to Section 10.99 of the Code of the Town of Payson.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 736 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 Number 736. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 736 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2008, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney