

ORDINANCE NO. 281

AN ORDINANCE AMENDING THE BETHEL HEIGHTS MUNICIPAL CODE SECTION TWELVE, PARKS AND RECREATION TO INCLUDE REGULATIONS FOR THE CITY PARKS, DEFINITIONS, PENALTY, HOURS OF OPERATION AND DECLARING AN EMERGENCY FOR THE CITY OF BETHEL HEIGHTS, ARKANSAS.

THEREFORE, that Section Twelve (12) of the Bethel Heights Municipal Code is hereby amended to read as follows;

Section 1: Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director means the park director or his duly authorized representative.

Park means a park, reservation, playground, beach, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

Noise means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Section 2: Penalty.

a. Unless otherwise provided for in this article, any person violating the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a minimum of Fifty Dollars (\$50.00) for each offense plus court cost.

b. If convicted of property damage the violator will also be assessed restitution in a reasonable amount to cover the cost of replacement or repair.

Section 3: Hours of operation.

Except for unusual and unforeseen emergencies, city parks shall be open to the public every day of the year. Hours of operation shall be posted and no one shall be in the park before or after this hour; however, this does not apply to city-sponsored events. Any section or part of any park may be declared closed to the public by the city or its duly authorized representative at any time and for any interval of time.

Section 4: Restrooms, washrooms.

It shall be unlawful to fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. It shall be unlawful for any person over the age of six years to use the restroom and washrooms designated for the opposite sex.

Section 5: Injuring, tampering with buildings and other property generally.

a. It shall be unlawful to disfigure, remove, willfully mark, deface, injure or tamper with any buildings, monuments, tables, benches, fireplaces, signs, public utilities or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

b. It shall be unlawful to dig, or remove any soil, rock, stones, trees, shrubs or plants, fallen timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, except on special written permit obtained from the city.

Section 6: Trees, shrubbery, lawns.

It shall be unlawful to damage, cut, climb, carve, injure, transplant or remove any tree, flower or plant. No person shall attach any rope, wire or other contrivance to any tree or plant on in any way injure or impair the natural beauty or usefulness of any park area.

Section 7: Erection of structures.

It shall be unlawful to construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit obtained from the city.

Section 8: Hunting, molesting wildlife.

a. It shall be unlawful to hunt, molest, harm, frighten, poison, kill, trap or remove any animal, reptile or bird; or to remove the eggs, nest, or young of any wild animal, fish, reptile or bird.

b. It shall be unlawful to hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, slings, traps, or other weapons or devices potentially harmful to wildlife or dangerous to human safety.

c. The provisions of this section shall not apply to parks and recreation employees, or anyone acting at their direction, so long as any action taken by such employees, or anyone acting under their direction, is in furtherance of management of animals and wildlife within the park, and has been authorized by the parks and recreation director or the mayor.

Section 9: Refuse and trash.

It shall be unlawful to deposit in a park any refuse or other trash. No refuse or other trash shall be left anywhere on the grounds thereof, but shall be placed in proper receptacles where provided. Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Section 10: Speed of vehicles. It shall be unlawful to ride or drive a vehicle at a rate of speed exceeding 30 miles per hour within the parks and roads adjacent to park areas.

Section 11: Parking generally. It shall be unlawful to park a vehicle in other than an established or designated parking area.

Section 12: Parking, leaving, abandoning vehicle in park after closing hours.

It shall be unlawful to park, leave or abandon a vehicle within a park during the closed hours of the park Monday through Sunday.

Section 13: Vehicle traffic.

a. It shall be unlawful to ride, drive, operate or push a vehicle in any location within a city park, including any trails, regardless of the trail surface, except for paved vehicular roadways designated for that purpose.

b. Vehicle means any wheeled conveyance, whether motor powered or animal-drawn, and shall include any trailer in tow of any size, kind or description. However, excepted from this definition are baby carriages, non-motorized bicycles, wheelchairs, vehicles in the service of the city parks, and emergency vehicles of the City.

Section 14: Picnic and recreational facilities:

It shall be unlawful to leave a picnic area before all fires are completely extinguished and before all trash in the nature of boxes, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. Where no such trash receptacles are available, refuse and trash shall be carried away from the area by the person responsible to be properly disposed of elsewhere.

Section 15: Camping.

It shall be unlawful to set up or use tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person bring in or leave in a city park after closing hours any structure or vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon or the like.

Section 16: Games and recreation.

It shall be unlawful to gamble or participate in or abet any game of chance. No person shall take part in or abet the playing of other forms of recreation except in designated areas for or conducive to the particular form of recreation.

Section 17: Intoxicating beverages.

It shall be unlawful to bring or consume alcoholic beverages within a city park. No person shall enter a park when under the influence of intoxicating beverages.

Section 18: Fireworks and explosives.

It shall be unlawful to bring in, possess, explode or cause to be exploded, discharged or burned any firecrackers, torpedoes, skyrockets, roman candles or other fireworks and explosive materials without having first obtained written consent from the park director or mayor.

Section 19: Fires.

It shall be unlawful to build or attempt to build a fire except in fireplaces or facilities so designed for such use, or to leave any fire unattended, and no person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any park area or on any highway, road or street abutting or contiguous thereto.

Section 20: Vending and peddling.

It shall be unlawful to expose or offer for sale any article or thing, nor shall any person station or place any stand, cart or vehicle for the transportation, sale or display of any article or thing. Exception is here

made as to any regularly licensed concessionaire acting by and under the authority and regulation of the city.

Section 21: Advertising and signs.

It shall be unlawful to announce, advertise, or call the public attention in any way to any article or service for sale or hire, or paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except in designated areas and when approved by the city council.

Section 22: Skateboards, scooters, conventional or in-line skates, and bicycles prohibited in certain city park areas.

No person shall operate any skateboard, scooter, conventional or in-line roller skates, or bicycles in a manner which causes injury to any person or damage to public or private property.

Section 23: Dog Control and animal waste.

It shall be unlawful to violate the provisions for dog control according to Title Six (6) chapter 6.12 of the Bethel Heights Municipal Code.

The owner of an animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, public parks, or private property.

Section 24: Unreasonable, Excessive, Obscene Noise Prohibited.

a. The use of any amplification device, radio, television, CD player, drum, musical instrument or similar device which produces, reproduces, or amplifies sound and which is used to produce excessively loud sound shall be deemed annoying and disturbing to a person(s). Sound that is plainly audible to others and unreasonably offensive or injurious to the public shall be considered excessive and is prohibited.

b. Obscene or vulgar music will not be tolerated. Obscene or vulgar is described as: any offensive language or lyrics containing explicit sexual content or subject matter as to alarm the general public.

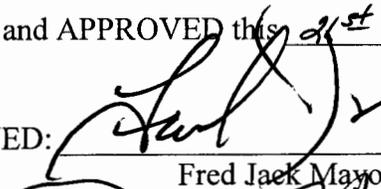
This provision shall not apply to athletic or city sponsored events.

Section 25: Emergency Clause.

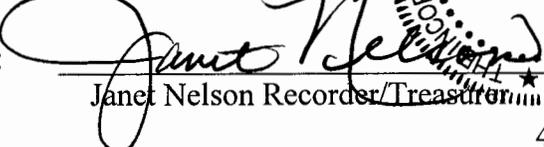
NOW, THEREFORE, an emergency does hereby exist to provide regulations for the city parks and for the preservation of the health, safety and welfare of the citizens of Bethel Heights, Arkansas.

PASSED and APPROVED this 21st day of April, 2009.

APPROVED:


Fred Jack Mayor

ATTEST:


Janet Nelson Recorder/Treasurer

