

**TITLE IX GENERAL REGULATIONS
CHAPTER 97: PARKS AND RECREATION**

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CHAPTER 97: PARKS AND RECREATION

**ARTICLE I
GENERAL PROVISIONS**

97.001 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

City. The City of Fayetteville, Arkansas.

Director. A person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

Park. 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.

Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

Vehicle. Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled and shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks.

(Code 1965, §17-A-1; Ord. No. 1594, 4-1-68; Code 1991, §97.001)

(Code 1965, §17A-2; Ord. No. 1594, 4-1-68; Code 1991, §97.002)

97.002-97.014 Reserved

**ARTICLE II
PARK OPERATIONS;
ADMINISTRATION AND
ENFORCEMENT**

97.015 Operating Hours

Except for unusual and unforeseen emergencies, city parks shall be open to the public every day of the year from daylight until 11:00 p.m. 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.

(Code 1965, §17A-32; Ord. No. 1594, 4-1-68; Code 1991, §97.015)

**97.016 Fee For City Park Ballfields
For Tournaments**

(A) For the use of city park ballfields for tournaments, the mayor or his/her designee shall establish fees to be charged to defray the costs of maintenance, trash pickup and removal, equipment use, water, and electricity.

(B) The sponsors of any tournament shall arrange for all necessary umpires. Upon conclusion of each tournament, the sponsors shall restore each field to the same condition it was in prior to the tournament.

(Code 1965, §2-100; Ord. No. 2714, 4-7-81; Ord. No. 4115, 8-18-98; Code 1991, §97.016)

Cross reference(s)--Penalty, §97.999.

97.017 Fees For City Swimming Pools

Upon the recommendation of the Parks and Recreation Advisory Board, the mayor, or his/her designee, shall establish and make periodic adjustments to the schedule of fees charged for the use of city swimming pools.

(Ord. No. 4371, 2-19-02; Code 1991, §97.017)

**97.018 Enforcement By Director, Park
Attendants, And City Police**

The director, park attendants and city police shall in connection with their official duties diligently enforce the provisions of this chapter.

(Code 1965, 17A-33; Ord. No. 1594, 4-1-68; Code 1991, §97.018)

97.019-97.029 Reserved

**ARTICLE III
CARE OF PARK PROPERTY**

97.030 Buildings And Other Property

No person in a park shall wilfully mark, deface, disfigure, injure or tamper with any buildings, monuments, bridges, tables, benches, fireplaces, signs, public utilities or other structures or equipment, facilities, or park property or appurtenances whatsoever, either real or personal.

(Code 1965, §17A-3; Ord. No. 1594, 4-1-68; Code 1991, §97.030)

Cross reference(s)--Penalty, §97.999.

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97.031 Restrooms And Washrooms

No person in a park shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex.

(Code 1965, §17A-4; Ord. No. 1594, 4-1-68; Code 1991, §97.031)

Cross reference(s)--Penalty, §97.999.

97.032 Removal Of Natural Resources

No person in a park shall dig, or remove any sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down 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.

(Code 1965, §17A-5; Ord. No. 1594, 4-1-68; Code 1991, §97.032)

Cross reference(s)--Penalty, §97.999.

97.033 Damaging Trees, Shrubbery And The Like

No person in a park shall damage, cut, climb, carve, injure, transplant or remove any tree, flower, or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant or in any other way injure or impair the natural beauty or usefulness of any park area.

(Code 1965, §17A-7; Ord. No. 1594, 4-1-68; Code 1991, §97.033)

Cross reference(s)--Penalty, §97.999.

97.034 Pollution Of Water

No person in a park shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance which will or may result in the pollution of said waters.

(Code 1965, §17A-9; Ord. No. 1594, 4-1-68; Code 1991, §97.034)

Cross reference(s)--Penalty, §97.999.

97.035 Wild Animals, Birds, Fish, And The Like

No person in a park shall hunt, molest, harm, frighten, poison, kill, trap or remove any animal, reptile, fish, or bird; nor remove the eggs, nest or

young of any wild animal, fish, reptile, or bird.

(Code 1965, §17A-8; Ord. No. 1594, 4-1-68; Code 1991, §97.035)

Cross reference(s)--Penalty, §97.999.

97.036 Erection Of Structures

No person in a park shall 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.

(Code 1965, §17A-6; Ord. No. 1594, 4-1-68; Code 1991, §97.036)

Cross reference(s)--Penalty, §97.999.

97.037 Refuse And Trash

No person in a park shall have brought into a park any refuse or other trash. Nor shall any refuse or other trash be left anywhere on the grounds thereof, but shall be placed in proper receptacles. 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.

(Code 1965, §17A-10; Ord. No. 1594, 4-1-68; Code 1991, §97.037)

Cross reference(s)--Penalty, §97.999.

97.038-97.049 Reserved

**ARTICLE IV
TRAFFIC RULES**

97.050 Compliance With State And City Motor Vehicle Laws Required

No person in a park shall fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such applicable regulations as are contained in this chapter and Title VII of this Code of Ordinances.

(Code 1965, §17A-11; Ord. No. 1594, 4-1-68; Code 1991, §97.050)

Cross reference(s)--Penalty, §97.999; Title VII, Traffic Code.

97.051 Speed Of Vehicles

No person in a park shall ride or drive a vehicle at a rate of speed exceeding 10 miles per hour, except upon such roads as the city may

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designate, by posted signs, for speedier travel.

(Code 1965, §17A-12; Ord. No. No. 1594, 4-1-68; Code 1991, §97.051)

97.052 Parking

No person in a park shall park a vehicle in other than an established or designated parking area, and such use shall also be in accordance with the provisions of Chapter 72 of this Code of Ordinances.

(Code 1965, §17A-13; Ord. No. No. 1594, 4-1-68; Code 1991, §97.052)

Cross reference(s)--Penalty, §97.999; Ch. 72, Parking Regulations.

97.053 Vehicles Prohibited After Closing Hours

No person in a park shall enter, operate, park, leave or abandon a vehicle within a park after the closing hour of 11:00 p.m.

(Code 1965, §17A-14; Ord. No. 1594, 4-1-68; Code 1991, §97.053)

Cross reference(s)--Penalty, §97.999.

97.054 Bicycles, Motorbikes, Skateboards And The Like

No person in a park shall ride, drive, operate or push a bicycle, motorbike, scooter, skateboard, roller skates and the like on other than a paved vehicular road, path, or course designated for that purpose.

(Code 1965, §17A-15; Ord. No. 1594, 4-1-68; Code 1991, §97.054)

Cross reference(s)--Penalty, §97.999.

97.055-97.064 Reserved

**ARTICLE V
RECREATIONAL ACTIVITIES**

97.065 Bathing And Swimming; Bathhouses

(A) No person in a park shall swim, bathe, or wade in any waters or waterways in any park, except in such waters as are provided therefor and except during such hours of the day as shall be designated by the city. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the city upon a finding that such use of the water would be dangerous or

Cross reference(s)--Penalty, §97.999.

otherwise inadvisable. Groups wishing to have a special event at Lake Fayetteville that includes swimming shall obtain a special use permit from the City Parks and Recreations staff, see section 97.071.

(B) No person in a park shall dress or undress in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(Code 1965, §17A-17; Ord. No. 1594, 4-1-68; Code 1991, §97.065; Ord. 5285, 11-17-09)

Cross reference(s)--Penalty, §97.999.

97.066 Hunting And Firearms

No person in a park shall hunt, trap or pursue wildlife at any time; provided that the trapping of muskrats or other burrowing animals may be permitted on city reservoirs upon approval of the mayor for the protection of earthen dams. No person shall use, carry, or possess firearms of any description or air rifles, spring guns, slings, traps, or other weapons or devices potentially inimical to wildlife and dangerous to human safety. Bows and arrows will be permitted on archery ranges so designated and supervised by the city.

(Code 1965, §17A-18; Ord. No. 1594, 4-1-68; Ord. No. 1963, 11-20-73; Code 1991, §97.066)

Cross reference(s)--Penalty, §97.999.

97.067 Picnic Facilities; Duty Of Picnicker

(A) No person in a park shall picnic or lunch in a place other than those designated for that purpose, or use any portion of the picnic areas, picnic facilities, structures, or park recreational facilities to the exclusion of other persons; nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded. Use of individual fireplaces, tables, benches, and recreational facilities will generally follow the rule of "first come, first served".

(B) No person in a park shall leave a picnic area before the fire is 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, the refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of

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elsewhere.

(Code 1965, §17A-19; Ord. No. 1594, 4-1-68; Code 1991, §97.067)

Cross reference(s)--Penalty, §97.999.

97.068 Camping Prohibited

No person in a park shall 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.

(Code 1965, §17A-20; Ord. No. 1594, 4-1-68; Code 1991, §97.068)

Cross reference(s)--Penalty, §97.999.

97.069 Horseback Riding

No person in a park shall ride a horse except in Combs Park or on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree, or shrub.

(Code 1965, §17A-22; Ord. No. 1594, 4-1-68; Code 1991, §97.069)

Cross reference(s)--Penalty, §97.999.

97.070 Recreational Activities At Lakes Fayetteville, Sequoyah And Wilson

(A) *Hours.* Lake Fayetteville, Lake Sequoyah, and Lake Wilson shall be open to the general public throughout the year from sunrise to sunset daily and shall be closed each day from sunset to sunrise; provided, each lake shall be closed Thanksgiving Day. The boat docks shall be closed on December 24th and shall remain closed through January 14th.

(B) *Permits for fishing and boating.*

(1) *Permits:*

- (a) Season boating and fishing permit (65 and older) \$40.00
- (b) Season boating and fishing permit (16-64) \$50.00
- (c) Daily boating and fishing permit

(65 and older) \$5.00

- (d) Daily boating and fishing permit (16-64) \$6.00
- (e) Season fishing/use permit (65 and older) \$20.00
- (f) Season fishing/use permit (16-64) \$30.00
- (g) Daily fishing/use permit (65 and older) \$2.00
- (h) Daily fishing/use permit (16-64) \$3.00
- (i) Daily fishing/use permit (under 16 with permitted adult) Free
- (j) Daily Non-motorized Boating (canoes, inflatables, kayaks, paddle boats and sailboats) \$ 3.00
- (k) Season Non-motorized Boating (per patron, non-transferable) \$20.00

(2) *Miscellaneous.*

- (a) Each person 16 years of age or older is required to purchase a fishing/use permit for fishing on each lake or any stream within the city owned lake property.
- (b) A boating permit applies to the boat rather than the occupants thereof; however, all occupants of a boat, 16 years of age or older must purchase a fishing/use permit.

Daily permits are valid only for use on the date of purchase.

- (c) Juveniles and their supervisors shall be exempt from the boating and fishing permit fee if they are part of a Washington County government rehabilitation program approved by the Director of the Fayetteville Parks and Recreation Department for the location, date and time of lake access.

(C) *Boat docking.* Boat docking shall be permitted at the boat docks at Lake Sequoyah and Lake Fayetteville on a space

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available basis to season boating and fishing permit holders for the following per boat annual fees:

- (1) Lake Fayetteville
 - (a) City resident \$250.00
 - (b) Non-resident \$325.00
- (2) Lake Sequoyah \$100.00

(D) *Fishing.* All fishing shall be done only from the lake bank or boat. No wading, swimming, or belly boats shall be permitted. Arkansas Game and Fish regulations shall control the number and size of fish which may be caught, however, the Fayetteville Parks and Recreation Division may provide additional requirements necessary to manage the fish population. All persons should check with the boat dock operator before fishing. It shall be unlawful for any person fishing to use trot lines, set lines, limb lines, cast nets, yo-yo's or jug fishing.

(E) *Boating.* A boating permit for each boat must be purchased before its use on the lake. All boats must be docked at the boat landing at lake closing time. No boats except those used by lake employees will be docked at any other location on the lake. Boating may be closed to the public by the Parks and Recreation Department during a special event that includes swimming.

(F) *Place of entry.* All persons are warned to enter the lake for boating or fishing only through the entrance at the lake office. Persons entering the lake property from any other location shall be considered trespassing and subject to prosecution.

(G) *Use of motors on boats.*

- (1) In the event that motors are used on boats, the boats shall be operated in such a manner that they will not endanger other boats or the occupants thereof and shall not be operated in such a manner as to create heavy waves causing undue erosion of the shoreline.
- (2) No boats shall be permitted within 500 feet of the spillway of Lake Sequoyah.
- (3) No houseboats, water skiing, or jet skis allowed. Speeding and boat racing is not permitted and each outboard motor operator is cautioned to operate his motor in a safe and cautious manner. Failure to abide by this requirement will

cause loss of boating permit. The dock operator shall revoke the boating permit of any boat which in his judgment is unsafe, overloaded, or operated in a careless manner.

(4) All state laws governing boats must be complied with before using a boat on any city lake. Facilities for docking or landing of boats will be provided, however, the city will not be responsible for any damage or theft of boats, motors or equipment left in boats at docks.

(H) *Picnicking or other recreational activities.* Picnicking is permitted on any part of Lake Fayetteville, Lake Sequoyah, or Lake Wilson or land surrounding said lakes, except within restricted nature areas, which are controlled by the city. Overnight camping is allowed only by special group permit.

(I) *Committing nuisances.* No person shall commit any nuisance while on Lake Fayetteville, Lake Sequoyah, and Lake Wilson or any of the land surrounding the lakes belonging to the city, nor shall any trash or other materials be thrown into the lakes or left about the shore line or on the premises of any lake.

(J) *Fishing and boating prohibited near intake tower.* No one shall climb upon, enter, or fish from the intake towers of the lakes.

(K) *Fishing on stream below dam.* State laws governing fishing below dams shall be applicable on city property. Fishing permits are required to fish in the stream on city property below the dams.

(L) *Firearms and hunting.* No firearms, hunting or trapping will be permitted on city owned property at any time.

(M) *Use of motor vehicles.* No person at Lake Fayetteville, Lake Sequoyah, or Lake Wilson shall drive a motor vehicle or ride a motorcycle, ATV or bicycle on other than a paved vehicular road or path designated for that purpose.

(N) *Revoking permits.* The city shall have the right to revoke any permit issued under this section if it is determined that the permittee willfully violated any of the provisions of this section. When a permit is revoked, there will be no refunds.

(Code 1965, §13-12; Ord. No. 2274, 9-7-76; Ord. No. 2903, 3-1-83; Ord. No. 3164, 1-21-86; Ord. No. 3203, 8-5-86; Ord. No. 3437, 7-5-89; Ord. No. 3533, 2-19-91; Ord. No. 4168, 6-1-99; Code 1991, §97.070; Ord. 4707,

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06-07-05; Ord. No. 4811, 12-20-05; Ord. 5139, 5-6-08;
Ord. 5229, 3-17-09; Ord. 5285, 11-17-09)

Cross reference(s)--Penalty, §97.999.

97.071 Fayetteville Special Use Permit for Events that Include a Swimming Component

(A) *Special events that include swimming.* Special events that include a swimming component, such as a triathlon, may be permitted at Lake Fayetteville with a special use permit issued by the Director of the City Parks and Recreation Department. Such issuance will be at the sole discretion of the Director and should comply with the following:

- (1) A special event permit should be processed through the City Parks and Recreation Department at least 90 days prior to the event.
- (2) A water testing fee of \$250 and a special event fee in an amount sufficient to cover all City costs to administer the event shall be charged to the event organizer for the use of the Lake Fayetteville Park space and facilities. A further security deposit to ensure complete clean up or repair of any damage may be required. The Director may require an event organizer to obtain sufficient liability insurance and take measures to increase swimmers' safety.
- (3) The City does not warrant the safety or cleanliness of any lake for swimmers. Event organizers shall provide notice of the inherent danger of swimming in the lake to all persons requesting to swim and shall obtain waivers of liability and responsibility for the City of Fayetteville from all participants.
- (4) The City of Fayetteville reserves the right to allow swimming only in designated areas during the event and prohibit boating in these areas.
- (5) The City of Fayetteville reserves the right to cancel previously approved special events due to unacceptable water quality, inclement weather or other valid reason.

(Ord.5285, 11-17-09)

97-072-97.079 Reserved

**ARTICLE VI
CONDUCT IN PARKS**

97.080 Gambling Prohibited; Recreational Activities To Take Place Only In Suitable Areas

No person in a park shall gamble, or participate in, or abet any game of chance. Nor shall any person take part in or abet the playing of other forms of recreation except in areas set apart for or conducive to the particular form of recreation.

(Code 1965, §17A-21; Ord. No. 1594, 4-1-68; Code 1991, §97.080)

Cross reference(s)--Penalty, §97.999.

97.081 Intoxicating Beverages

- (a) No person in a park shall bring into or consume alcoholic beverages within a city park, nor shall any person enter a park when under the influence of intoxicating beverages.
- (b) Notwithstanding the above prohibition, the Botanical Garden Society of the Ozarks may allow alcoholic beverages to be served on the premises they have leased within the Lake Fayetteville park area for fundraisers, wedding receptions and other special events as long as they fully comply with all Alcohol Beverage Control requirements.

(Code 1965, §17A-23; Ord. No. 1594, 4-1-68; Code 1991, §97.081; Ord. No. 4865, 05-16-06)

Cross reference(s)--Penalty, §97.999.

97.082 Fires; Fireworks And Explosives

- (A) No person in a park shall build or attempt to build a fire except in fireplaces or facilities so designed for such use, nor leave any fire unattended. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, or cigars, tobacco papers or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.
- (B) No person in a park shall bring in, explode or cause to be exploded, discharge or burn any firecrackers, torpedoes, skyrockets, roman candles or other fireworks, explosives or inflammable materials without having first obtained prior written consent pursuant to the requirements of §94.04.

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(Code 1965, §§17A-24, 17A-26; Ord. No. 1594, 4-1-68; Code 1991, §97.082)

Cross reference(s)--Penalty, §97.999, Sale and use of fireworks, §94.04(B).

97.083 Soliciting Alms

No person in a park shall solicit alms or contributions for any purpose, whether public or private.

(Code 1965, §17A-25; Ord. No. 1594, 4-1-68; Code 1991, §97.083)

Cross reference(s)--Penalty, §97.999.

97.084 Entering Closed Areas

No person in a park shall enter an area posted as "Closed to the Public", nor shall any person use, or abet the use of, any area in violation of posted notices.

(Code 1965, §17A-27; Ord. No. 1594, 4-1-68; Code 1991, §97.084)

Cross reference(s)--Penalty, §97.999.

97.085 Going Onto Ice

No person in a park shall go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(Code 1965, §17A-28; Ord. No. 1594, 4-1-68; Code 1991, §97.085)

Cross reference(s)--Penalty, §97.999.

97.086 Vending And Peddling

No person in a park shall expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the city and nonprofit groups on an annual basis.

(Code 1965, §17A-29; Ord. No. 1594, 4-1-68; Code 1991, §97.086)

Cross reference(s)--Penalty, §97.999.

97.087 Advertising Prohibited

No person in a park shall announce, advertise, or call the public attention in any way to any article or service for sale or hire.

(Code 1965, §17A-30; Ord. No. 1594, 4-1-68; Code 1991, §97.087)

Cross reference(s)--Penalty, §97.999.

97.088 Signs Prohibited

(A) No person in a park shall paste, glue, tack,

or otherwise post any sign, placards, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park, except as set forth hereinbelow.

(B) Signs shall be permitted on softball/baseball fences and scoreboards at locations and in sizes designated by the Parks and Recreation Director. Uniform fees shall be charged dependent upon placement and size of the permitted signs. The content of the sign and whether it is commercial or non-commercial may not be considered. Designated spaces shall be sold at the established price on a first come basis. Owner of a sign at a designated location shall have first right to renew before others can purchase the size/location for a new or replacement sign.

(Code 1965, §17A-31; Ord. No. 3677, §2, 3-2-93; Code 1991, §97.088)

Cross reference(s)--Penalty, §97.999.

97.089–97.998 Reserved

97.999 Penalty

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day the same is unlawfully continued.

(B) Any person violating any provision of §97.070 shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00.

(Code 1965, §§1-5, 13-12; Ord. No. 2128, 7-15-75; Ord. No. 2274, 9-7-76; Ord. No. 2903, 3-1-83; Ord. No. 3164, 1-21-86; Ord. No. 3203, 8-5-86; Code 1991, §97.999)

