

TITLE 12

PARKS AND RECREATION

Chapters:

- 12.04 Park Regulations
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CHAPTER 12.04

PARK REGULATIONS

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12.04.01 General provisions This ordinance shall be known and cited as the Cotter City Parks Regulations Ordinance. (Ord. No. 97-08, Sec. 1.)

12.04.02 Definitions For the purposes of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Approved charitable organization An organization enjoying non-profit status as set out in current Internal Revenue Service Codes, or dedicated solely to the betterment of others and approved by the City Council to hold fund raising events in a park.

City The city of Cotter, Arkansas.

Park A park, reservation, walking trail, playground 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. (Ord. No. 97-8, Sec. 2.)

12.04.03 Park operations, administration and enforcement Operating hours: Except for unusual and unforeseen emergencies, the city parks shall be open to the public every day of the year from 5:00 a.m. until 10:00 p.m. Any section or part of the 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. (Ord. No. 2001-10, Sec. 1.)

12.04.04 Fees for use of park facilities

Reservations for Pavilion, Gazebo and Ballfield located in Big Springs Park shall be made through Cotter City Hall. Use of the Pavilion, Gazebo and Ballfield and other parks in the city shall be by reservation only. A signed rental agreement shall be required to rent space in any city parks. (Ord. No. 2021-01, Sec. 1)

For the use of the Jere Reagan Ballfield for ball practice a fee of \$25.00 per four (4) hours shall be a charged.

For the use of the Jere Reagan Ballfield for Tournaments, a fee of \$50.00 per Team shall be charged to defray the costs of maintenance, scoreboard use, water and electrical outlets. An added fee of \$25 per hour for nighttime games to use the Ballfield Lights.

All personnel required to manage the event shall be furnished by the renter of the facility. The renter shall restore the field to the same condition as prior to the tournament.

A refundable clean-up deposit of \$100 by Even Organizer is required for Tournaments. (Ord. No. 2021-01, Sec. 2)

For the use of the Pavilion by families, groups and businesses for meetings, picnics, reunions, weddings, music events and other non-commercial purposes, a fee of \$50.00 per four (4) hours shall be charged to defray the cost of maintenance, trash container use, lights, tables, water and electricity. A refundable clean-up deposit of \$25.00 is required. (Ord. No. 2021-01, Sec. 3)

For the use of Gazebo by families for wedding, meetings, other approved events, not exceeding four (4) hours in length, a fee of \$50.00 shall be charged to defray the cost of maintenance, use of water, lights and electricity. A refundable clean-up deposit of \$25.00 is required for the Gazebo. (Ord. No. 2021-01, Sec. 4)

For the use of specific area of the Park or the entire park for event, festival, music festival, rally or other approved events, a fee of \$250.00 per day shall be charged to defray the cost of maintenance, trash containers, equipment use, water, and electricity.

Fees to reserve other city parks, i.e. Warrior Park, Stone Family Park, Bynum Roadside Park, and Roundhouse Shoals Picnic Area shall be determined by the Mayor on a case by case basis. (Ord. No. 2021-01, Sec. 5)

The use of covered Cabanas and/or individual tables (Outside Pavilion), and any other recreational facilities will generally follow the rule of “first come, first served” at no charge to the Public. Unless the entire Park is rented. (Ord. No. 2021-01, Sec. 6)

Before a reservation is confirmed by the City of Cotter, the rental fee as well as a clean-up deposit shall be required. A rental agreement shall be signed at the time payment is received by the City of Cotter for reservation confirmation. Deposits are refundable with advance notice or canceled due to inclement weather. (Ord. No. 2021-01, Sec. 7)

Responsibilities of Persons Using Park Facilities: No person in a park shall leave an occupied area he occupied before all trash in the nature of boxes, cans, garbage and other refuse is placed in the disposal receptacles where provided. Where no such receptacles are available, the refuse and trash shall be carried away from the park area to be properly disposed of elsewhere. (Ord. No. 2021-01, Sec. 8)

Approved Charitable Organization: An organization enjoying Non-Profit status as set out in current Internal Revenue Service Codes or dedicated solely to the betterment of others and approved by the City Council to hold fund raising events in a park. The approved Charitable Organizations located in Cotter allowed to use the Big Spring Park Facilities at no charge are the Saturday Club of Cotter, Cotter School Activities, Cotter-Gassville Chamber of Commerce, North Arkansas Youth Center Organization, Cotter VFW, Cotter Fire Department and Auxiliary, and all churches operating in the City of Cotter. (Ord. No. 2021-01, Sec. 9)

Cotter residents and the public are allowed to use the park facilities for free on a first come first serve basis unless there are reservations reserving any portion of a facility in the Parks. However, a usage fee and clean-up deposit are required to make a reservation. (Ord. No. 2021-01, Sec. 10)

There shall be posted within said city parks, conspicuous signs which reflect the following:

Hours of Operation

5:00 a.m. to 10:00 p.m.

Park Rules

No littering

No glass containers

No obscene language

No driving on grass

No horses in park or on trails

No ATVs in park or on trails

No climbing on fences or nets

No firearms

No alcoholic beverages

Speed Limit

10 miles per hour

OFFENDERS WILL BE PUNISHED

(Ord. No. 2001-10, Sec. 2.)

12.04.05 Care of park property

- A. **Buildings and other structures** No person shall willfully mark, deface, disfigure, injure or tamper with any building, monument, bridge, table, bench, fireplace, sign, public utility, or other structure, or equipment, facility or park property or appurtenance whatsoever, either real or personal.
- B. **Restrooms and washrooms** No person in a park shall fail to cooperate in maintaining the restrooms and washrooms in a neat and sanitary condition.
- C. **Removal of natural resources** No person in a park shall dig or remove any sand, whether submerged or not, or any soil, rock, stone, tree, shrub or plant, down

timber, or other wood or material, or make any excavation by tool, equipment, blasting, or other means except on written permission obtained from the city.

- D. **Pollution of water** No person in a park shall throw, discharge, or otherwise place or cause to be placed in the waters of any flowing stream, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water, any substance which will or may result in the pollution of said waters.
- E. **Wild animals, birds, fish, and other wildlife** No person in the park shall hunt, molest, harm, frighten, poison, kill, trap or remove any animal, bird or fish or remove the eggs, nest, or young of any wild animal, bird, fish or reptile.
- F. **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 permission obtained from the city.
- G. **Refuse and trash** No person shall bring into a park, any glass bottles, cans, or bags of refuse or trash of any kind for disposal in receptacles maintained by the city. Nor shall any trash generated by normal use of the picnic facilities be left anywhere in the grounds thereof, but shall be placed in the proper receptacles. Where such receptacles are not so provided, all such trash shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. (Ord. No. 97-8, Art. 3.)

12.04.06 Traffic rules

- A. **Compliance with state and city motor vehicle laws required** No person in the 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 section and section 1 of these rules and regulations.
- B. **Speed of vehicles** No person in a park shall ride or drive a vehicle at a rate of speed exceeding ten (10) miles per hour.
- C. **Parking** No person in a park shall park a vehicle in other than an established or designated parking area.
- D. **Vehicles prohibited after closing hours** No person in a park shall enter, operate, park, leave or abandon a vehicle within the park after the closing hour of 10:00 p.m.

- E. **Bicycles, motorbikes, motorcycles, all terrain vehicles (ATV's), and similar motor propelled devices** are prohibited on other than a paved vehicular road or path designated for that purpose. No person shall ride, drive, operate or push an All Terrain Vehicle (ATV) within the boundaries of a park. In addition, no person shall ride or lead horses in the park. (Ord. No. 2011-8, Sec. 1.)

12.04.07 Recreational activities

- A. **Hunting and firearms** No person in a park shall use, carry or possess firearms of any description or air rifles, spring guns, slings, traps, bows and arrows, or other weapons or devices potentially lethal to wildlife and dangerous to human safety.
- B. **Picnic facilities** No person in a park shall picnic or dine in an area 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 tables and recreational facilities will generally follow the rule of "first come, first served".
- C. **Responsibilities of persons using park facilities** No person in a park shall leave the area he occupied before all trash in the nature of boxes, cans, garbage and other refuse is placed in the disposal receptacles where provided. Where no such receptacles are available, the refuse and trash shall be carried away from the park area to be properly disposed of elsewhere.
- D. **Camping prohibited** No person in a park shall set up or use tents, camping trailers, recreational vehicles, shacks or any other temporary shelter for the purpose of overnight camping; nor shall any person bring in or leave in a park after closing hours, any such structure or vehicle that could be used for such purpose. (Ord. No. 97-8, Art. 5.)

12.04.08 Conduct in a park

- A. **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.
- B. **Intoxicating beverages and narcotics prohibited** No person in a park shall bring into or consume alcoholic beverages or narcotics within a park; nor shall any person enter a park when under the influence of intoxicating beverages or narcotics.

- C. **Fires** No person in a park shall build or attempt to build a fire except in fireplaces, or facilities designed for such use, nor leave any such fire unattended. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, cigars or other flammable material within a park area or on any thoroughfare abutting or contiguous thereto.
- D. **Fireworks prohibited** No person in a park shall bring in, explode, or cause to be exploded, discharge or burn any firecrackers, torpedoes, skyrockets, roman candles, sparklers or any other fireworks, explosives, or inflammable materials without first obtaining from the city, a written permit for such activity.
- E. **Entering closed areas prohibited** 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.
- F. **Vending and peddling**
 - 1. Ord. No. 97-8 of the city of Cotter shall be amended to allow food and beverage vendors within the city parks of Cotter. All of said vendors shall be subject to the regulation of the city and shall comply with all provisions of this ordinance.
 - 2. Any such vendors shall apply for a permit from the city in order to operate as a vendor within the city parks of Cotter. Said permit shall be for a twelve (12) month period and shall run from January 1 to December 31 of each year between the hours of 9:00 a.m. and 10:00 p.m. and shall be subject to an annual permit fee of Twenty-Five Dollars (\$25.00). The vendor conducting business shall have a non-permanent structure. No person shall build any permanent structure in the park. During non-profit festivals or organized events that charge a fee for booths, the vendor will be required to also pay the booth fee for the opportunity to conduct business in the park. In addition the vendor shall provide the following information at the time of the application, to wit:
 - a. An occupation license issued by the city of Cotter;
 - b. Copies of any and all local, county and state permits that are required to operate the particular food or beverage service which is being proposed.
 - c. A diagram which reflects the type of structure or other accommodations which will be utilized by the vendor; and

- d. Any and all other documentation that may be determined by the city to be relevant to the operation of such a service within the city parks of the city of Cotter, Arkansas.
- 3. The health and safety of the citizens of the city of Cotter and of the persons who utilize the city parks may make it necessary to limit the permits issued for such vendor service to a maximum of three (3) permits. Said permits shall be issued on a first come, first serve basis, assuming that the vendor meets all other requirements stated herein. (Ord. No. 2012-2, Secs. 1-3.)
- G. **Advertising prohibited** No person in a park shall announce, advertise, or call attention in any way to any article or service for sale or hire, nor shall he paste, tack or otherwise post any sign, placard or inscription, whatsoever, nor shall any person erect, or cause to be erected any sign whatsoever on any public lands, highways, streets or roads adjacent to a park. Exception is here made for a charitable organization acting under the authority and regulation of the city.
- H. **Ball field signs** Signs may be permitted on ball field fences and scoreboards in a park. The city shall provide rules and regulations for the placement, removal, size, quantity and quality of such signs. (Ord. No. 97-8, Art. 6.)

12.04.09 Penalty The violation of any provision of these rules and regulations shall be considered a misdemeanor, and upon conviction thereof, the violator shall be fined not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) for each such 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 of Arkansas. If the violation of the rules and regulations is, in its nature, continuous in respect to time, the penalty for each day the same is unlawfully continued shall not exceed Five Hundred Dollars (\$500.00). (Ord. No. 97-8, Art. 7.)

CHAPTER 12.08

YOUTH CENTER FACILITY

Sections:

- 12.08.01 County youth center
- 12.08.02 Remodeling
- 12.08.03 Schedule and personnel
- 12.08.04 Funds
- 12.08.05 Reports

12.08.01 County youth center The city of Cotter does hereby agree to enter into inter-local agreement with Baxter County, Arkansas, providing for the cooperative remodeling of a youth center to serve all youth of Cotter and Baxter County, Arkansas. (Ord. No. 94-4, Sec. 1.)

12.08.02 Remodeling The city of Cotter, Arkansas, using funds listed above shall provide the remodeling of the youth center and dedicate it to the benefit of all the youth of Cotter and Baxter County, Arkansas. (Ord. No. 94-4, Sec. 2.)

12.08.03 Schedule and personnel In addition, the city of Cotter, Arkansas shall provide for the youth center's operating schedule and personnel. (Ord. No. 94-4, Sec. 3.)

12.08.04 Funds The obligations of funds reflected in the inter-local agreement shall be subject to the limitation imposed by Article 12, Section 4 of the Constitution for the state of Arkansas (1874 as amended) and Baxter County shall use all good faith efforts to appropriate funds necessary to meet their obligation hereunder, said sum to be \$44,200.00. (Ord. No. 94-4, Sec. 4.)

12.08.05 Reports The city of Cotter shall provide Baxter County with access to any and all reports or other documents relating to the youth center, including budget reports, cost of operations and revenues. (Ord. No. 94-4, Sec. 5.)