

## **TITLE 12**

### **PARKS AND RECREATION**

#### **Chapters:**

- 12.01 Parks and Recreation Commission
- 12.04 Board of Commissioners for Southside Park
- 12.08 Park Regulations
- 12.12 Fishing in Walker Park Lake
- 12.16 Conduct in City Parks
- 12.20 Baseball Facilities Board

#### **CHAPTER 12.01**

#### **PARKS AND RECREATION COMMISSION**

#### **Sections:**

- 12.01.01 Short Titles
- 12.01.02 Definitions
- 12.01.03 Parks And Recreation Commission
- 12.01.04 Parks And Recreation Department
- 12.01.05 Unlawful Acts
- 12.01.06 Enforcement
- 12.01.07 Penalties
- 12.01.08 Property, control

**12.01.01 Short Titles** This ordinance shall be commonly known and cited as the Parks and Recreation Ordinance. (Ord. No. 1546, Sec. 1.)

**12.01.02 Definitions** For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future. Words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. The "City" is the City of Blytheville, Arkansas.
2. "Director" is a person so designated and in charge of the Parks and Recreation Department of any subdivision thereof, including those in charge of any park area and its activities.

3. "Park" is a park, reservation, playground, recreation center or any other area in the City owned or used by the City and devoted to active or passive recreation, including all planted expressways, parkways, triangles and traffic circles maintained by the City, except the parkway strips between curbs and sidewalks along the several streets and highways of the City.
4. "Person" is any person, firm, partnership, corporation, association, company, or organization of any kind.
5. "Vehicle" is any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term 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. 1546, Sec. 2.)

#### 12.01.03 Parks And Recreation Commission

- I. Establishment -Membership - Terms of Office
  - A. A Parks and Recreation Commission consisting of seven members is hereby established.
    - (1) Members shall be qualified voters of the City of Blytheville, Arkansas.
    - (2) Members shall be appointed by the Mayor and approved by the City Council for three-year terms, provided, however, that initial appointments shall be as follows: two (2) members shall be appointed for terms of one (1) year ending on the last day of March. 2003, two (2) members shall be appointed for terms of two (2) years ending on the last day of March 2004, three (3) members shall be appointed for a term of three (3) years ending on the last day of March 2005. In the event of a vacancy, the Mayor shall appoint a member to be approved by the City Council to serve for the unexpired term.
    - (3) Members shall serve without compensation but shall not continuously serve for a period in excess of nine years.
    - (4) If a replacement has not been designated upon the end of a member's term then that member shall continue his membership until replaced.
  - B. The Commission shall elect a Chairman, and a Vice-Chairman. No Chairman or vice-Chairman shall serve more than two consecutive terms, as hereinafter provided for in 12.01.03. Paragraph 3, Subparagraph A-2.

- C. The Director of Parks and Recreation shall perform the duties of Executive Secretary to the Commission and shall be in attendance at all meetings of the Parks and Recreation Commission.
- 2. Powers and Duties. The Parks and Recreation Commission shall have the following powers and perform the following duties.
  - A. It shall act only in an advisory capacity to the City Council in all matters pertaining to the Parks and Recreation Department; shall acquaint itself with and make a continuous study and inspection of the complete parks and recreation system of the City and shall advise with the City Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, enlargement, and public use policy of the City Parks and Recreation system.
  - B. It shall study and encourage the development of parks and recreation areas and study and encourage the development of wholesome recreation for all residents of the City.
  - C. It shall recommend policies on recreation services for approval of the City Council.
  - D. It shall advise with the Director of Parks and Recreation on problems of development of recreation areas, facilities, programs and improved recreation services.
  - E. It shall recommend the adoption of standards on areas, facilities, programs and financial support.
  - F. It shall have periodic inventories made of recreation services that exist or may be needed and interpret the needs of the public to the City Council and to the Director of Parks and Recreation.
  - G. It shall aid in coordinating the recreation services with the programs of other governmental agencies and voluntary organization.
  - H. It shall interpret the policies and functions of the Parks and Recreation Department to the public.
  - I. It shall review, study, and make recommendations to the Director of Parks and Recreation for the preparation of the annual budget of the Parks and Recreation Department.

- J. It shall advise the Director of Parks and Recreation on the development of long-range capital improvement programs and when in its opinion the need exists for additional parks and recreation facilities, grounds, or premises it shall make appropriate recommendations to the City Council. It may also recommend the acquisition of additional parks and park and recreational equipment and supplies.
- K. It shall recommend to the city Council the amount to be charged as a fee for the use of any recreational facilities.
- L. It shall follow the rules and regulations prescribed by the City Council for the conduct of its business.
- M. It shall recommend to the City Council rules and regulations governing the administration of the Parks and Recreation program and the use of parks and recreation facilities.
- N. It shall make any other recommendations to the City Council regarding parks and recreation matters that it considers advisable.
- O. It may solicit for the city of Blytheville, gifts, revenues, bequests, or endowments of money or property as donations or grants from persons, firms, or corporations subject to the approval and acceptance by the City Council.
- P. It may, from time to time, recommend to the City Council amendments or changes to this Ordinance.
- Q. It shall, whenever in its opinion it is desirable or necessary to establish operating hours during which buildings, structures, facilities, athletic areas or other improvements on park areas shall be operated, recommend to the City Council such hours of operation, and if approved by the Council, such hours shall be posted on the entrance of such buildings, facilities, etc. and shall be deemed as the official hours of operation.
- 3. Rules and Regulations governing the conduct and functioning of the Parks and Recreation Commission:
  - A. Officers
    - (1) Designation. The officers of the Parks and Recreation Commission shall be a Chairman, a Vice-Chairman and an Executive Secretary.
    - (2) Terms of office. The term of the office for the Chairman, Vice-Chairman shall begin on the first day of January of each year and shall end on the 31<sup>st</sup> day of December.

B. Meetings

- (1) Regular Meetings. The Parks and Recreation Commission shall meet on the 3rd Tuesday of each month at 6:00 PM in the Municipal Courtroom of City Hall unless another time, date and place is designated by the Chairman and all members are notified at least one day in advance.
- (2) Special Meetings. Special meetings may be called by the Chairman or by written request sent to the Secretary by three members of the Commission.
- (3) Quorum. A majority of members shall constitute a quorum.

C. Subcommittees

- (1) Appointment. The Parks and Recreation Commission by a majority vote of the quorum present at any regular or special meeting may appoint such members and citizens as they see fit to subcommittees to serve the purposes of the Parks and Recreation Commission.
- (2) Termination. These Committees may be dissolved in a like manner.

D. Order of Business. The following order of business shall be observed at all regular and special meetings, unless set aside by a majority vote:

- (1) Call to order and roll call of members to determine a quorum.
- (2) Reading of minutes of previous meetings.
- (3) Appointment of committees.
- (4) Reports of officers and committees.
- (5) Communications, other reports, public hearings, etc.
- (6) Unfinished business.
- (7) New business.
- (8) Adjournment.

E. Duties of Officers.

(1) Chairman. The Chairman shall perform the usual duties of such office. He shall preside at all meetings when he is present and shall represent the Parks and Recreation Commission at public functions.

(2) Vice-Chairman. The Vice-Chairman shall assist the Chairman in directing the affairs of the Commission and they shall act in his absence.

(3) Executive Secretary. The Executive Secretary shall be responsible for carrying out all directions submitted to him by the Parks and Recreation Commission. He shall be responsible for providing the Parks and Recreation Commission with all information which it requires and for seeing that its policies, when properly approved, are adhered to. He shall make such reports to the City Council as required. He shall report to the Commission as required, not less than monthly on all activities of the Parks and Recreation Department. He shall read once a year at the first regular meeting following the appointment of officers the Parks and Recreation Ordinance.

F. Publications.

- (1) Annual Reports. The Parks and Recreation Commission shall publish and present annually to the City Council and interested citizens of Blytheville, a report on the manner in which the Parks and Recreation program has been conducted. This report shall be presented after the completion of each fiscal year. Preparation of the report shall be under the direction of the Executive Secretary.
- (2) Information Folder. The Parks and Recreation Commission shall, from time to time, publish an information folder explaining the program and the facilities available through the Parks and Recreation Department.
- (3) The Parks and Recreation Commission shall annually present complete budget recommendations to the Mayor and the City Council.

G. Attendance. Any member of the Parks and Recreation Commission who fails to attend three consecutive regular meetings without being excused by the Commission shall be certified to the Mayor as having retired.

H. Voting. All questions presented for a vote of the Parks and Recreation Commission shall be decided by a simple majority of the quorum present.

I. Additional Rules. The Park and Recreation Commission shall have authority to adopt such additional rules that are not in conflict with this Ordinance that it deems necessary to carry out the purposes and intent of this Ordinance.

J. Exclusions. The Parks and Recreation Commission shall have no jurisdiction over, but shall work together with, the boards that oversee the Thunder Bayou Golf Links, The Oaks at Thunder Bayou, The Blytheville Youth Sportsplex and any other facilities managed by the Blytheville Golf Course Facilities Board or the Blytheville Baseball Facilities Board. (Ord. No. 1546, Sec. 3.)

12.01.04 Parks And Recreation Department

1. There is hereby created a Parks and Recreation Department for the City of Blytheville.

2. The Mayor shall appoint after considering the recommendations of the Parks and Recreation Commission, a Director of Parks and Recreation to administer the Parks and Recreation program of the City of Blytheville.
3. The Director of Parks and Recreation shall:
  - A. Be the chief administrative officer of the Parks and Recreation Department of the City of Blytheville subject to the direction of the Commission and the Mayor and as such shall be in immediate charge of the care, maintenance and operation of the various parks and recreation facilities contained therein of the City of Blytheville. He shall be in charge of the operation of any nursery, which may be maintained by the City for growing of vegetation for the use in the City parks. He shall consult the Director of Public Works from time to time with reference to construction, maintenance and furnishing of utilities to and within the City parks.
  - B. Attend meetings of the Parks and Recreation Commission and shall serve as its Executive Secretary without vote and shall advise with the Parks and Recreation Commission pertaining to the planning, development and operation of the parks and recreation facilities of the City of Blytheville and shall make and submit to the City Council regular reports of each meeting of the Parks and Recreation Commission.
  - C. Recommend for employment required personnel according to the standard procedures as set forth by the City of Blytheville and upon employment shall supervise them in the performance of their various duties.
  - D. Administer, operate and maintain existing parks and recreation areas and facilities and plan for the acquisition, development, and operation of proposed facilities in accordance with the policies recommended by the Parks and Recreation Commission and as approved by the Mayor and the City Council.
  - E. Inform the general public of the services and facilities being provided by the Parks and Recreation Department.
  - F. Solicit suggestions from the general public to improve or increase the effectiveness of the services.
  - G. Cooperate with governmental and voluntary organizations and agencies in the furtherance of recreation opportunities.
  - H. Prepare manuals, bulletins and reviews on parks and recreation problems.

- I. Provide, upon request, assistance of technical nature to community agencies and organizations having problems relating to parks and recreation areas, facilities and programs.
- J. Counsel with officials of public and private organizations and other interested groups concerning community recreation and leisure activities and assist them in promotion of recreation services.
- K. Conduct studies of local conditions and needs for parks and recreational services and assist with the recruitment and training of recreation personnel.
- L. Prepare a budget request to the Mayor and City Council. (Ord. No. 1546, Sec. 4.)

#### 12.01.05 Unlawful Acts

- 1. Within the limits of any of said parks, it shall be unlawful for any person or persons to do any of the acts hereinafter specified, except as may be otherwise provided:
  - A. To hitch, fasten, lead, drive or let lose any animal or fowl of any find, provided that this shall not apply to dogs when lead by a cord or chain not more than six feet long, unless first approved by the Parks and Recreation Commission.
  - B. To ride or drive any horse or other animal or to ride, drive or go at a rate of speed faster than speed limits as posted on standard traffic signs upon any bicycle, motorcycle or any other vehicle whatsoever upon any drive or street in any park of the City or to ride or drive any wheel upon any walk in such park unless first approved by the Parks and Recreation Commission.
  - C. To carry or discharge any firearms, firecrackers, rockets, torpedoes or any other fireworks, or air-guns or slingshots unless first approved by the Parks and Recreation Commission.
  - D. To damage, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property, or to pluck, pull-up, cut, take, or remove any shrub, bush, plant or flower or to mark or write upon, paint, or deface in any manner any building, monument fence, bench or other structure.
  - E. To cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer.



- F. To swim, bathe, wade in, or pollute the water of any fountain, pond, lake or stream.
- G. To make or kindle a fire except in picnic stoves, braziers or fire pits provided for that purpose.
- H. To cook, prepare, serve or eat any lunch, barbecue or picnic except at the places provided therefor.
- I. To wash dishes or to any waste liquids elsewhere than in sinks provided for such purposes.
- J. To leave garbage, cans, bottles, papers or other refuse elsewhere than in receptacles provided therefor.
- K. To participate in any activity on any public park area when such activity will create a danger to the public or may be considered a public nuisance. The Parks and Recreation Commission may designate particular locations within park areas/or specific activities. Overnight camping is prohibited on any park property except by special permit issued by the Director of Parks and Recreation.
- L. To play or bet at or against any game which is played, conducted, dealt, or carried on with cards, dice, or other device for money, chips, shells, credit, or any other representative of value, or to maintain or exhibit any gambling table or other instrument of gambling or gaming.
- M. To use or speak any threatening, abusive, insulting or indecent language in any of the public parks and no person shall commit, in any such parks. any obscene; lewd or indecent act or create any nuisance.
- N. To disturb in any manner any picnic, meeting, service, concert, exercise, or exhibition.
- O. To distribute, post, place, or erect any advertising, handbill, circular, bill, notice, paper or other advertising device.
- P. To sell or offer for sale any food, drinks confections, merchandise or services unless such person has a written agreement, or a permit issued by the Parks and Recreation Commission and/or the City Council.

- Q. To practice, carry on, conduct or solicit for any trade, occupation, business or profession or to circulate any petition of whatsoever kind or character without approval of the Parks and Recreation Commission and/or the City Council.
- R. To remain, stay or loiter in any public park between the hours of ten thirty (10:30) PM and five o'clock (5:00) AM of the following day.
- S. For any person over the age of six years to use the restrooms and washrooms designated for the opposite sex.

2. *Promulgation and Posting of Rules and Regulations.* The Parks and Recreation Commission shall recommend to the City Council such rules and regulations as it deems best for the management of the public parks, and where such rules have been adopted for a specific park area and posted within the specific park to regulated. Any person found guilty of violating such rules shall be guilty of a misdemeanor.

3. *Use of Commercial Vehicles, etc.* All vehicles used for the purpose of transporting freight and merchandise, or brick, stone, or gravel and all those commonly known as floats, moving wagons express or delivery wagons are prohibited from entering upon or being driven through any of the public parks of the city, except by special permission of the Director of Parks and Recreation subject to appropriate conditions and safeguards.

- 4. *Parking Vehicles.* Where vehicle parking lots or areas have been set aside in public parks in the City, no vehicle shall be driven over or across the curbs, sidewalks, grass or lawn within such parks, but shall be parked on such lots within and between the lines designating a single vehicle parking space and not otherwise. Where parking lots or areas, within public parks or the City have been designated for head-in parking to front on a visible parking line without delineated single vehicle spaces, the front of the vehicle shall be placed on the parking line and as near as practicable to the side of the last parked vehicle in line. No vehicle shall be parked or left behind any other vehicle in the parking line or back of such parking line in any manner so as to obstruct, block or hinder ingress or egress from the line. Officers of the Police Department of the City shall issue to violators of this section traffic tickets or notices to answer to charges in the manner prescribed by the applicable sections. Where a vehicle is parked or left in violation of this section in such a manner as to obstruct or block traffic, and the owner or operator of the vehicle cannot be found, police officers of the City may move the vehicle so that traffic will not be impeded. (Ord. No. 1546, Sec. 5.)

#### 12.01.06 Enforcement

- 1. *Officials.* The Director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this Ordinance.

2. Eviction. The Director and park attendant shall have the authority to evict from the park any person acting in violation of this Ordinance.
3. Seizure of Property. The Director and any park attendant shall have the authority to seize and confiscate any property, thing, or device in the park used in violation of this Ordinance. (Ord. No. 1546, Sec. 6.)

12.01.07 Penalties Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Thousand Dollars (\$1,000.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 1546, Sec. 7.)

12.01.08 Property, control

- A. The following property will now be known as City Park Property and will fall under the care, custody and control of the City's Park and Recreation Department. Exhibit A attached hereto.
- B. The expense to maintain this property will be budgeted and charged to the Parks and Recreation Department.
- C. Any revenue received by the City Collector generated from renting, selling or any other use of Park Property will be considered Revenue of the Cities Park and Recreation Department and be used by the Parks and Recreation Department to improve or maintain the city's parks. Revenues can, at the request of Blytheville City Council, be used to reimburse the City's general fund for Park expenses that have been subsidized by the general fund. (Ord. No. 1620, Secs. 1-3.)

**CHAPTER 12.04**

**BOARD OF COMMISSIONERS FOR SOUTHSIDE PARK**

Sections:

- |          |   |
|----------|---|
| 12.04.01 | Created                                     |
| 12.04.02 | Terms; vacancies; oath                      |
| 12.04.03 | Compensation; organization; quorum; records |
| 12.04.04 | Meetings; reports; indebtedness             |
| 12.04.05 | Duties; fiscal procedures                   |

12.04.01 Created. There is hereby created a Board of Commissioners for Southside Park consisting of seven (7) members, residents of the city, who shall be appointed by the mayor and confirmed by the council. (Ord. No. 669, Sec. 1, 7-10-62)

12.04.02 Terms; vacancies; oath.

- A. Members of the Board of Commissioners for Southside Park shall be appointed for a period of three (3) years. Members shall hold office until their successors are appointed and qualified.
- B. Vacancies shall be filled by appointment for the unexpired term.
- C. Members of the board shall qualify by taking and subscribing to the following oath of office:

"I \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of Arkansas and that I will faithfully discharge the duties of a member of the Board of Commissioners for Southside Park in Blytheville, Arkansas, upon which I am about to enter."

Said subscribed oath shall be filed with the city clerk and noted in the council minute book. (Ord. No. 669, Sec. 2, 7-10-62)

12.04.03 Compensation; organization; quorum; records.

- A. Members of the Board of Commissioners for Southside Park shall serve without compensation.
- B. Members of the board shall perfect the organization of the board by electing one of their number president, one member secretary and one member treasurer.
- C. Four members of the board shall constitute a quorum for the transaction of business.
- D. The board shall keep a record of its proceedings, authenticated by its president and secretary. (Ord. No. 669, Sec. 4, 7-10-62)

12.04.04 Meetings; reports; indebtedness.

- A. The Board of Commissioners for Southside Park shall meet prior to the first council meeting in January of each year and at such other times as called upon to make a report in writing to the City Council of the affairs and conditions of Southside Park.
- B. The board will incur no indebtedness without the authority and approval of the city council. (Ord. No. 669, Sec. 5, 7-10-62)

12.04.05 Duties; fiscal procedures.

- A. The Board of Commissioners for Southside Park shall have charge of the management, maintenance, upkeep and control of Southside Park and all appurtenances thereto and shall operate, lease or rent same as it deems to the best interests of the city, and shall, out of any funds coming into its hands from the operation, leasing or renting of said park, pay all insurance premiums, taxes, if any, and all needful and necessary expense of repair and upkeep of said park property.
- B. The secretary of the board shall keep a detailed account of all funds received and expended by the board and shall, following the close of each fiscal year, file with the City Clerk a report showing in detail such receipts and expenditures. Any funds remaining in the hands of the board at the close of any fiscal year, which will not be reasonably needed for the operation, upkeep or maintenance of said park for the ensuing year shall be turned over to the City Treasurer. (Ord. No. 669, Sec. 3, 7-10-62)

**CHAPTER 12.08**

**PARK REGULATIONS**

Sections:

- 12.08.01 Swimming
- 12.08.02 Signs, posters
- 12.08.03 Cutting trees, shrubbery; burning grass
- 12.08.04 Defacing buildings
- 12.08.05 Driving on grass
- 12.08.06 Trapping and shooting

12.08.01 Swimming. It shall be unlawful for any person to swim or wade in the lake in Walker Park.

12.08.02 Signs, posters. It shall be unlawful for any person to post or paint signs, circulars, posters, or other advertising matter in Walker Park or in the County Fairgrounds.

12.08.03 Cutting trees, shrubbery; burning grass. It shall be unlawful for any person to cut, break or burn any trees, shrubbery or flowers, or to burn any grass in Walker Park.

12.08.04 Defacing buildings. It shall be unlawful for any person to cut, write upon, scratch or in any manner deface or mar any buildings or structures in Walker Park or the County Fairgrounds.

12.08.05 Driving on grass. It shall be unlawful for any person to drive any motor vehicle or wagon upon the grass in Walker Park.

12.08.06 Trapping and shooting. It shall be unlawful for any person to trap, to throw at, to shoot at or to in any manner harm any squirrel, bird, rabbit or duck in Walker Park. (Ord. No. 407)

## **CHAPTER 12.12**

### **FISHING IN WALKER PARK LAKE**

Sections:

|          |            |
|----------|------------|
| 12.12.01 | Hours      |
| 12.12.02 | Age limits |
| 12.12.03 | Limits     |
| 12.12.04 | Penalty    |

12.12.01 Hours. Fishing will be allowed during daylight hours only, beginning thirty (30) minutes before sunrise and ending thirty (30) minutes after sunset. (Ord. No. 1090, Sec. 1)

12.12.02 Age limits. No person over the age of sixteen (16) years will be allowed to fish in this lake. (Ord. No. 1090, Sec. 2)

12.12.03 Limits. The legal limits will be as follows: Catfish - 5, Bream - 10, Crappie - 10, Bass (12 inches minimum) - 5, No limit on rough fish (Ord. No. 1090, Sec. 3)

12.12.04 Penalty. Any person found violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Twenty-Five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense. (Ord. No. 1090, Sec. 4)

## **CHAPTER 12.16**

### **CONDUCT IN CITY PARKS**

Sections:

|          |                     |
|----------|---------------------|
| 12.16.01 | Parking             |
| 12.16.02 | Alcoholic beverages |
| 12.16.03 | Offenses            |
| 12.16.04 | Loud music          |
| 12.16.05 | Harm to wildlife    |
| 12.16.06 | Vehicle work        |
| 12.16.07 | Penalty             |

- 12.16.08 Walker Park Regulations
- 12.16.09 Tobacco Prohibited
- 12.16.10 Thunder Bayou Alcohol Regulations

12.16.01 Parking. No automobiles, trucks, or other vehicles will be allowed on the grassy areas of any city parks unless said areas are specifically designated for parking. (Ord. No. 1089, Sec. 1)

12.16.02 Alcoholic beverages. No possession or consumption of alcoholic beverages will be allowed within the confines of the city parks and recreation areas. (Ord. No. 1089, Sec. 2).

12.16.03 Offenses. No littering, glass breakage, vulgar language, or destruction of property will be allowed in any public park or recreation area. (Ord. No. 1089, Sec. 3)

It shall be unlawful for any individual or firm to dump or cause to be dumped any garbage, trash or any substance other than that generated in normal use of the parks in any container in any public park or recreation area, or for any person not paying a city sanitation fee to dump in any container inside the city limits of Blytheville, Arkansas. (Ord. No. 1066, Sec. 1)

12.16.04 Loud Music. No loud music, to the extent that it disturbs surrounding residential areas will be allowed. (Ord. No. 1089, Sec. 4)

12.16.05 Harm to wildlife. It shall be unlawful to harm or harass the wildlife in any city park. (Ord. No. 1089, Sec. 5)

12.16.06 Vehicle work. City parks will not be used to repair, service, or otherwise work on any type of vehicle. (Ord. No. 1089, Sec. 6)

12.16.07 Penalty. Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than Twenty-Five (\$25.00) Dollars nor more than one hundred (\$100.00) Dollars for each offense. (Ord. No. 1089, Sec. 7)

12.16.08 Walker Park Regulations

- A. That from and after the passage and approval of this Ordinance all foot traffic on the walking path will travel against vehicular traffic, adhering to the directional signs that are placed on the path.
- B. The foot path shall be for pedestrian use only, and it shall be unlawful for bicycles or other wheeled conveyances to enter on the designated walking path.

- C. Dogs shall not be allowed on the walking path at any time.
- D. Any person who shall violate any portion of this Ordinance shall be guilty of a violation, and upon conviction therefor shall be punishable by a fine of not less than Twenty-Five Dollars and No/100 (\$25.00) for each time such violation occurs. (Ord. No. 1321, Secs. 1-4.)

#### 12.16.09 Tobacco Prohibited

- A. That from and after the passage and approval of this Ordinance, it shall be unlawful for any person to smoke or use any type of smokeless tobacco, including chewing tobacco, snuff, or any other kind of tobacco product inside the gates of the Blytheville Youth Sports Complex and in the City parks. (Ord. No. 1711, Sec. 1.)
- B. Any person who shall smoke or use any type of smokeless tobacco, including chewing tobacco, snuff, or any other type of tobacco product inside the fence of the Blytheville Youth Sports Complex or in any City park, after being warned one (1) time by any City official, shall be ejected from the Blytheville Youth Sports Complex or City park for a period of ten (10) days, to commence immediately upon said person being found guilty of violating this Ordinance after having been previously warned one (1) time. The one (1) warning shall be a sufficient warning to a person who violates this Ordinance after said warning without any additional warning. (Ord. No. 1711, Sec. 2.)
- C. In addition to ejection from the Blytheville Youth Sports Complex and/or City park, any individual found guilty of violating this Ordinance shall pay a fine of \$25.00 after having been warned on one (1) occasion and shall be fined the sum of \$50.00 for each occasion thereafter that said person is found to have violated this Ordinance. Additionally, said person may be permanently banned from the Blytheville Youth Sports Complex and City parks after three (3) violations. (Ord. No. 1711, Sec. 3.)

#### 12.16.10 Thunder Bayou Alcohol Regulations

- A. 12.16.02, is hereby repealed as it applies to the Thunder Bayou Links club house and golf course.
- B. No person utilizing the club house or golf course facilities shall be allowed to bring beer or any other alcoholic beverages onto the golf course purchased from any source except from the Thunder Bayou Golf Links club house.



- C. In the event a person (or persons) is found to be in possession of alcoholic beverages not purchased from the Thunder Bayou club house, they shall be ejected from the premises and barred from utilizing the facilities for a period of three (3) months for the first offense; six (6) months from the second violation; and permanently barred from utilizing the Thunder Bayou Golf Links if it is determined that they have violated this Ordinance for a third time within a period of two (2) years.
- D. That the revenue from the beer sales shall be deposited in the bank account maintained for operation of the Thunder Bayou Golf Links and club house and used for the purpose of maintaining the club house and golf course at Thunder Bayou Golf Links and for such other purposes as may be necessary in connection with said Golf Links.
- E. That Ordinance No. 1089 of 1981 shall remain in full force and effect, except as amended in this Ordinance. (Ord. No. 1585, Secs. 1-5.)

## **CHAPTER 12.20**

### **BASEBALL FACILITIES BOARD**

#### **Sections:**

- 12.20.01 Board Established
- 12.20.02 Policies for operations
- 12.20.03 Association operations authorized
- 12.20.04 Employment
- 12.20.05 Director's responsibilities
- 12.20.06 Profits dedicated
- 12.20.07 Delegation of control

**12.20.01 Board Established** There is hereby established in the "City", an independent board to be known as "Blytheville Baseball Facilities Board" ("Board"), which will consist of five (5) Commissioners who are citizens of Blytheville, Arkansas, and who will be appointed by the Mayor subject to confirmation by a majority vote of the City Council. Upon these Commissioners being named and approved by the City Council, they will meet with the Mayor and will draw lots for terms of offices as follows:

- (a) One Commissioner for a term of one (1) year;
- (b) Two Commissioners for terms of two (2) years;
- (c) Two Commissioners for terms of three (3) years.

The term of each Commissioner will commence upon November 1, 2001. Successive terms shall all be three (3) years. The Commissioners will elect a Chairman, a Vice-Chairman and a Secretary Treasurer who will serve at the pleasure of the Facilities Board. Upon recommendation of the Facilities Board, the City Council may increase the Board to seven (7) members. If expanded, two (2) members may live outside the city limits of the City of Blytheville, Arkansas, but must live in Mississippi County. (Ord. No. 1752, Sec. 1.)

12.20.02 Policies for operations The Board shall be responsible for formulating policy and for overseeing the operation and maintenance of the baseball facilities located at Cypress Park, 9th Street, and the Youth Sports Complex. The Board shall meet as soon as convenient and draft a policy for operation. The Board will meet monthly in the City Hall or such other place as determined by the Board and shall submit written reports to the Mayor and City Council each month. This monthly report shall include a summary of the receipts and expenditures for each facility. The Board will supervise the collection of fees and other income of each facility and the payment of necessary and proper expenses of each facility. The Secretary-Treasurer of the Board will prepare Minutes of all meetings and retain them permanently. (Ord. No. 1752, Sec. 2.)

12.20.03 Association operations authorized The Board may authorize the "Association", or such other entity which may exist in the future to operate the baseball facilities on a day to day basis which shall include collecting receipts for admission, concessions and any other incidental receipts. The Association shall retain all funds collected which shall be exclusively used for the expenses of operating the baseball facilities, including payment to vendors, umpires and other related expenses. The Association shall maintain a record of all receipts and expenditures and submit a report of said receipts and expenditures each month during the months the facilities are actively operating to the Board. (Ord. No. 1752, Sec. 3.)

12.20.04 Employment The Board will have overall supervision of the employment of staff needed to operate each facility. The employees shall work under the supervision of the director of the Department of Parks & Recreation or his designee. Provided, however, that the responsibility for operation and management of each facility shall be that of the Commissioners of the Board, which shall have the authority to discharge any employee, other than City employees as determined by the Board. (Ord. No. 1752, Sec. 4.)

12.20.05 Director's responsibilities The Director of the Department of Parks & Recreation shall be responsible for any action of the members of his staff. The Director shall ensure that all Department employees and equipment are used as time permits to maintain the baseball facilities set forth above. (Ord. No. 1752, Sec. 5.)

12.20.06 Profits dedicated It is the intention of the City Council that any gross profits earned at any facility be expended for the operation of the youth baseball programs and maintaining and improving all facilities. (Ord. No. 1752, Sec. 6.)

12.20.07 Delegation of control By adopting this Ordinance, it is not the intention of the Mayor or the City Council to abandon control over the public property involved in the baseball facilities. The City Council shall have the final authority in all matters relating to operation of the facilities but will exercise that power as rarely as possible in order to give the Board freedom in carrying out their duties as provided in this Ordinance. Further, the names of either or all facilities may be changed by recommendation of the Board and approval by the City Council. (Ord. No. 1752, Sec. 7.)