

TITLE 12

PARKS AND RECREATION

Chapters:

- 12.04 Public Parks Commission
- 12.08 Tax to Maintain Public Library
- 12.12 Riverside Park
- 12.16 Smoke-Free Parks and Recreation Areas

CHAPTER 12.04

PUBLIC PARKS COMMISSION

Sections:

- 12.04.01 Authority for Parks Commission; number on board
- 12.04.02 Appointment, term, removal, vacancies on board
- 12.04.03 Duties, authority
- 12.04.04 Additional powers and authority
- 12.04.05 Rededication of parks

12.04.01 Authority for Parks Commission; number on board Pursuant to the powers and authority vested in the cities of the first class by Act 291 of the General Assembly of the state of Arkansas of 1941, and Act 348 of the General Assembly of the state of Arkansas of 1947 as amended by Act 240 of the General Assembly of the state of Arkansas of 1951 (Now Arkansas Statutes Sections 19-3601 - 19-3617, inclusive), and Act 681 of the General Assembly of the state of Arkansas of 1983, and any and all amendments, thereof, there is hereby created a public Parks Commission of the city of Batesville to be composed of seven (7). Of the seven (7) members composing the public Parks Commission five (5) shall be residents and qualified electors of the city of Batesville, Arkansas. The other two (2) members composing said Commission shall not be required to be residents or qualified electors of the municipality.

Upon the appointment of the members holding position number six and position number seven of said commission the person appointed to position number six shall serve for a term of four years and the person appointed to position number seven shall serve for a term of five years and the successors for both positions shall be appointed for terms of five years each. (Ord No. 83-7-4, Sec. 1.)

12.04.02 Appointment, term, removal, vacancies on board. The commissioners who will constitute said public parks commission shall be appointed, shall hold office for the terms, shall subscribe to the oaths of office, may be removed, and vacancies in the commission shall be filled, all as provided by Sections 3 and 4 of Act 384 of the General Assembly of Arkansas of 1947 (now Arkansas Statutes 19-3608 and 19-3609) which sections of said Act 348 of 1947 are incorporated in this section of this ordinance by reference here made thereto, as though at the point herein set forth verbatim. (Ord. No. 725, Sec. 2.)

12.04.03 Duties, authority Said public parks commission shall be charged with all the duties and vested with all the authority and powers which by law are charged to and vested in such a commission particularly as found in Section 5 - 12, inclusive, of Act 348 of 1947 (now Arkansas Statutes 19-3610 - 19-3617, inclusive); which sections of said Act 348 are incorporated in this section of this ordinance by reference here made thereto, as though at this point herein set forth verbatim. (Ord. No. 725, Sec. 3.)

12.04.04 Additional powers and authority In addition to the powers and authority vested in the commissioners by law, as stated in Section 12.04.03 of this ordinance, said public parks commission shall have, and may exercise, authority to cooperate with the Batesville School Districts of Independence County, Arkansas and/or with the County Court of Independence County, Arkansas or its duly authorized representative or representatives or with any other school district of Independence County, Arkansas, in operating a program of public recreation and playgrounds and acquiring, equipping, maintaining, and managing for public park and recreation purposes, buildings, or other recreation facilities, on land owned or controlled by such school district or owned or controlled by the city of Batesville which has been dedicated in whole or in part to public park and recreation uses; all in accordance with the provisions of Act 291 of 1941 (Arkansas Statutes 19-3601 - 19 3605, inclusive) as now constituted or as the same may be hereafter amended. (Ord. No. 725, Sec. 4.)

12.04.05 Rededication of parks The real property which is now owned by the city of Batesville and which has been heretofore dedicated to public park and recreational uses, known more particularly as "Riverside Park", "Fitzhugh Park", Kennedy Park" and "Southerland Park" is hereby rededicated to public park and recreational use purposes, and the exclusive custody, management, and control of said real property, and of all improvements and recreational facilities thereon located, are hereby vested in said public parks commission, effective promptly upon the appointment and qualification of the commissioners. In like manner, and all other parcels of land or areas which are hereafter by one or more resolutions adopted or other appropriate actions taken by the City Council of Batesville, dedicated to use as public parks and/or recreational areas, and/or playgrounds, shall be thereupon subject to exclusive custody, management and control of said public parks commission; and all such areas, situated within or without the corporate limits of the city of Batesville, which are owned or controlled by the city of Batesville and have been so dedicated, shall be, for the purposes of this ordinance, deemed a single public park system of the city of Batesville whether or not the parts thereof are contiguous. (Ord. No. 725, Sec. 5 as amended)

CHAPTER 12.08

TAX TO MAINTAIN PUBLIC LIBRARY

Sections:

12.08.01 Tax to maintain public library

12.08.01 Tax to maintain public library That there is hereby levied upon all real and personal property within the city of Batesville, Arkansas, a tax of one (1) mill for the exclusive use and purpose of maintaining a public city library; and the Clerk/Treasurer is directed to transmit a certified copy of this ordinance to the County Clerk to the end that said taxes may be extended on the tax books of said county and collected, annually and continually hereafter, as are other general taxes of said city. (Ord. No. 598, Sec. 1.)

CHAPTER 12.12

RIVERSIDE PARK

Sections:

12.12.01 Boundaries
12.12.02 Parking
12.12.03 Driving
12.12.04 Littering
12.12.05 Fine
12.12.06 Hours for parks
12.12.07 Rules for Children's Park

12.12.01 Boundaries Riverside Park is determined by boundaries where signs are posted as “Riverside Park” and includes the entire Batesville Riverwalk. (Ord. No. 2003-6-2, Sec. 1.)

12.12.02 Parking Parking shall be permitted only in designated parking places indicated by **White Striped Parking Places**. For events requiring special attention and relief from this ordinance, the Mayor or his designated agent may grant such relief. (Ord. No. 2003-6-2, Sec. 2.)

12.12.03 Driving Except for city employees working in Riverside Park when such is needed, vehicles are prohibited from driving on the grass or unpaved areas. (Ord. No. 2003-6-2, Sec. 3.)

12.12.04 Littering Littering shall not be permitted in any part of Riverside Park and any penalties shall be governed by Act 145 of 2001 of the Arkansas General Assembly commencing with A.C.A 8-6-404 and for reference purposes this is consistent with Batesville city Ord. No. 03-6-1. (Ord. No. 2003-6-2, Sec. 4.)

12.12.05 Fine Except as referenced in Section 4, any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$100.00 and not more than \$250.00 with damages, if any, to be applied in addition to said punishment. If such violations continue, each violation shall be a separate offense. (Ord. No. 2003-6-2, Sec. 5.)

12.12.06 Hours for parks All city parks shall be closed from 12:00 midnight and re-opened at 5:00 a.m. Appropriate signage shall be placed on site to advise as to the times when the parks are opened and closed. (Ord. No. 2008-8-1, Sec. 1-3.)

12.12.07 Rules for Children's Park

- A. Hours of availability shall be from 8:00 a.m. to 9:00 p.m. during daylight saving time. (Ord. No. 2005-1-1, Sec. 1.)
- B. Hours of availability during other times shall be from 8:00 a.m. to 6:00 p.m. (Ord. No. 2005-1, Sec. 1-1.)
- C. For citations issued, the fine for non-compliance shall be not less than One Hundred Fifty Dollars (\$150.00) and not more than Three Hundred Dollars (\$300.00) for each occurrence plus cost. (Ord. No. 2004-9-2, Sec. 3.)
- D. The Mayor shall have the authority to use discretion to allow other times as deemed necessary for special events such as parking, other reasonable events, etc. (Ord. No. 2004-9-2, Sec. 4.)
- E. Appropriate signage shall be placed on site to advise as to the times when the parks are open and closed. (Ord. No. 2008-8-1, Sec. 3.)

CHAPTER 12.16**SMOKE-FREE PARKS AND RECREATION AREAS**Sections:

12.16.01	Prohibitions
12.16.02	Definitions
12.16.03	Penalties
12.16.04	Signage

12.16.01 Prohibitions Smoking or carrying lighted cigarettes, pipes, cigars, and other tobacco products within all publicly owned or leased swimming pools and pool grounds and ball fields shall be prohibited within the city of Batesville. (Ord. No. 06-9-1, Sec. 1.)

12.16.02 Definitions Publicly owned or leased swimming pools and ball fields shall mean any place or area with the city upon which the public is permitted. More specifically, the North Complex and Fitzhugh Park will be areas included in the "Batesville Smoke-Free Zones." (Ord. No. 06-9-1, Sec. 2.)

12.16.03 Penalties Any person who has been found to have violated this ordinance shall be subject to penalties according to city ordinance 2005-11-1. (Ord. No. 06-9-1, Sec. 3.)

12.16.04 Signage The city will attach permanent signage indicating "Batesville Smoke-Free Zone" at all publicly owned or leased ball fields, swimming pools and pool grounds leased or owned by the city. (Ord. No. 06-9-1, Sec. 4.)

