



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 6701

File Number: 2023-1181

§97 - PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS (AMENDMENT):

AN ORDINANCE TO AMEND §97, PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS OF THE CITY CODE TO ADDRESS EVOLVING RECREATION TRENDS, SAFETY CONCERNS, PROTECTION OF NATURAL AND CULTURAL RESOURCES, AND TO CLARIFY AND SIMPLIFY LANGUAGE

WHEREAS, several updates are needed to Chapter 97 to address evolving recreation trends, as well as safety concerns and protection of resources; and

WHEREAS, several minor changes are proposed, including clearly defining the term Director, referring to the City instead of Parks and Recreation throughout the chapter, and updating the department name to Parks, Natural Resources and Cultural Affairs where needed; and

WHEREAS, substantive changes include increasing protection of natural resources located in parks, adding protection of cultural resources including adding a permit process for the use of metal detectors and other remote sensing devices; and regulating the use of electric bikes on soft surface trails; and

WHEREAS, the proposed language also makes permanent the current temporary allowance for the Director of Park, Natural Resources and Cultural Affairs to approve vendors or appoint market organizers to sell food, non-alcoholic beverages, and arts and crafts in parks as part of City-sponsored events; and

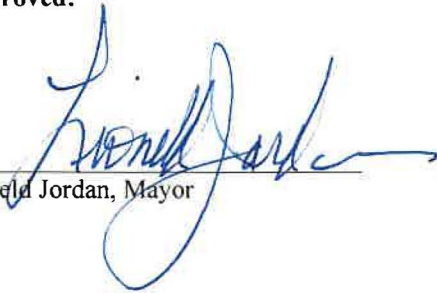
WHEREAS, City staff and the Parks and Recreation Advisory Board recommend approving these amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals Chapter 97, **Parks, Natural Resources and Cultural Affairs** of the City Code and enacts a new Chapter 97 as shown in Exhibit A attached to this Ordinance.

PASSED and APPROVED on November 7, 2023

Approved:


Lionel Jordan, Mayor

Attest:


Kara Paxton, City Clerk Treasurer



This publication was paid for by the City Clerk-Treasurer of the City of Fayetteville, Arkansas.
Amount paid:

CHAPTER 97: PARKS, NATURAL RESOURCES, AND CULTURAL AFFAIRS¹**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. The Director of Parks, Natural Resources and Cultural Affairs.

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 individual, firm, partnership, association, corporation, company, or organization of any kind.

Vehicle. Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled including 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**

- (A) Except for unusual emergencies, city parks shall be open to the public every day of the year from daylight until 11:00 p.m. except Shared Use Paved Trails as designated on the Parks and Trails Interactive Map which are open 24 hours every day. 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.
- (B) City staff is authorized to extend the operating hours of a park when reasonable and necessary to accommodate a tournament or special event.

(Code 1965, §17A-32; Ord. No. 1594, 4-1-68; Code 1991, §97.015; Ord. No. 5501, 6-5-12; Ord. No. 582 8, §1(Exh. A), 12-15-15)

¹Editor's note(s)—Ord. No. 6664 , §1, adopted May 16, 2023, amended the title of Ch. 97 to read as herein set out. The former Ch. 97 title pertained to Parks and Recreation.

97.016 Fee For City Park Athletic Facilities And Trails For Tournaments And Special Events

- (A) For the use of city park athletic facilities or city trails for tournaments and special events, the Mayor shall establish fees to be charged to defray the costs of event setup, maintenance, trash pickup and removal, equipment use, water, and electricity. Fayetteville Trails will remain open to the public, with the exception of annual events approved by the city and operated by non-profit entities and events organized in conjunction with the City of Fayetteville. Trails and park areas shall not be closed more than four (4) hours at any time unless approved by the Mayor.
- (B) The sponsors of any tournament or special event shall pay a trash and key deposit and arrange for all necessary umpires and/or coordinators. Upon conclusion of each tournament or event, the sponsor shall restore each facility or trail to the same condition it was in prior to the tournament or event in order for deposit to be returned.

(Code 1965, §2-100; Ord. No. 2714, 4-7-81; Ord. No. 4115, 8-18-98; Code 1991, §97.016; Ord. No. 5681, 4-15-14; Ord. No. 5828 , §1(Exh. A), 12-15-15)

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 Staff, And City Police

The Director, City staff and the Fayetteville Police Department 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; Ord. No. 5828 , §1(Exh. A), 12-15-15)

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)

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 (6) 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)

97.032 Removal of or Damage to Natural Resources, Trees, Shrubs, and Flowers

No person in a park except for those authorized by the Director shall damage, cut, climb, carve, injure, transplant, dig, or remove any sand, whether submerged or not, soil, rock, stones, trees, shrubs, flowers plants, down timber or other wood or materials, nor shall any person attach any rope, wire, or other contrivance to any tree or shrub in the park or make any excavation by tool, equipment, blasting, or other means or agency, except on special written permit obtained from the city. However, nothing in this Section shall be construed to prohibit any person from hanging or suspending a hammock from any tree in a park, provided that the hammock is not hung in a manner likely to cause damage to any tree, flower, plant, or other natural resource.

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

97.033 Removal of Cultural Resources

No person in a park except for those authorized by the Director shall unearth, remove, damage, transplant, or take for possession any cultural resource, whether submerged or not. For the purposes of this provision, “cultural resource” shall mean any artifact or other such item that physically evidences past human activity or society on the property, including but not limited to: fragments of bone, shell or pottery, stone flakes, arrow or spear points, tools, and other such artifacts.

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. No. 1594, 4-1-68; Code 1991, §97.034)

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. No. 1594, 4-1-68; Code 1991, §97.035)

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. No. 1594, 4-1-68; Code 1991, §97.036)

97.037 Refuse And Trash

No person shall bring any refuse or trash into a park. Trash generated by picnicking or other activities in the park shall be placed within proper receptacles if available or carried out of the park for proper disposal.

(Code 1965, §17A-10; Ord. No. 1594, 4-1-68; Code 1991, §97.037; Ord. No. 5828 , §1(Exh. A), 12-15-15)

97.038 Animals To Be Leashed

Owners must keep their animals on a leash in a park. Dogs are allowed to be off leash in designated dog parks and Lake Wilson Park except that all vicious animals and dangerous animals as defined and regulated in Chapter 92 **Animals** may never be allowed to be off leash in any city park. Owners and anyone in control of a pet shall pick up, remove and properly dispose of their pet's waste as also required by §92.06**Animal Waste, Offensive Odors Prohibited**.

(Ord. No. 5828 , §1(Exh. A), 12-15-15)

97.039 Permit Required for Metal Detectors and Other Remote Sensing Devices

No person shall use a metal detector or other remote sensing technology on City property without a permit issued by the Director. Permittees shall comply with all conditions of the permit.

97.040—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)

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 designate, by posted signs, for speedier travel.

(Code 1965, §17A-12; Ord. 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. 1594, 4-1-68; Code 1991, §97.052)

97.053 Vehicles Prohibited After Closing Hours

No person except city staff shall enter, operate, park, leave or abandon a vehicle within a park after the closing hour of 11:00 p.m. No person except city staff shall operate a vehicle anywhere within a park other than on a paved vehicular road or path designated for vehicular access.

(Code 1965, §17A-14; Ord. No. 1594, 4-1-68; Code 1991, §97.053; Ord. No. 5828 , §1(Exh. A), 12-15-15)

97.054 Bicycles, Motorbikes, Skateboards and The Like

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

(B) Natural surface trails are multi-use for bicycles, Class 1 electrical bicycles (e-bikes) as defined by Ark. Code Ann. § 27-51-1702, and pedestrians only unless otherwise designated.

(C) Use of natural surface trails is prohibited when closed or conditions are such that damage would be caused by use.

(D) The restrictions of subsections (A) and (B) shall not apply to adaptive cycles, vehicles being operated by City employees to perform park maintenance, or police, fire, and other emergency vehicles.

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

97.055 Use of Motor Vehicles.

No person in any City park shall drive a motor vehicle (including, but not limited to passenger cars and trucks, commercial motor vehicles, golf carts, motorcycles, ATVs or the like) on other than a paved vehicular road or path designated for that purpose, or with the express written authorization of the Director.

97.056—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 otherwise inadvisable. Groups wishing to have a special event at Lake Fayetteville that includes swimming shall obtain a special use permit from the City 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. No. 5285, 11-17-09)

97.066 Hunting and Firearms

(A) No person in a park shall hunt, trap or pursue wildlife at any time; provided that the trapping of muskrats, beavers or other burrowing animals may be permitted on city reservoirs and waterways upon approval of the Mayor for the protection of earthen dams. No person except City police and Animal Control Officers 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 or dangerous to human safety. Bows and arrows will be permitted on archery ranges so designated and supervised by the City.

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- (B) Subsection (A) shall not be interpreted to prohibit the possession of firearms in city parks by on-duty law enforcement officers or other persons if such prohibition would not be allowed by state law.

(Code 1965, §17A-18; Ord. No. 1594, 4-1-68; Ord. No. 1963, 11-20-73; Code 1991, §97.066; Ord. No. 5828 , §1(Exh. A), 12-15-15; Ord. No. 6222 , §1, 9-3-19)

97.067 Picnic Facilities; Duty of Picnicker

- (A) No person in a park shall use any portion of the park or 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 grills, tables, benches, and recreational facilities will generally follow the rule of "first come, first served" unless otherwise scheduled by the City.
- (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 elsewhere.

(Code 1965, §17A-19; Ord. No. 1594, 4-1-68; Code 1991, §97.067; Ord. No. 5828 , §1(Exh. A), 12-15-15)

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 without a Camping Permit approved by the Director. Boy Scouts and other groups who have served the City through approved work programs in parks may be permitted to camp at designated park campsites with an approved Camping Permit authorized by the Director. Tournament directors of park related sanctioned tournaments may be permitted to camp at designated tournament facility sites with an approved Camping Permit authorized by the Director. Special event and/or Race Directors and event participants may be permitted to camp at designated campsites with an approved Camping Permit authorized by the Parks and Recreation Director.

(Code 1965, §17A-20; Ord. No. 1594, 4-1-68; Code 1991, §97.068; Ord. No. 5828 , §1(Exh. A), 12-15-15; Ord. No. 6415 §1, 2-18-21)

97.069 Horseback Riding

No person in a park shall ride a horse except on designated bridle trails approved by the Director. Where permitted, horses shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to go unattended.

(Code 1965, §17A-22; Ord. No. 1594, 4-1-68; Code 1991, §97.069; Ord. No. 5828 , §1(Exh. A), 12-15-15)

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:
- (1) Lake Fayetteville shall be closed on Thanksgiving Day and from sunset on December 23rd through January 14th.

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- (2) The Director is authorized to extend the operating hours of a lake when reasonable and necessary to accommodate a tournament, special event, or seasonal weather conditions.
- (B) *Permits for Fishing and Boating.* Fishing and boating permits are required for Lake Fayetteville. There is no permit requirement for Lake Wilson, Lake Sequoyah or other Park areas containing fishable waters.
- (1) *Permits:*
- (a) Annual boating and fishing permit (age sixty-five (65) and older and veterans)\$40.00
 - (b) Annual boating and fishing permit (sixteen (16)—sixty-four (64))\$50.00
 - (c) Daily boating and fishing permit (sixty-five (65) and older and veterans)\$5.00
 - (d) Daily boating and fishing permit (sixteen (16)—sixty-four (64))\$6.00
 - (e) Annual fishing/use permit (sixty-five (65) and older and veterans)\$20.00
 - (f) Annual fishing/use permit (sixteen (16)—sixty-four (64))\$30.00
 - (g) Daily fishing/use permit (sixty-five (65) and older and veterans)\$2.00
 - (h) Daily fishing/use permit (sixteen (16)—sixty-four (64))\$3.00
 - (i) Daily fishing/use permit (under sixteen (16) with permitted adult)Free
 - (j) Daily non-motorized boating (canoes, inflatables, kayaks, paddle boats and sailboats)\$3.00
 - (k) Annual non-motorized boating (per patron, nontransferable)\$20.00
- (2) *Miscellaneous.*
- (a) Each person sixteen (16) years of age or older is required to purchase a fishing/use permit for fishing on the lake or any stream within the city owned lake property at Lake Fayetteville.
 - (b) There will be two (2) free fishing weekends each year where city fishing/use permits will not be required. One (1) weekend will coincide with the Arkansas Game and Fish free fishing weekend. The Director will designate the second weekend annually.
 - (c) A boating permit applies to the boat rather than the occupants thereof; however, all occupants of a boat, sixteen (16) years of age or older must purchase a fishing/use permit. Daily permits are valid only for use on the date of purchase.
 - (d) Juveniles and their supervisors shall be exempt from the boating and fishing permit fee if they are part of Washington County government rehabilitation program approved by the Director for the location, date and time of lake access.
- (C) *Boat Docking.* Boat docking shall be permitted at Lake Fayetteville on a space available basis to season boating and fishing permit holders for the following per boat annual fees:
- (1) City resident\$250.00
 - (2) Non-resident\$325.00
- (D) *Fishing.* All fishing shall be done only from the bank, designated docks or boat. No wading, swimming, paddle boards or belly boats shall be permitted in all city lakes. Arkansas Game and Fish regulations shall control the number and size of fish which may be caught; however, the City may provide additional limitations necessary to manage the fish population. All persons fishing at Lake Fayetteville should check with the boat dock operator before fishing. It shall be unlawful for any person fishing to use trot lines, limb lines, cast nets, yo-yos or jug fishing.

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- (E) *Boating.* A boating permit for each boat must be purchased before its use on Lake Fayetteville. All boats must be docked or removed from the lake at closing time. No boats except those used by lake employees or the Environmental Study Center will be docked at any other location on the lake. Boating may be closed to the public by the City during a special event that includes swimming.
- (F) *Place of Entry.* All persons boating at Lake Fayetteville shall enter the lake 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. All persons boating at Lake Sequoyah and Lake Wilson shall enter the lake only at the boat ramp.
- (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. All city lakes are no wake lakes. Speeding and boat racing are 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.
 - (2) No boats shall be permitted within 500 feet of the spillway of any lake.
 - (3) No houseboats, paddle boards, water skiing, or jet skis are permitted.
 - (4) All state laws governing boats must be complied with before using a boat on any city lake.
 - (5) The city will not be responsible for any damage to or theft of boats, motors, or equipment.
- (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.
- (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 dam at Lake Fayetteville.
- (L) *Firearms and Hunting.* Except as otherwise provided in § 97.066 of this Chapter, no firearms, hunting or trapping will be permitted on city owned property at any time.
- (M) *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. No. 4707, 06-07-05; Ord. No. 4811, 12-20-05; Ord. No. 5139, 5-6-08; Ord. No. 5229, 3-17-09; Ord. No. 5285, 11-17-09; Ord. No. 5596, 07-02-13; Ord. No. 5828, §1(Exh. A), 12-15-15; Ord. No. 6597, §1(Exh. A), 9-6-22)

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. 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 at least ninety (90) days prior to the event.
 - (2) A water testing fee of \$250.00 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 reserves the right to allow swimming only in designated areas during the event and prohibit boating in these areas.
 - (5) The City reserves the right to cancel previously approved special events due to unacceptable water quality, inclement weather or other valid reason.

(Ord. No. 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)

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:
- (1) 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 alcoholic beverage control requirements.
 - (2) The Mayor or the Mayor's designee may issue a permit allowing the temporary possession, sale and consumption of alcoholic beverages in city parks for special events as long as the event sponsors fully comply with all applicable state and local laws and regulations, including alcoholic beverage control

requirements. The permit may include any conditions necessary to ensure public safety and the protection of city property.

- (3) Alcoholic beverages may be possessed or consumed in a city park or other recreational facility within the Downtown Outdoor Refreshment Area boundaries pursuant to the provisions of §111.07 of the Fayetteville City Code and any additional administrative regulations.

(Code 1965, §17A-23; Ord. No. 1594, 4-1-68; Code 1991, §97.081; Ord. No. 4865, 05-16-06; Ord. No. 6029 , §1, 1-2-18; Ord. No. 6469 , §§ 1, 2, 8-17-21)

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 §94.05(G).

(Code 1965, §§17A-24, 17A-26; Ord. No. 1594, 4-1-68; Code 1991, §97.082; Ord. No. 5860 , §1, 3-15-16)

97.083 Smoking And Use Of Tobacco Products

- (A) Smoking and use of tobacco products includes holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of, a pipe, cigar, or cigarette of any kind. It also includes the use of all smokeless tobacco and nicotine-containing products (including, but not limited to, chewing tobacco, snuff, dip, and snus), electronic cigarettes, vapor devices, or heated devices.
- (B) It shall be prohibited for any person to smoke or use tobacco products in any city owned or operated recreational facilities, parks, and trails.
- (C) Exemption: Cessation products approved by the United States Food and Drug Administration such as nicotine gum, nicotine lozenges, nicotine patches, pharmaceutical nicotine inhalers (not including any form of electronic products), and nicotine nasal sprays are specifically exempted from this section and can be used in city owned or operated recreational facilities, parks, and trails.
- (D) The city shall post signs in city owned or operated parks, trails, and recreational facilities at the discretion of the Director notifying the public that smoking and tobacco use of any kind are prohibited.
- (E) Any person who smokes or uses tobacco products in an area where it is prohibited by this section shall be guilty of a violation punishable by a fine not exceeding \$50.00 per occurrence.

(Ord. No. 6046 , §1, 3-6-18)

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)

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, provided a safety signal is displayed.

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

97.086 Vending And Peddling

(A) *General Prohibition of Selling in City Parks.* No person or business shall within a city park sell anything subject to the exemptions set forth in subsection (B) of this Chapter.

(B) *Exemptions.*

- (1) The city's regularly licensed concessionaires acting pursuant to the authority and regulation of the city are exempt from subsection (A).
- (2) Nonprofit organizations which have obtained a special events permit may sell nonalcoholic beverages, food and other approved items during an annual event.
- (3) Sponsors of the Gulley Park Concert Series and other special events offered by the Department of Parks, Natural Resources, and Cultural Affairs may sell food, nonalcoholic beverages, and other approved items during the event when specifically approved by the Director of Parks, Natural Resources, and Cultural Affairs. Approved merchandise may be sold at special events by performers and hosts if approved in advance by the Director of Parks, Natural Resources, and Cultural Affairs.
- (4) The Farmers' Market and its members may sell items allowed pursuant to §114.02 (C) of the Fayetteville Code on Sundays, Saturdays and one (1) weekday within a portion of the Lake Fayetteville Park that is licensed to the Botanical Garden Society of the Ozarks (if approved by the society) as shown on Exhibit A.



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- (5) Organizations the city directly funds, event sponsors and the non-profit Friends of Fayetteville Parks are allowed at no charge to setup a table to distribute information at park events upon approval of the Director of Parks, Natural Resources, and Cultural Affairs.
 - (6) The Director of Parks, Natural Resources, and Cultural Affairs may approve vendors or appoint market organizers to sell food, nonalcoholic beverages, and arts and crafts in parks as part of City-sponsored events.
- (C) Food trucks permitted pursuant to §178.05 may operate in city parks as described below:
- (1) Food trucks may not locate in the same area that is actively being served by a contracted concessionaire as shown on Exhibit C during regular season Fayetteville Parks, Natural Resources, and Cultural Affairs leagues and tournaments.
 - (2) Food trucks may locate at Gulley Park during a Gulley Park Concert or special event in other parks such as tournaments, reserved park gatherings, etc. if approved by the Director of Parks, Natural Resources, and Cultural Affairs.
- (D) For special events, food trucks and sales of items other than food may be approved by the Director of Parks, Natural Resources, and Cultural Affairs through a special event permit.
- (Code 1965, §17A-29; Ord. No. 1594, 4-1-68; Code 1991, §97.086, Ord. No. 5310, 4-6-10; Ord. No. 5531, 10-02-12; Ord. No. 5666, 3-18-14; Ord. No. 5828, §1(Exh. A), 12-15-15; Ord. No. 5940, §2, 12-20-16; Ord. No. 6664, §2(Exh. A), 5-16-23)

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)

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 herein below.
- (B) *Exceptions.*
 - (1) *Athletic Field Signage.* Signs shall be permitted on softball/baseball outfield fences and scoreboards at locations and in sizes designated by the 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. The 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.
 - (2) *Recognition Signs.* Signs located in city parks or on city trails that are used for the purpose of memorializing a person or family through naming, recognition of significant donors, or recognition of contributions to the facility or amenity on which the sign is installed shall meet the following conditions:
 - (a) *Maximum Number of Recognition Signs.* Most donor or honoree recognition signs shall be limited to one for the facility financed by the donor or memorializing the honoree. For a park or a major

facility with more than one major entrance, a second recognition sign may be recommended by the Parks and Recreation Advisory Board and approved by the City Council.

(b) *Maximum Size of Recognition Signs.*

- (i) Donor recognition signs in city parks shall be sized in accordance with Exhibit "A", Donor Recognition Signs, unless otherwise determined by City Council resolution.
- (ii) Trail Recognition Signs shall not exceed four square feet for trailhead facilities. Recognition signs along the trail for park benches, etc., shall not exceed 1.5 square feet and should be incorporated within or attached to the bench or amenity sponsored by the donor.


(c) *Design Requirements.* All recognition signs must comply with the following requirements and shall adhere to the aesthetic values and design of the park or trail:

- (i) The recognition sign shall include only the name of the person memorialized or the name of the organization, person or business which has donated significant funds to the park facility. A company or organization logo (without company colors, any advertising or slogans) may be used on the sign.
- (ii) The design of the sign shall be incorporated into the park facility and shall be approved by the Director who shall ensure the signs' high quality and durable construction and its consistency with other recognition signs within the park.
- (iii) Recognition signs shall comply with the Donor Operational Policy unless exempted by the City Council.

(d) *Facility Naming.* The naming of facilities is permitted so long as the donor or honoree has made a significant contribution to the City, in terms of financial donations, voluntarism or dedicated public service. Final naming of facility may be as recommended by the Parks and Recreation Advisory Board with final selection and approval by the City Council. Naming of the facilities should meet the Naming Park Facilities Policy attached as Exhibit "B", unless otherwise determined by City Council resolution.

(e) Adopt-A-Park or trail groups may post a sign while they are actively working on a park project that provides information about their organization or group. The sign must be approved in advance by the City.

Exhibit "A"

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: OPERATIONS POLICY FOR DONOR RECOGNITION SIGNS	
	NUMBER:	REVISIONS:	EFFECTIVE DATE: 6-16-2015	PAGE: 1 OF 1
	SUPERSEDES:	APPROVED BY:		

DONOR RECOGNITION SIGNS

PURPOSE


The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

In order to provide important capital facilities in Fayetteville Parks, it is pragmatic in a time of shrinking public dollars to seek outside funding. It is essential to have specific boundaries and criteria in establishing fair and proper recognition of significant facility donations. This policy sets guidelines for donations within parks as well as on trails. All sign and plaque designs must be incorporated into the design of the facility. Donor recognition signs shall adhere to the aesthetic values and design of the park.

Donor recognition in parks is based upon the type of facility donated. Donor recognition on trails is limited on the trailheads unless there is an educational and/or art feature that is appropriate to be displayed along the trail. Recognition signs may not be predominant within the educational and/or art component.

Recognition for each donation will be determined pursuant to the Recognition for Parks and Trails Facilities Policy. Any exceptions to this policy must be approved by City Council. Park Planners have the latitude to design signs recognizing donations based on site location and donor specific criteria. Naming of facilities donated must meet the Naming Park Facilities Operational Policy unless accepted under City Council resolution. The naming proposal will be presented to the Parks and Recreation Advisory Board for their recommendation to City Council. City Council has final approval of the park facility name, including the right to approve a different name. The option for naming facilities is only permitted under the Park Facility Diamond, Platinum, Gold and Silver categories. Minor items such as trash receptacles and flower beds cannot be named.

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: RECOGNITION FOR PARKS AND TRAILS FACILITIES POLICY	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE: 6-16-2015	PAGE: 1 OF 3
	SUPERSEDES:	APPROVED BY:		

RECOGNITION FOR PARKS AND TRAILS FACILITIES POLICY

Bronze Category: Recognition on Donor Wall for 25 year period

Donation of \$25,000 up to \$250,000 for park amenities. Examples include:	
Bleachers	Picnic Table and Grill
Batting Cages	Art Sculpture
Bike Racks	Single Playground Apparatus (climbing
Lighting	rocks/swing set)
Drinking Fountain with Dog Bowl	Landscape Feature
Prefabricated Pavilion	
Size of donor wall and names to be approved by the City Council.	

Silver Category: Naming Rights for 10 year period

Donation of 75% cost of new facility over \$250,000. Examples include:	
Soccer Field	One Mile Asphalt/Concrete Park Trail
Baseball Field	Small Amphitheater (seating for 150)
Tennis Court	Water Feature
Basketball Court	Parking Lot (25 cars)
Disc Golf Course	Greenhouse
Concession Stand/Restroom	Playground
Park Restroom	

Gold Category: Naming Rights for a Field/Court/Facility for 25 year period

Donation of 100% cost of new facility over \$250,000. Examples include:	

Soccer Field	One Mile Asphalt/Concrete Park Trail
Baseball Field	Small Amphitheater (seating for 150)
Tennis Court	Water Feature
Basketball Court	Parking Lot (25 cars)
Disc Golf Course	Greenhouse
Concession Stand/Restroom	Playground
Park Restroom	Dog Park

Platinum Category: Naming Rights of a Complex for 30 year period

Donation of \$1 million up to \$5 million to name a complete complex. Examples include:	
Sport Complex: 4—6 field lighted	Aquatic center
complex such as softball, baseball,	Amphitheater- seating for 1,200
soccer, tennis	Development of a new park

Diamond Category: Naming Rights of a Park

Donation over \$5 million to name a park.	
RECOGNITION FOR EXISTING PARK FACILITIES	
\$200,000 per baseball or softball field for 10 years, or \$350,000 for two fields	
\$150,000 per soccer field for 10 years or \$250,000 for two fields	
TRAIL FACILITIES	

Silver Category receives donor recognition of a press release, ribbon cutting ceremony, plaque constructed of high quality durable materials up to 1.5 sq ft.

Trail Facilities donated in the Silver Category may only be located along trails for educational purposes or as an integral part of an art feature.	


Gold Category receives donor recognition of a press release, ribbon cutting ceremony, sign constructed of high quality durable materials up to 4 sq ft.

Trail Facilities donated in the Gold Category may only be located at trailheads for a 25 year period and include the following:	
Parking Lot	Restroom
Pavilion	One Mile Asphalt/Concrete Trail

City Process

1. Parks and Recreation Staff or the Friends of Parks Board meets with donor to discuss donation including amount of donation, development of facility/amenity, recognition operational policy, naming rights (if applicable), sign appearance/style/construction, time requirements and other pertinent topics. Donor must meet the Operational Policy for Donor Recognition Signs.
2. Request is presented for approval from Parks and Recreation Advisory Board. If the facility donated is granted the option to name the facility, the name must meet Park Naming Facility Operational Policy.
3. Request presented to Planning Office for approval.
4. Request presented to City Council for final park name selection and approval.
5. All donors will have first right to re-new their naming rights for an appropriate donation upon conclusion of the time period.
6. The city will reserve the right to remove a donor's name from the facility if the City Council determines by resolution that a donor would otherwise cause undue embarrassment or other issues for the City or its citizens.

Exhibit "B"

	Parks and Recreation Department Policies and Procedures Manual		SUBJECT: OPERATIONS POLICY FOR NAMING PARK FACILITIES	
	NUMBER: PRK-	REVISIONS:	EFFECTIVE DATE:	PAGE: 1 OF 1
	SUPERSEDES:	APPROVED BY:		

NAMING PARK FACILITIES

PURPOSE

The purpose of this directive is to provide policies which will govern the naming of park facilities currently owned or acquired by the City of Fayetteville. This policy statement takes precedence over any previous policies and guidelines which may have governed the naming of these facilities.

POLICY

Upon acquisition of a new park, the Director of Parks and Recreation will assign a nondescript temporary working name or subdivision name for the park facility to be used until park development begins.

Once park development begins, the Parks and Recreation Department will receive and forward park facility name suggestions to the Parks and Recreation Advisory Board for review. The Parks and Recreation Advisory Board will

discuss and approve the recommendations at their monthly meeting. Once a recommended name has been selected, the Parks and Recreation staff will forward the name to the City Council for its final park name selection including a potentially different name.

The following items should be considered when proposing names for any park facilities:

- Geographic location of the facility
- Outstanding features of the facility
- Commonly recognized historical event, group, or individual
- Individual or group who contributed significantly to the acquisition or development of a facility
- Individual who provided an exceptional service in the interest of the park system

For an individual to be considered, the recommended name must be accompanied by a biographical sketch which provides evidence of historical significance or contributions to the Parks and Recreation Department or City of Fayetteville.

The naming of plaques, markers, and memorials within park facilities must follow the policies as stated above.

Note: A name recommendation from the Active Transportation Committee for trail facilities will be required prior to forwarding to the Parks and Recreation Advisory Board.

(Code 1965, §17A-31; Ord. No. 3677, §2, 3-2-93; Code 1991, §97.088; Ord. No. 5335, 7-20-10; Ord. No. 5778, 6-16-15; >Ord. No. 5828 , §1(Exh. A), 12-15-15)

97.089—97.998 Reserved