

Title 14

PARKS AND RECREATION

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Chapter 14.04

PARKS AND RECREATION COMMISSION

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14.04.010 Short titles

This chapter shall be commonly known and cited as the "Park and Recreation Ordinance." (Ord. 190 Sec. 1, 1967)

14.04.020 Definitions

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings 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.

- A. "City" is the City of Jacksonville.
- B. "Director" is a person so designated and in charge of the parks and recreation department or any subdivision thereof, including those in charge of any park area and its activities.
- C. "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 curb and sidewalks along the several streets and highways of the City.
- D. "Person" is any person, firm, partnership, corporation, association, company or organization of any kind.

(Ord. 190 Sec. 2, 1967)

14.04.030 Establishment - Membership - Qualifications - Compensation

The Jacksonville Parks and Recreation Commission was established in 1967. The Parks and Recreation Commission shall consist of seven (7) members. The members shall be qualified voters of the City and shall serve without compensation.

(Ord. 499 Sec. 1, 1978; Ord. 289 Sec. 1,2, 1973; Ord. 190 Sec. 3, 1967; Ord. 858, 1987)

14.04.040 Members - Appointment - Vacancy filling

Members shall be appointed by the Mayor and vote of the duly elected members of the City Council and shall hold office for a term of five years; provided, however, that those commissioners first appointed and confirmed shall serve for terms of one, two, three, four and five years, each to be designated by the Mayor and City Council and upon expiration of their respective terms, commissioners appointed by the Mayor and approved by a majority of the City Council shall each be appointed for a term of five (5) years. In the event of a vacancy occurring on the Commission, it shall be filled by appointment by the Mayor subject to approval of majority vote of the duly elected and qualified members of the City Council. Each commissioner shall file the oath required by law in the State of public officials. Any commissioner appointed by the provisions of this section may be removed for cause upon a two-thirds' vote of the duly select and qualified members of the Council; provided further, that if a replacement has not been designated upon the end of a member's term, then that member shall continue his membership until replaced; provided, that no member shall be qualified/allowed to serve more than two consecutive terms. However, in the event said member is first appointed to fulfill less than six (6) months of an unexpired term, that period of appointment shall not be held against him/her in the determination of eligibility for continued service on the Commission.

(Ord. 1078 Sec. 1, 1997; Ord. 499 Sec. 3, 1978; Ord. 489 Sec. 1, 1978; Ord. 190 Sec 3(1) (a) (2,4), 1967)

14.04.050 Officers - Election

The Commission shall elect a Chair, a Vice Chair for the Commission, both to serve for One (1) year in said office. No Chair or Vice Chair shall serve more than Two (2) consecutive terms in said office. The Director of Parks and Recreation shall serve as the Executive Secretary of the Commission in accordance with the terms of JMC 14.04.080.

(Ord. 190 Sec. 3(1) (b), 1967, Ord. 1471 Sec. 1, 2013)

14.04.060 Quorum

A majority of members constitutes a quorum.

(Ord. 190 Sec. 3 (1) (c) 1967)

14.04.070 Meetings - Absence from - Member retirement

Absence from three consecutive meetings without consent of the Commission chairman shall be deemed to constitute the retirement of such member and such fact shall be certified to the Mayor as hereinafter provided in Section 14.04.200. (Ord. 190 Sec. 3 (1) (d), 1967)

14.04.080 RESERVED (Ord. 1471 Sec. 16, 2013)**14.04.090 Powers and Duties**

The Park and Recreation Commission shall take the following powers and perform the following duties:

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- A. It shall act in all matters pertaining to Parks and Recreation and have such power and authority therein to act in the best public interest, convenience and necessity. It shall acquaint itself with and make a continuous study and inspection of the complete Park and Recreation system of the City and shall advise with the City Council from time to time as to the present and further maintenance, operation, planning, acquisition, development, enlargement and public use policy of the City Park and Recreation system.
- B. It shall study and encourage the development of Park and Recreation areas and study and encourage the development of wholesome recreation for all residents of the City.
- C. DELETED (Ord. 1471 Sec. 2, 2013)
- D. It shall advise with the director of Park and Recreation on problems of development of recreation areas, facilities, programs and improved recreation services.
- E. 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 Park and Recreation.
- F. It shall recommend the adoption of standards on areas, facilities, programs and financial support.
- G. It shall aid in coordinating the recreation service with the programs of other governmental agencies and voluntary organizations.
- H. It shall interpret the policies and functions of the Park and Recreation Department to the public.
- I. It shall review, study and make recommendations to the director of Park and Recreation for the preparation of the annual budget for the Park and Recreation Department.
- J. It shall advise the director of Park and Recreation the development of long-range capital improvement programs and, when in its opinion the need exists for additional Park and Recreation facilities, grounds or premises it shall make appropriate recommendations to the City Council. It may also recommend the acquisition of additional parks, park and recreational equipment and supplies.
- K. DELETED (Ord. 1471 Sec. 2, 2013)
- L. It shall follow the rules and regulations prescribed by the Council for the conduct of its business.
- M. It shall make recommendations to the City Council regarding Park and Recreation matters that it considers advisable.
- N. It shall establish rules and regulations prescribed by the Council governing the administration of the Park and Recreation program and the use of Park and Recreation facilities.
- O. DELETED (Ord. 1471 Sec. 2, 2013)
- P. It may from time to time recommend to the City Council amendments or changes to the Ordinance codified in this Chapter.
- Q. It shall, whenever in its opinion it is desirable or necessary 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.
- R. DELETED (Ord. 1471 Sec. 2, 2013)

14.04.100 Officers - Terms of office

- A. The Parks & Recreation Commission shall have a Chair, a Vice Chair, and a Director; and,
- B. Terms of office for the Chair and Vice Chair shall run annually, with elections held at the December Commission meeting and offices to be assumed as of January 1 through December 31. The Director shall serve in conjunction with his/her term of employment with the Parks & Recreation Department.
- (Ord. 190 Sec. 3(3) (a), 1967; Ord. 1471 Sec. 2, 2013)

14.04.110 Meetings - When - Special meetings

- A. Regular Meetings. The Park and Recreation Commission shall meet on the second Tuesday of each month in the City Recreation Center unless another time, date and place is designated by the chairman and all members are notified at least one day in advance.
- B. Special Meetings. Special meetings may be called by the chairman or by written request sent to the secretary by three members of the commission.
- C. Quorum. A majority of members constitutes a quorum.
- (Ord. 663 Sec. 1, 1982)

14.04.120 Subcommittees

- A. Appointment. The Park and Recreation Commission, by a majority vote of the quorum present at any regular or special meeting, may appoint to sub-committees such members and citizens as they see fit to serve the purposes of the Park and Recreation Commission.
- B. Termination. These committees may be dissolved in a like manner.
- (Ord. 190 Sec. 3(3) (c), 1967)

14.04.130 Meetings - Order of business

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

- A. Call to order;
- B. Reading of minutes of previous meetings;
- C. Appointment of committees;
- D. Reports of officers and committees;
- E. Communications, other reports, public hearings, etc.;
- F. Unfinished business;
- G. New business;
- H. Adjournment.

The Commission shall abide by Robert's Rules of Order in addressing issues of business during their meetings.

(Ord. 190 Sec. 3(3) (d), 1967; Ord. 1471 Sec. 4, 2013)

14.04.140 Chairman - Duties

The chairman shall perform the usual duties of such office. He shall preside at all meetings when he is present and shall represent the Park and Recreation Commission at public functions. (Ord. 190 Sec. 3(3) (e) (1), 1967)

14.04.150 Vice chairman - Duties

The vice chairman shall assist the chairman in directing the affairs of the commission and he shall act in his absence. (Ord. 190 Sec. 3(3) (e) (2), 1967)

14.04.160 Director - Duties

The Director shall be responsible for general management of the Parks & Recreation Department, which shall include completing those directives, duties, goals, and tasks of the Commission, Mayor, and the City Council. The Director is responsible for providing the Commission with all information required and to implement properly adopted and approved Commission and Department policies and procedures. He/She shall provide the Commission with regular reports of the activities and programs of the Department, and shall serve as the Commission's liaison to the Mayor and City Council. (Ord. 190 Sec. 3(3) (e) (3), 1967; Ord. 1471 Sec. 5, 2013)

14.04.170 Annual report

The Parks & Recreation shall cause an Annual Report to be published and provided to the Commission, Mayor, and City Council, as well as any interested citizens, containing information on the activities and programs of the Department. This Report shall be completed in January at the completion of each calendar year. (Ord. 190 Sec. 3(3) (f) (1), 1967; Ord. 1471 Sec. 6, 2013)

14.04.180 Information folder

The Park and Recreation Commission shall from time to time publish an information folder explaining the program and the facilities available through the Park and Recreation Department. (Ord. 190 Sec. 3(3) (f) (2), 1967)

14.04.190 DELETED (Ord. 1471 Sec. 7, 2013)**14.04.200 Meetings - Attendance**

Any member of the Park and Recreation Commission who fails to attend three consecutive regular meetings without being excused by the Commission Chairman shall be certified to the Mayor as having retired under the provisions of Section 14.04.070. (Ord. 190 Sec. 3(3) (g), 1967)

14.04.210 Voting

All questions presented for a vote of the Park and Recreation Commission shall be decided by a simple majority of those present. (Ord. 190 Sec. 3(3) (h) 1967)

14.04.220 Additional rules promulgation

The Park and Recreation Commission shall have authority to adopt such additional rules that are not in conflict with this chapter that it deems necessary to carry out the purposes and intent of this chapter. (Ord. 190 Sec. 3(3) (i), 1967)

14.04.230 Park and Recreation Department - Created

There is created a Park and Recreation Department for the City. (Ord. 190 Sec. 4(1), 1967)

14.04.240 Park and Recreation Director - Appointment

The Mayor shall interview, hire, appoint, select, and supervise the Director of Parks & Recreation. (Ord. 190 Sec. 4(2), 1967; Ord. 1471 Sec. 8, 2013)

14.04.250 Park and Recreation Director - Powers and duties

The director of Park and Recreation shall:

- A. Be the chief administrative officer of the Park and Recreation Department of the City subject to the defection of 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. He shall be in charge of the operation of any nursery which may be maintained by the City for the growing and furnishing of plants, trees, shrubs, grass and other growing vegetation for use in the city parks. He shall consult the City Engineer, from time to time, with reference to construction, maintenance and furnishing of utilities to and within the City parks;
 - B. Attend meetings of the Park and Recreation Commission and shall serve as its executive secretary without vote and shall advise with the Park and Recreation Commission pertaining to the planning, development and operation of the parks and recreation facilities of the City;
 - C. Recommend for employment required personnel according to the standard procedures as set forth by the City and, upon employment, shall supervise them in the performance of their various duties;
 - D. Administer, operate and maintain existing park and recreation areas and facilities and plan for the acquisition, development and operation of proposed facilities in accordance with the policies recommended by the Park 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 Park 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 for the furtherance of recreation opportunities.
 - H. Prepare manuals, bulletins and reviews on parks and recreation problems as required;
 - I. Provide upon request assistance of technical nature to community agencies and organizations having problems relating to park and recreation areas, facilities and programs;
 - J. Conduct studies of local conditions and needs for park and recreational services and assist with recruitment and training of recreational personnel.
 - K. Prepare a budget request to the Mayor.
- (Ord. 190 Sec. 4(3), 1967)

14.04.260 Funds appropriation

The City Council may appropriate funds from the general revenue fund of the City or from such other funds as the City may have available at the time to make up deficits or to provide such funds as may be necessary to carry on the operations of the said recreational park. The City Council may at any time appropriate such funds as it deems necessary from the general revenue fund or such other funds that the City may have available for the purpose of maintaining and operating the Recreational Park. (Ord. 190 Sec. 5, 1967)

14.04.270 Enforcement

- A. **Officials.** The director, park attendant, Police Department and park ranger shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter and/or the rules and regulations prescribed thereunder.

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- B. **Ejection.** The director, park attendant, Police Department and any park ranger shall have the authority to eject from the park any person acting in violation of this chapter and/or rules and regulations prescribed thereunder.
- C. DELETED (Ord. 1471 Sec. 9, 2013)
- D. DELETED (Ord. 1471 Sec. 9, 2013)
- E. DELETED (Ord. 1471 Sec. 9, 2013)

Chapter 14.08

PARK REGULATIONS

Sections:

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- 14.08.020 General Rules and Regulations
- 14.08.030 Hours of Operation
- 14.08.040 Vehicle Use and Parking
- 14.08.050 Prohibited Acts
- 14.08.060 Overnight Camping
- 14.08.070 Use of Boats, Canoes, Kayaks, or other Water Vessels
- 14.08.080 Powers and Duties
- 14.08.090 Disturbing animals prohibited
- 14.08.100 Penalties
- 14.08.110 Soliciting and peddling - Permission required
- 14.08.120 Speeches or lectures - Permit required
- 14.08.130 Assembly during certain hours prohibited
Exception

14.08.010 Resolution acceptance

A resolution adopted by the Jacksonville Parks and Recreation Commission on August 20, 1963, entitled "Resolution of the Jacksonville Parks and Recreation Commission Recommending the Establishment of Rules and Regulations for the Jacksonville Municipal Parks," is accepted as the report and recommendations of said commission respecting the matters therein set forth. (Ord. 144 Sec. 1, 1963)

14.08.020 General Rules and Regulations

The provisions contained herein and/or enacted by the Jacksonville Parks & Recreation Commission shall have full force and effect from and after their dates of passage as subject to and by applicable law. (Ord. 144 Sec. 2(part), 1963; Ord. 1471 Sec. 10, 2013)

14.08.030 Hours of Operation

Except for unusual and unforeseen emergencies, City Parks shall be open to the public daily, excluding holidays, with hours set by the Commission according to the Park's primary purposes and locations, and no person(s) shall assemble, enter, be in, or take a motor vehicle into any City Park after posted hours unless authorized herein and/or by the Parks & Recreation Director and/or Commission. However, this provision does not apply to City-sponsored sporting events hosted in the Parks. Further, any section or part of any Park may be declared closed to the public by the City and/or its duly authorized representative(s) at any time and for any interval of time when deemed appropriate and necessary, and it shall be unlawful to enter into an area posted as closed to the public, nor shall any person(s) use of any area within a Park be in violation of posted notices. (Ord. 1471 Sec. 11, 2013)

14.08.040 Vehicle Use and Parking

A. **Vehicle Use, Speed Limits, and Parking.** It shall be unlawful to fail to comply with all applicable provisions of Arkansas motor vehicle traffic laws in regard to equipment and operation of vehicles and applicable regulations contained in this Municipal Code and State law. It shall be unlawful to ride or drive a vehicle within a Park at a rate of speed exceeding Fifteen miles per hour (15 MPH), except upon such roads as the City may designate, by

posted signs, for speedier travel. It shall be unlawful to ride, drive, operate, or push a vehicle in any location within a City Park, including any trails, regardless of the trail surface, except for paved vehicular roadways designated for that purpose. It shall also be unlawful to operate a truck/trailer/tractor or other such vehicle(s) within Parks larger than a Three-Quarter (3/4) ton, unless doing so is required for improvements being performed within said Park.

- B. **Parking (in General).** It shall be unlawful to park a vehicle in other than in an established or designated parking area, which shall be in accordance with applicable provisions of Arkansas motor vehicle traffic laws.
- C. **Parking Overnight or Vehicle Abandonment.** It shall be unlawful to park, leave, or abandon a vehicle within a Park during the closed hours of said Park. (Ord. 1471 Sec. 12, 2013)

14.08.050 Prohibited Acts

A) **Defacing and/or Tampering with Park Property.** It shall be unlawful to damage, deface, disfigure, remove, willfully mark, 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.

B) **Disturbing Natural Resources and Wildlife.** It shall be unlawful to cut, carve, climb, damage, dig, remove, and/or transplant any soil, rock, stones, trees, shrubs or plants, fallen timber, or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except on special written permit obtained from the City. It shall be unlawful to hunt, molest, harm, frighten, poison, kill, trap or remove any animal, reptile or bird; or to remove the eggs, nest, or young of any wild animal, fish, reptile or bird. It shall be unlawful to hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, slings, traps, or other weapons or devices potentially inimical to wildlife or dangerous to human safety.

Provisions of this Section shall not apply to Parks employees, or anyone acting at their direction, so long as any action taken by such employees, or anyone acting under their direction, is in furtherance of management of natural resources, animals, and wildlife within the Park(s), and has been authorized by the Parks & Recreation Director, Commission, and/or the Mayor.

C) **Refuse and Waste.** It shall be unlawful to deposit in a Park any refuse or other trash. No refuse or other trash shall be left anywhere on the grounds thereof, but shall be placed in proper receptacles where provided. Where such receptacles are not so provided, all such rubbish or waste shall be carried away from the Park by the person responsible for its presence and properly disposed of elsewhere. It shall also be unlawful to 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 foreign substance.

D) **Solicitation, Peddling, and Distribution of Literature Prohibited.** No person(s) shall post, affix, or inscribe any handbill, poster, card, devise, inscription, or advertisement in, upon, or against any building, fence, structure, or upon any property within any City Park without first obtaining permission from the Parks & Recreation Director and/or Commission. As well, no person(s) shall sell or solicit sales of article(s) within a City Park without first obtaining permission from the Parks & Recreation Director and/or Commission and an appropriate City Business License in compliance with JMC Title 5.

E) **Use of or Possession of Alcohol Beverages.** It shall be unlawful to bring and/or consume alcoholic beverage(s) within a City Park. No person shall enter a Park while under the influence of intoxicating beverages as well.

F) **Fires.** It shall be unlawful to build or attempt to build a fire except in fireplaces or facilities so designed for such use, or to leave any fire unattended. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, or other flammable material within any Park area or on any highway, road, or street abutting or contiguous thereto.

G) **Skateboards, Scooters, Conventional or In-line Skates, and/or Bicycles.**

No person shall operate any skateboard, scooter, conventional or in-line roller skates, or bicycle in areas of a Park where signs are posted prohibiting such activity. As well, said equipment shall be utilized in the designated areas so as not to cause accident(s), injury(ies), and /or damage(s) to any person and/or property.

(Ord. 1471 Sec. 13, 2013)

14.08.060 Overnight Camping

It shall be unlawful to 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 a house trailer, camp trailer, camp wagon, or the like. However, this does not apply to: a) any Boy Scout and/or Girl Scout troop(s) and/or similar organization(s) who is/are given written permission by the Parks & Recreation Director to camp out in conjunction with an authorized clean-up/service project in Dupree Park, Paradise Park, or Reed's Bridge Preservation Park; and, b) any Preservationist group(s) participating in the annual Reenactment Celebration within or near Reed's Bridge Preservation Park.

Special camping provisions are provided in the Shooting Range Ordinance for that Park property. (Ord. 1471 Sec. 14, 2013)

14.08.070 Use of Boats, Canoes, Kayaks, or other Water Vessels

It is lawful for any person to use any non-motorized boat, canoe, kayak, or any other similar vessel on the bodies of water at Dupree Park, Reed's Bridge, Paradise Park, and Jimmie White Park. Electric trolling motors are allowed. However, this provision shall not apply to any government official or agent thereof using a motorized vessel in connection with an official government function. (Ord. 1471 Sec. 15, 2013)

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14.08.080 Lakes and ponds - Prohibited acts

No persons shall throw or drop stones, sticks or rubbish of any kind in the lakes or ponds within the City park or parks, nor bathe nor wade therein. (Ord. 144 Sec. 2(F), 1963)

14.08.090 Disturbing animals prohibited

No person shall chase, shoot at, set snares for or catch or injure any rabbits, squirrels, birds, fish or any other animals, wild or tame, belonging to the park or parks or kept therein. (Ord. 144 Sec. 2(G), 1963)

14.08.100 Penalties

Any person(s) violating terms of this Ordinance shall, upon conviction thereof, be adjudged guilty of a violation and fined in a sum ranging from Fifty Dollars (\$50.00) not to exceed Five Hundred Dollars (\$500.00) for each offense, together with applicable court costs. Each discharge of a weapon is considered a separate offense punishable as stated herein. (Ord. 1471 Sec. 17, 2013).

14.08.110 Soliciting and peddling - Permission required

No person shall set up any table or booth for the sale of articles nor peddle any articles whatsoever within the city park without the authority to do so having first been obtained from the Parks and Recreation Commission. (Ord. 144 Sec. 2(I), 1963)

14.08.120 Speeches or lectures - Permit required

No person shall render any music, vocal or instrumental, or deliver an oration, speech, address or lecture in the park or parks without a permit for such purpose having first been obtained from the Parks and Recreation Commission. (Ord. 144 Sec. 2(J), 1963)

14.08.130 Assembly during certain hours prohibited - Exception

A. No person(s) shall enter, park a motor vehicle, loiter, or assemble for any purpose whatsoever in a public park(s) within the City of Jacksonville between the hours of 10:00 p.m. and 8:00 a.m. unless granted specific permission to do so by the Parks and Recreation Department through the Director and/or his/her authorized representative(s). However, no person(s) shall enter, park a motor vehicle, loiter, or assemble for any purpose whatsoever in the Department's Northlake and Galloway Residential Parks from One (1) hour before Sunset to One (1) hour after Sunrise unless said activity(ies) has/have been approved by the Parks and Recreation Department through the Director and/or his/her authorized representative(s).

B. This Section is not to be construed to prohibit the lawful attendance and/or assembly at an officially sponsored or authorized event(s) from which prior approval has been obtained from the Parks and Recreation Department through the Director and/or his/her authorized representative(s).

(Ord. 144 Sec. 2(K), 1963; Ord. 1389 Sec. 1, 2009)

TITLE 14 FOOTNOTES

1. For Code provisions prohibiting the harassment of or injury to wildlife in public parks, see Ch. 6.12.
2. For statutory provisions authorizing cities of the first and second class to establish a Park Commission, see ACA 14-269-201 et seq.
3. For statutory provisions requiring the Recreation Commission to adopt rules and regulations for the operation and management of municipal parks, see ACA 14-269-204.