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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan
City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *C-E*

From: Chase Gipson, Recreation Superintendent *CG*

Date: May 18, 2012

Subject: Authorizing Parks and Recreation staff to extend the normal operating hours of a park.

PROPOSAL:

Tournament play and special events in a Park facility occasionally run behind schedule for a number of reasons including inclement weather, extra innings/overtime, teams arriving late from another facility, etc. Over the course of a day with several games, these delays can add up to games or events starting an hour or two late. When this does occur, Parks Staff needs to be able to extend the hours of the park beyond the normal closing time of 11 p.m., to better accommodate participants and scheduling.

RECOMMENDATION:

Authorizing Parks and Recreation staff to extend the normal operating hours of a park when reasonable and necessary to accommodate a tournament or special event.

BUDGET IMPACT:

Potential increase in HMR revenue due to additional teams participating in a tournament.

ATTACHMENTS:

Letter from City Attorney, Kit Williams
Proposed Amendment to §97.015
Copy of current law, Chapter 97



Departmental Correspondence



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DEPARTMENT

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TO: **Mayor Jordan**
City Council
Don Marr, Chief of Staff
Connie Edmonston, Parks & Recreation Director

Kit Williams
City Attorney
Jason B. Kelley
Assistant City Attorney

FROM: **Kit Williams, City Attorney**

DATE: **March 12, 2012**

RE: **Authorizing Parks and Recreation Staff to extend the normal operating hours of a park when reasonable and necessary to accommodate a tournament or special event**

Chase Gipson, Recreational Superintendent of the Parks and Recreation Department, notified me that they had concerns about extending the normal operating hours of a city park when a tournament was running late and the last game could not be finished until after 11:00 P.M. The current §97.015 **Operating Hours** is somewhat unclear about the staff's ability to occasionally extend the closing hour of a park to accommodate a late running tournament or special event.

Therefore, I agreed that **Operating Hours** should be slightly amended to make it clear that in certain rare, but necessary situations, the Parks and Recreation staff in charge of a park could extend the operating hours so the last game of the night could be finished. This usually happens in softball tournaments if rain delays some early rounds. Fortunately, most of our softball fields (at Gary Hampton and Lake Fayetteville) are pretty far from residential neighborhoods so extending the operational hours slightly beyond 11:00 P.M. should not cause much, if any, inconvenience for our citizens.

I recommend we leave the established wording intact and unchanged and place it under (a). Then, the City Council could enact: "(b) Parks and Recreation Staff is authorized to extend the operating hours of a park when reasonable and necessary to accommodate a tournament or special event." This should resolve Parks and Recreation Staff's concern about whether they are authorized to allow a little more time for the last scheduled game to finish even if it is later than 11:00 P.M.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §97.015 OPERATING HOURS IN CHAPTER 97: PARKS AND RECREATION TO AUTHORIZE THE PARKS AND RECREATION STAFF TO EXTEND A PARK'S CLOSING TIME WHEN NECESSARY FOR A TOURNAMENT OR SPECIAL EVENT

WHEREAS, occasionally a tournament is delayed by weather or otherwise runs later than planned so that its last game cannot be finished by 11:00 P.M.; and

WHEREAS, the Parks and Recreation Staff should be empowered to extend the closing time for such tournament or special event if reasonable and necessary.

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 amends §97.015 **Operating Hours** by placing all current wording under a new subsection (a) and enacting a new subsection (b) as follows:

“(b) Parks and Recreation Staff is authorized to extend the operating hours of a park when reasonable and necessary to accommodate a tournament or special event.”

PASSED and APPROVED this 5th day of June, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

FAYETTEVILLE CODE OF ORDINANCES
TITLE IX GENERAL REGULATIONS

CHAPTER 97: PARKS AND RECREATION

**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. A person immediately in charge of any park area and its activities, and to whom all park attendants of such area are responsible.

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

Vehicle. Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled and shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city 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

Except for unusual and unforeseen emergencies, city parks shall be open to the public every day of the year from daylight until 11:00 p.m. 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.

(Code 1965, §17A-32; Ord. No. 1594, 4-1-68; Code 1991, §97.015)

**97.016 Fee For City Park Ballfields
For Tournaments**

(A) For the use of city park ballfields for tournaments, the mayor or his/her designee shall establish fees to be charged to defray the costs of maintenance, trash pickup and removal, equipment use, water, and electricity.

(B) The sponsors of any tournament shall arrange for all necessary umpires. Upon conclusion of each tournament, the sponsors shall restore each field to the same condition it was in prior to the tournament.

(Code 1965, §2-100; Ord. No. 2714, 4-7-81; Ord. No. 4115, 8-18-98; Code 1991, §97.016)

Cross reference(s)--Penalty, §97.999.

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 Attendants, And City Police

The director, park attendants and city police 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)

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)

Cross reference(s)--Penalty, §97.999.

↙
Current Law ↑

