Amended by 2016-03
1/19/2016

ORDINANCE 2015-04

AN ORDINANCE SETTING RULES AND FEES FOR USE OF PUBLIC PARKS AND RESERVOIR AND TO REPEAL ORDINANCES 2012-02, 2012-07, 2013-03, 2013-04, and 2013-09

WHEREAS, Fees must be established to cover the costs of the operation of Mulberry City Parks; and

WHEREAS, The City of Mulberry, Arkansas desires to keep these costs as low as possible; and

WHEREAS, Rules must also be established for the use of the parks and Reservoir; and

WHEREAS, Multiple Ordinances exist to address these issues;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

Section 1: That the City of Mulberry, Arkansas hereby sets the fees for parking and rules for use of the below listed City Parks as described herein:

A. Bluff Hole

1. Bluff Hole Park shall be open from 6:00 a.m. to 30 minutes after sunset year round except when the Mayor or his authorized representative deem it necessary to close due to flooding, public health issues or other such circumstances.

2. There is hereby assessed a fee of $3.00 per day for all vehicles parking in Bluff Hole Park. In the alternative, users may purchase an Annual Pass for $30.00 per annum, which is good at all parks. Senior Citizens 62 and older and those with documented permanent disabilities may receive a $15.00 reduction on the cost of the Annual Pass. All fees for parking shall be paid prior to occupancy.

3. There is hereby assessed a fee of $25.00 per time slot (9am-2pm and 3pm-9pm) for use of the Pavilion at Bluff Hole Park. All fees for use of the Pavilion shall be paid prior to occupancy.

B. T. J. House Reservoir

1. The T. J. House Reservoir shall be open for fishing from 6:00 a.m. to 30 minutes after sunset year round except when the Mayor or his authorized representative deem it necessary to close due to flooding, public health issues or other such circumstances.

2. There is hereby assessed a fee of $3.00 per day for all vehicles parking at T. J. House Reservoir. In the alternative, users may purchase an Annual Pass for $30.00 per annum, which is good at all parks. Senior Citizens 62 and older and those with documented permanent disabilities may receive a $15.00 reduction on the cost of the Annual Pass. All fees for parking shall be paid prior to occupancy.

3. Boat fishing is permissible on the T. J. House Reservoir. However, gasoline motors or other motors fueled by combustible fuel shall be operated only on the Reservoir at the boat launching ramp to unload or load the boat from or onto a boat trailer.

4. Regulations concerning size, and creel or bag limit will be based on recommendations by the Arkansas Game and Fish Commission and can be obtained at City Hall. All other fishing regulations shall be in accordance with the applicable State law.

5. Bank fishing is allowed in a designated area of the T.J. House Reservoir; the designated area consists of the bank property located up to and including 150' to the left (south) and 300' to the right (north) of the Boat Launch Ramp..

6. Trot-line fishing, jug fishing, net fishing and any type of commercial fishing are expressly and strictly prohibited on the T. J. House Reservoir.

7. Use of firearms, fireworks, camp fires, dumping, littering, swimming, wading, jet skis, skiing, 4-wheelers, hunting, trapping, alcohol and pets are expressly and strictly prohibited on the T. J. House Reservoir.

8. Driving, walking, hiking climbing or any other means of entering upon the earthen dam at the T. J. House Reservoir is expressly and strictly prohibited.

9. Restricted areas as designated by the Mayor or his representative are off limits at all times to all persons, except authorized personnel. A 300 foot Buffer Zone completely surrounding the T. J. House Reservoir is hereby established as a permanent restricted area.

10. Nothing in this Ordinance shall encroach upon the official duties of the Arkansas Game and Fish Commission, Federal Fish and Wildlife Service or the U.S. Department of Agriculture.

C. Vine Prairie Park

1. There is hereby assessed a fee of $3.00 per day for all vehicles parking in Vine Prairie Park. In the alternative, users may purchase an Annual Pass for $30.00 per annum, which is good at all parks. Senior Citizens 62 and older and those with documented permanent disabilities may receive a $15.00 reduction on the cost of the Annual Pass. All fees for parking shall be paid prior to occupancy.

2. There is hereby assessed a fee of $25.00 per time slot (9am-2pm and 3pm-9pm) for use of the Pavilion at Vine Prairie Park. All fees for use of the Pavilion shall be paid prior to occupancy.

3. There is hereby assessed a user fee of $20/night for use of any camping site equipped with electricity. There is hereby assessed a user fee of $10/night for use of any primitive camping site (not equipped with electricity). Golden Age Access Passes will be honored at ½ the regular camping fee. All fees for use of the camping facilities shall be paid prior to occupancy.

Section 2: The City of Mulberry reserves the right to deny access to any City Park or Reservoir to any applicant who does not meet the standards, oral or written, of the City of

Mulberry or who does not strictly abide by all rules and regulations adopted for use of the City Parks and Reservoir. Further, the City of Mulberry retains the right to revoke parking privileges and use of Pavilion privileges from any occupant who does not abide by all rules and regulations adopted for use of those facilities. Revocation of these privileges shall not result in a refund of any unused portion of the rental fee.

Section 3: It shall be unlawful for any user to occupy any camp sites in any Mulberry City Park for more than fourteen (14) consecutive nights, without the express approval of the Mayor or his designated representative.

Section 4: The rules and regulations of the Arkansas Board of Health regarding the use of Public Water systems are hereby adopted and incorporated herein by reference as if set out word for word.

Section5: Any person, firm or corporation or other entity in violation of any provision of this Ordinance concerning parking or use of Pavilions, shall be subject to a fine not to exceed $50.00 for each and every violation. In an effort to encourage continued park usage and Annual Pass will be issued when the $50.00 fine is paid in full.

Section 6: Arkansas Code Annotated 18-15-607 is hereby adopted in its entirety as a part of this ordinance along with the penalties described therein.

Section 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8: The Mulberry Police Department in accordance with the provisions of Arkansas Code Annotated 14-52-104 shall and hereby have full police powers on the City Lake and all Lake Property.

Section 9: If any provision of this ordinance is held invalid or unconstitutional it shall be deemed severable and separable and the remaining provisions shall remain in full force and effect.

Emergency Clause

Whereas: It has been determined by the City Council that the above measures are necessary to protect the Parks, City Lake and Lake Property, an emergency is hereby declared to exist and this ordinance being necessary to protect the public health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED and ADOPTED on this 21st day of July, 2015.

APPROVED:

Gary D. Baxter, Mayor

ATTEST:

Jerry Dickerson, City Recorder