

## **TITLE 12**

### **PARKS AND RECREATION**

#### **Chapters:**

- 12.04 Park Operation
- 12.08 Tree Board
- 12.12 Parks and Recreation Advisory Board
- 12.16 Cemetery Board
- 12.20 Municipal Facilities Fee Schedule

#### **CHAPTER 12.04**

##### **PARK OPERATION**

#### **Sections:**

- 12.04.01 Hours of operation
- 12.04.02 Permit
- 12.04.03 Fine
- 12.04.04 Smoking
- 12.04.05 Parking

**12.04.01 Hours of operation** The hours of use and operation for all city parks and recreational areas shall be open from 6am to 11pm. (Ord. No. 2020-28)

**12.04.02 Permit** Persons desiring to use city parks and recreational areas, other than during the normal use and operation hours, shall first be required to obtain a permit from the City Administration Officers. No fee will be required for the issuance of such a permit, but the usual and ordinary charges assessed by the city shall apply. (Ord. No. 2003-18, Sec. 2.)

**12.04.03 Fine** Any person who enters upon any of the city's parks or recreational areas in violation of this ordinance, shall, upon conviction for such violation, be fined in a sum not less than Twenty-Five Dollars (\$25.00) nor more than five Hundred Dollars (\$500.00). (Ord. No. 2003-18, Sec. 3.)

**12.04.04 Smoking** A person may not smoke within 25' of all playground sites of the city park and facilities. (Ord. No. 2015-07, Sec.1.)

**12.04.05 Parking** No vehicles are permitted on the grass or dirt area of any park, unless granted permission by the city in writing.” (Ord. No. 2016-21, Sec. 1)

## **CHAPTER 12.08**

### **TREE BOARD**

#### **Sections:**

12.08.01	Tree Board
12.08.02	Duties
12.08.03	Purpose
12.08.04	Definitions
12.08.05	Administration
12.08.06	Tree planting, maintenance and removal
12.08.07	Commercial tree service
12.08.08	Hazardous and nuisance trees
12.08.09	Tree protection and landscaping
12.08.10	Penalty
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#### **12.08.01 Tree Board**

- A. There is hereby created by the city of Centerton the Tree Board which shall be composed of five (5) members as follows:
1. The Street Department Superintendent.
  2. The Planning Department Director.
  3. The Mayor.
  4. One member of the City Council appointed by the Mayor and approved by the City Council.
  5. One (1) member shall be from the public at large and shall be nominated by the Mayor of the city and approved by the City Council of the city for a term of four (4) years.
- B. The Centerton Tree Board shall adopt rules and regulations for the discharge of its duties and the transaction of business and shall keep a public record of all business done and transacted by it.

- C. The members of the Centerton Tree Board shall elect one of their members as Chairperson, another as Vice-Chairperson, and they shall elect a Secretary to report the proceedings and business of the Board. (Ord. No. 2007-20, Sec. 1.)

**12.08.02 Duties**

- A. Community Forestry Program It shall be the duty of the Tree Board to develop and implement a Community Forestry Program to be presented and adopted by the City Council.
- B. Arbor Day It shall be the duty of the Tree Board to authorize the annual observance of Arbor Day in the city of Centerton and to issue the appropriate proclamation.
- C. Tree City USA It shall be the duty of the Tree Board to ensure that the city meets the requirements to make application to become a Tree City USA. Further, it shall be the duty of the Tree Board, after the city has become a Tree City USA, to ensure that the appropriate standards and requirements are met so that the city remains a Tree City USA. (Ord. No. 2007-20, Sec. 2.)

**12.08.03 Purpose** It is the purpose of this policy to promote and protect the public health, safety and general welfare of this community, improve the community image, improve the quality of life in the community, improve the environment, promote education of the benefits of trees and green space, enhance the value of properties within our city and promote community involvement by providing for the development of a Community Forestry Plan to address planting, maintenance, and removal of trees within the city of Centerton.

The objectives are to preserve the existing tree canopy and add to it to reduce storm water runoff, to stabilize and prevent soil erosion, to provide habitat for birds and other wildlife, to screen incompatible land and to enhance property values. (Ord. No. 2007-20, Sec. 3.)

**12.08.04 Definitions**

**Commercial tree service** A person or company that performs work on trees for profit.

**Drip line** An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

**Hazardous tree** A tree or tree parts with high probability of falling or causing injury of property loss; also, a tree harboring insects or a disease that could be detrimental to surrounding trees.

**Arborist** A specialist in the planting and maintenance of trees.

**Person** An individual, firm, corporation, partnership, business, group of individuals, city department or other entity which acts singly or collectively for a common purpose.

**Public grounds** all property and facilities owned by the city including but not limited to street rights-of-way, alleys, parks, medians, substations, treatment plants, plazas, squares, public buildings, detention and retention ponds and any other area owned by the city for city use.

**Street right-of-way** The area designated for city improvements on both sides of the street.

**Topping** Also referred to as stubbing, dehorning and heading; it is the severe removal of the tree canopy back to large stubs.

**Tree** Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, considered by the Arkansas Forestry Commission to be a tree. (Ord. No. 2007-20, Sec. 4.)

**12.08.05 Administration** The Centerton Tree Policy and Community Forestry Plan shall be directed and administered through the Centerton Tree Board with the help and assistance as required of the city administration. (Ord. No. 2007-20, Sec. 5.)

**12.08.06 Tree planting, maintenance and removal** It is the public policy of the city of Centerton to maintain existing trees and to provide for and encourage the planting of new trees within the city to be the greatest extent possible.

- A. The city shall have the right to plant, prune, maintain and remove trees, plants, and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve and enhance the symmetry and beauty of such public city-owned property.
- B. The city shall have the right to require the pruning of any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device, sign or sight triangle at intersections, or is in any way deemed to be detrimental to public health or safety.
- C. Each city department shall be responsible for enforcing this ordinance. The Mayor or his or her designee will ensure that the applicable department will administer this ordinance in its assigned area of responsibility.
- D. Trees shall not be removed from a street right-of-way or other public ground unless approval is received from the City Tree Board.
- E. It shall be a violation of this ordinance to damage, destroy or mutilate any tree, or to cut back to stubs the crown of any tree in a public right-of-way or on other public grounds without the approval of the City Tree Board.

- F. Trees shall not be planted to conceal a fire hydrant from the street or impede the line of sight on any street, or hinder access.
- G. City employees performing tree work on public grounds shall be trained in basic tree science and the proper techniques of tree pruning. Such seminars are conducted by the Arkansas State Forestry Commission.
- H. Public utility companies shall notify the city prior to pruning any tree located within the city limits for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted ANSI A-300 practices.  
(Ord. No. 2007-20, Sec. 6.)

#### **12.08.07 Commercial Tree Service**

- A. Requirements to procure a permit to engage in commercial tree service operations in the city of Centerton shall include, certification, whether by education and/or experience, and current liability insurance.
- B. No permit shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors.
- C. Fees shall be established from time to time by resolution of the City Council which shall take into consideration the recommendations of the Tree Board.
- D. Any permit issued hereunder shall not be transferable.  
(Ord. No. 2007-20, Sec. 7.)

#### **12.08.08 Hazardous and nuisance trees**

- A. The city shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.
- B. It shall be the duty of any person or person owning or occupying real property bordering on any street upon which there are trees, to prune such trees in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, or obstruct the view of any street or alley intersection. (Ord. No. 2007-21, Sec. 8.)

#### **12.08.09 Tree protection and landscaping**

- A. Subdivision and development plans shall be designed to preserve natural vegetation areas as much as possible. Streets, parcels, structures and parking areas shall be

laid out to minimize the destruction of wooded areas or outstanding tree specimens. Developers of land are encouraged to designate wooded areas as park reserves or wildlife habitat.

- B. For all new development, the City Planning Commission shall review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting land henceforth developed and/or subdivided.
- C. The Planning Commission of the city of Centerton shall consider a landscape plan as part of its review of any subdivision plat, development plan or site plan application.
- D. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impeded the free passage of water, air, or nutrients to the roots within the drip line of any tree growing therein, except by written permission from the city.  
(Ord. No. 2007-20, Sec. 9.)

**12.08.10 Penalty** Any person violating any provision of this ordinance shall be upon conviction or plea of guilty subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each separate offense. (Ord. No. 2007-10, Sec. 10.)

**12.08.11 Conflicts in regulation**

- A. Where a conflict arises between this chapter and another ordinance, the more stringent requirement shall apply.
- B. The provisions of this policy are declared separable, and if any provision shall for any reason be held illegal, or invalid, it shall not affect the validity of the remainder of the policy. (Ord. No. 2007-20, Sec. 11.)

**CHAPTER 12.12**

**PARKS AND RECREATION ADVISORY BOARD**

Sections:

- 12.12.01 Created
- 12.12.02 Powers

- 12.12.03 Terms of Office
- 12.12.04 Records
- 12.12.05 Chairman

**12.12.01 Created** A Parks and Recreation Advisory Board is hereby created, to consist of seven (7) members, whose only purpose shall be to consult, advise and make recommendations to the City Council with respect to matters related to city parks, city sponsored activities, and city sanctioned activities. (Ord 2023-11, Section 1)

S-June 13, 2014

**12.12.02 Powers** Said Parks and Recreation Advisory Board shall have no official powers or decision-making authority and shall have no budget. No member of the Board shall receive compensation for services.

S-June 13, 2014

**12.12.03 Terms of Office** The members of the Parks and Recreation Advisory Board shall hold office for two (2) years; provided, however, that the members first appointed shall be appointed to staggered terms as follows: four (4) shall hold office for one (1) year and five (5) shall hold office for two (2) years. At the first meeting of the Board, the members shall cast lots for their respective terms and then report the results to the City Council. All subsequent terms shall be for two (2) years. Initial appointment to the Board shall be made by the Mayor upon consent of the City Council. Thereafter, vacancies shall be filled by the Board subject to the consent of the City Council.

**12.12.04 Records** The Parks and Recreation Advisory Board shall adopt By-Laws for the discharge of its duties and shall keep a public record of its proceedings. The By-Laws and all amendments thereto shall be approved by the City Council.

**12.12.05 Chairman** The Parks and Recreation Advisory Board shall elect one (1) of their members as Chairman and one (1) member as Secretary to report the proceedings of the Board. (Ord. No. 2011-1, Sec. 1)

## **CHAPTER 12.16**

### **CEMETERY BOARD**

Sections:

- 12.16.01 Composition
- 12.16.02 Officers Generally
- 12.16.03 Voting
- 12.16.04 Officers pro tem

- 12.16.05 Meetings, when held
- 12.16.06 Order of Business at Meetings
- 12.16.07 Journal of proceedings; adoption of bylaws, rules
- 12.16.08 Publication, distribution of rules, regulations
- 12.16.09 Claims; issuance of warrants
- 12.16.10 Reports

**12.16.01 Composition** The management of the city cemetery is vested in a board of five trustees, consisting of the mayor, city clerk and citizens.

**12.16.02 Officers Generally** The mayor shall be ex officio president, and the city clerk shall be ex officio secretary of the board of trustees of the city cemetery.

**12.16.03 Voting** The mayor and city clerk shall have no voice in voting on any subject matter by virtue of any motion or resolution that may be offered governing the rules and regulations of the city cemetery, except in a case of a tie vote, whereupon the mayor shall cast his vote to determine the result of the motion or resolution.

**12.16.04 Officers pro tem** In the absence of the mayor, the city clerk shall preside over the deliberations of the board of trustees of the city cemetery, and one of the members of the board of trustees shall act as secretary on such occasions and shall have the same right to vote as though he were not acting as secretary.

**12.16.05 Meetings, when held** The board of trustees of the city cemetery shall meet as necessary for the transaction of such business as may come before it for consideration.

**12.16.06 Order of business at meetings** The board of trustees of the city cemetery shall adopt its own order of business.

**12.16.07 Journal of proceedings; adoption of bylaws, rules** The board of trustees shall keep a journal of all its proceedings and shall adopt bylaws, rules and regulations governing the city cemetery, subject to the approval or ratification of the city council at its first meeting following the adoption thereof.

**12.16.08 Publication, distribution of rules, regulations** The bylaws, rules and regulations governing the cemetery, shall be made available to the public upon request.

**12.16.09 Claims; issuance of warrants** The board of trustees shall audit all claims against the city cemetery, and all warrants issued upon the city treasurer for payment shall be issued upon an order signed by the mayor and the city treasurer.

**12.16.10. Reports** The board of trustees of the city cemetery shall report a summary of its business to the city council. (Ord. 2014-14, Ch 12.6, Sec.1)

## **CHAPTER 12.20**



## **MUNICIPAL FACILITY FEE SCHEDULE**

MUNICIPAL FACILITIES FEE SCHEDULE	
<b>Facility</b>	<b>Fee</b>
Kinyon Sports Park Field Preparation for Game Day	\$150
Kinyon Sports Park Lights Fee for Practice	\$25 per hour
McKissic Springs Park Pavilion Rental	\$50 per 4-hour block
Community Room	\$50 per 4-hour block plus \$100 cleaning deposit