

ORDINANCE NO. 1119

AN ORDINANCE ESTABLISHING CHAPTER 12.04,
EUREKA SPRINGS MUNICIPAL CODE, CREATING
A PARKS AND RECREATION COMMISSION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF EUREKA SPRINGS, ARKANSAS:

Section 1: Chapter 12.04, Eureka Springs Municipal Code, established.

Chapter 12.04, Eureka Springs Municipal Code, is hereby established to
read in its entirety as follows, to-wit:

TITLE 12

PARKS AND RECREATION

Chapters:

12.04 Parks and Recreation Commission
12.08 Water Street Park

Sections:

12.04.01 Parks and Recreation Commission Established
12.04.02 Park Lands Defined
12.04.03 Appointment of Commissioners-Confirmation-Term-Oath-Removal
12.04.04 Powers of Commissioners
12.04.05 Funding and Fiscal Operations
12.04.06 Organization of Commission
12.04.07 Applicability of Titles 11, 13, and 14, Eureka Springs
Municipal Code
12.04.08 Condemnation Proceedings
12.04.09 Authority to Borrow from Federal Government
12.04.10 Revenue and Refunding Bonds.

12.04.01 Parks and Recreation Commission Established

- (a) There is hereby established a Parks and Recreation Commission in and for the City of Eureka Springs, Arkansas; hereinafter it shall be referred to as the "The Commission".
- (b) The Commission is established under the authority of Arkansas Statutes Sections 19-3606, 3607, 3618, and 3619 (Acts 1947, No. 348; 1951, No. 240; 1949 No. 471; and 1979, No. 102)
- (c) The Commission shall be composed of five (5) citizens who are qualified electors of the City.

12.04.02 Park Lands Defined

When the terms "park" or "parks" are used in this chapter it shall refer to the following described property:

- (a) That property conveyed to the City from the United States of America by deed recorded in Deed Record Book 56, Pages 636, 637, and 638, Office of the Circuit Clerk, Carroll County, Arkansas, Western District, and known as the Lake Leatherwood Property.
- (b) Those Spring Reservations known by the following names and referred to in the City's ordinance books: (i.) Basin Spring, Book 1, Page 146; (ii.) Black Gum or Conway Springs, Book 1, Page 158; (iii.) Carr and Maxwell Spring, Book 1,

Page 149; (iv.) Cold Spring, Book 1, Page 151; (v.) Crescent Spring; (vi.) Dairy Spring, Book 1, Page 40, Ordinance #57; (vii.) East Mountain, Book 1, Page 157; (viii.) Harding Spring Park or Reservation, Book 1, Page 153; (ix.) Iron Spring, Book 1, Page 152; (x.) Laundry Spring, Book 1, Page 156; (xi.) Little Eureka Springs, Book 1, Page 147; (xii.) Minnehaha Springs, Book 1, Page 52, Ordinance #84; (xiii.) Oak or Sheffrulle Spring, Book 1, Page 154; (xiv.) Rock House Spring, Book 1, Page 155; (xv.) Sweet or Spout Spring, Book 1, Page 150; (xvi.) Table Rock Spring, Book 1, Page 159; and those other Spring Reservations owned by the City.

- (c) That property known as Water Street Park and referred to in Chapter 12.08 of this Code and in Book III., Ordinance #1095 of the City's records; and the property known as Harmon Park.
- (d) Those footpaths, walkways and other public lands which are part of or adjacent to vacated streets or alleys within the City and referred to in the City's records.

12.04.03 Appointment of Commissioners-Confirmation-Term-Oath-Removal

- (a) Commissioners shall be appointed by the mayor and confirmed by a majority vote of the duly-elected or appointed and qualified members of the City Council.
- (b) The Commissioners first appointed and confirmed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years each, to be designated by the Mayor and City Council at the time of appointment and confirmation.
- (c) Thereafter, each Commissioner shall be appointed and confirmed for a term of five (5) years.
- (d) In the event of a vacancy on the Commission due to resignation or other cause, it shall be filled by appointment by the Mayor and confirmation by a majority vote of the duly-elected or appointed and qualified members of the City Council. Members of the Commission filling such a vacancy shall serve the unexpired portion of the term of the former Commissioner.
- (e) Each Commissioner shall file the oath required in the State of Arkansas of public officials.
- (f) The Commissioners shall receive no salary for their services, but shall be reimbursed from the Park and Recreation fund referred to in Section 12.04.05 (b) of this Code for actual expenses incurred in the performance of their duties.
- (g) Commissioners may be removed for cause only upon a two-thirds (2/3) vote of the duly elected or appointed and qualified members of the City Council.

12.04.04 Powers of Commissioners

- (a) The Commissioners shall have full and complete charge of the parks as defined in Section 12.04.02 and of the recreational programs of the City; and shall have full and complete authority to build, manage, operate, maintain and keep in good state of repair any municipal building or real property necessary to carry on a recreation park or a recreation program, including the building or erection of swimming pools, field houses, stadiums, zoos, or other buildings necessary to carry on a parks and recreation program. The Commissioners shall have complete charge of said buildings and grounds, including the right to control and permit or refuse to permit public gatherings or other meetings or affairs as may seem to the Commissioners to be in the best interest of the City consistent with the laws of the State of Arkansas and the Constitution of the United States.
- (b) The Commissioners may employ or remove managers, janitors, or other employees of any nature, kind or character, and may fix, regulate and pay their salaries. Provided, however, the terms, conditions, and benefits of employment and rights of any such employees shall be in accordance with those afforded to employees of the City.

- (c) The Commissioners shall have the exclusive right and power to make purchases of all supplies, apparatus and other things requisite and necessary for the management and operation of the parks and of the recreational programs of the City, including the construction of same and repairs and addition thereto.
- (d) The Commissioners shall have authority to enter into contracts with persons, firms or corporations or organizations for the use of buildings or parts of the parks or of the recreation programs of the City.
- (e) Upon the appointment of the Commissioners as provided in Section 12.04.03 the Mayor and the City Council shall execute such instruments and enact such measures as may be necessary to vest complete charge of the City's parks and recreational facilities or programs in the Commission.
- (f) The Commissioners shall not have authority or power to sell, mortgage or encumber the park property or recreational property or facilities of the City unless otherwise authorized by the statutes of Arkansas.

12.04.05 Funding and Fiscal Operations

- (a) 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, to the Commission for its use in operating or maintaining the City's parks or recreational programs.
- (b) The Commission shall have the authority to utilize all revenues derived from the operation of the parks and of the recreation programs. All such funds, and any funds appropriated by the City Council, shall be segregated into a Park and Recreation Fund, shall not be mingled with other funds of the City, and shall be handled exclusively by the Commission.
- (c) The Commissioners shall furnish the City a \$5,000.00 surety bond that will serve to insure the City against any misappropriation or mishandling of funds. The surety on the bonds shall be a reputable surety corporation. The premium on said bonds shall be paid for from monies from the Park Fund.
- (d) The Commissioners shall submit quarterly reports, beginning three (3) months after they take their oath of office and each three (3) months thereafter, reporting in full on the operations, including an accounting of receipts and disbursements, to the Mayor and City Council. The Commissioners shall furnish such other and further reports, data and information as may be requested by the Mayor or City Council. The quarterly reports with respect to receipts and disbursements shall be certified by each of the Commissioners as correct. Further, the Commissioners shall submit an annual audit of the operations of the Parks and Recreation program to the Mayor and City Council.

12.04.06 Organization of Commission

- (a) As soon as practicable following the appointment of the first Commissioners, The Commission shall hold an organizational meeting and shall adopt such rules and regulations as they deem necessary and expedient for the proper operation of the City's parks and recreational programs and for the conduct of the Commission's business.
- (b) The rules and regulations of the Commission shall be in writing and available at all times for inspection or copying by anyone. The rules and regulations shall include a grievance procedure to be employed by the Commission for hearing the complaint of any person who claims to be aggrieved or damaged by the activities or decisions of the Commission. Except for such grievance procedure as adopted or amended, the Commission may alter, change or amend the rules and regulations at their discretion.
- (c) The Commission and the individual members of the Commission shall at all times be subject to and their activities shall be governed by the Freedom of Information Act, Arkansas Statutes Section 12-2801 et seq.

12.04.07 Applicability of Titles 11, 13, and 14, Eureka Springs
Municipal Code

The Commission and each of its projects shall at all times be subject to the applicable provisions of Title 11 (Building and Construction), Title 13 (Planning) and Title 14 (Zoning). In this regard, the Commission shall be subject to the respective jurisdictions of the Building Inspector, The Historic District Commission, the Planning Commission, and the Board of Zoning Adjustment of and for the City of Eureka Springs, Arkansas, wherever and whenever applicable.

12.04.08 Condemnation Proceedings

The provisions of Sections 11 and 14 of Act 486 of 1965, Acts of Arkansas, as amended from time to time by the General Assembly of the State of Arkansas, presently codified as Arkansas Statutes Annotated, Sections 19-3641 and 19-3644 (1980 Replacement Volume), are hereby incorporated by reference into this Chapter, verbatim.

12.04.09 Authority to Borrow from Federal Government

The provisions of Section 10 of Act 486 of 1965, Acts of Arkansas, as amended from time to time by the General Assembly of the State of Arkansas, presently codified as Arkansas Statutes Annotated, Section 19-3640 (1980 Replacement Volume), is hereby incorporated by reference into this Chapter, verbatim.

12.04.10 Revenue and Refunding Bonds

The provisions of Sections 2, 3, 4, 5, 6, 7, 8, and 9, inclusive, of Act 486 of 1965, Acts of Arkansas, as amended from time to time by the General Assembly of the State of Arkansas, presently codified as Arkansas Statutes Annotated, Sections 19-3632, 19-3634, 19-3635, 19-3636, 19-3637, 19-3638, and 19-3639 (1980 Replacement Volume), are hereby incorporated by reference into this Chapter, verbatim.

Section 2. Severability

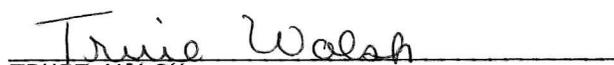
If any part of this Ordinance is held to be unenforceable for any reason by a court of competent jurisdiction, such holding shall not affect the remaining parts of this Ordinance, which shall remain in full force and effect.

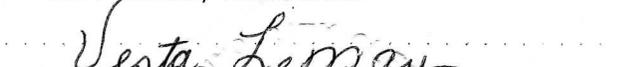
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS,
ARKANSAS ON THIS THE 12th DAY OF May, 1981

APPROVED:


MARCILE DAVIS
MAYOR

ATTEST:


TRUIE WALSH
CITY CLERK/TREASURER


BY: VESTA LE MAY
DEPUTY CITY CLERK/TREASURER