

(Published In the Journal Record JAN. 19, \_\_\_\_\_, 1994)

**ORDINANCE NO. 20,098**

AN ORDINANCE RELATING TO PARKS AND RECREATION; REPEALING EXISTING LANGUAGE IN CHAPTER 38, ARTICLE II, SECTIONS 38-46 THROUGH 38-52, ARTICLE IV, SECTIONS 38-84 THROUGH 38-118, ARTICLE V, SECTION 38-134, AND ARTICLE VIII, SECTIONS 38-511 THROUGH 38-527, OF THE OKLAHOMA CITY MUNICIPAL CODE, 1980, RELATING TO BOARD OF PARK COMMISSIONERS, GENERAL PARK REGULATIONS, DEFINITIONS REGARDING LAKE RESERVATIONS IN GENERAL, AND DOLESE YOUTH PARK; AMENDING CHAPTER 38 OF THE OKLAHOMA CITY MUNICIPAL CODE, 1980; ENACTING A NEW ARTICLE II RELATING TO THE PARK COMMISSION; ENACTING A NEW ARTICLE IV RELATING TO GENERAL PARK REGULATIONS; PROVIDING CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:**

**SECTION 1.** That Article II, Sections 38-46 through 38-52, Article IV, Sections 38-84 through 38-118, Article V, Section 38-134, and Article VIII, Sections 38-511 through 38-527 of Chapter 38 of the Oklahoma City Municipal Code, 1980 are hereby repealed.

**SECTION 2.** That Chapter 38 of the Oklahoma City Municipal Code, 1980, is amended by the enactment of a new Article II and a new Article IV to read as follows:

**ARTICLE II.  
PARK COMMISSION**

**Sec. 38-46. Created.**

There is hereby created the Park Commission.

**Sec. 38-47. Status.**

The Park Commission shall be a part of the Division of Public Affairs.

**Sec. 38-48. Membership.**

(a) The Park Commission shall consist of nine (9) residents of The City appointed by the Mayor with the advice and consent of the City Council with at least one (1) member appointed from each ward. All members of the Park Commission shall serve without

compensation. The term of each member shall be four (4) years or until his successor takes office.

(b) Notwithstanding Subsection (a) herein, all citizens serving as members of the Park Commission at the time of the enactment of this section shall continue as members until the expiration of their present terms or until successors are appointed and qualified subject to the terms of this section. Members appointed to fill positions vacated other than by expiration of term shall serve only for the unexpired portion of such term.

**Sec. 38-49. Officers.**

The Park Commission shall select one (1) of its members as Chair and another as Vice-Chair, and another as Secretary, each of whom shall serve in such capacity for a period of one year or until a successor may be elected. The Chair, Vice-Chair and Secretary shall receive no salary for their services.

**Sec. 38-50. Functions.**

(a) **Jurisdiction.** The Park Commission shall make rules, regulations and policies governing all public parks and public grounds used for public park purposes as defined in Sec. 38-85(d), and all facilities and appurtenances for the protection of the public and proper use of the parks, except as otherwise provided by the Council.

(1) **Rules, regulations and modifications.** In addition to its other duties and jurisdiction and for the promotion of the health, safety and enjoyment of the public, the Park Commission shall make all needful rules and regulations for the maintenance of order, safety and decency in all public parks and public grounds used for park purposes. The Park Commission shall provide notice and conduct hearings before establishing or changing rules and regulations.

(b) **No Power to acquire or deed land.** The Park Commission shall make recommendations for acquisition, donations, and devises of property used for park purposes.

(c) **Improvements.** The Park Commission shall make recommendations for improvements to all parks and grounds used for park purposes.

**Secs. 38-51-38-65. Reserved.**

**ARTICLE IV.  
GENERAL PARK REGULATIONS**

**DIVISION 1. GENERALLY**

**Sec. 38-84. Parks and Recreation Department.**

The Parks and Recreation Department is hereby established within the Division of Public Management under supervision of a Director of Parks and Recreation. The functions and duties of the Department shall be as provided by ordinance and the City Manager.

**Sec. 38-85. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **Athletic field** shall mean an area designated for exercises, sports, or games.
- (b) **Bungee jumping** shall mean the jumping off of any device which is natural or manmade or springing up from any surface which is natural or manmade by means of a suspension cable and harness, the intent of which is to keep the person from coming in contact with the ground or other objects.
- (c) **Camping** shall mean where a temporary shelter, such as a tent, is erected for lodging.
- (d) **Canoe** shall mean a watercraft that is long relative to its width, that has curved sides, and is tapered to two (2) pointed ends, or is tapered to one pointed end and blunt on the other end, and that is generally of traditional shape.
- (e) **City-operated reservoir** shall mean the bodies of water known as Lake Hefner, Lake Overholser, and Lake Stanley Draper.
- (f) **Concession** shall mean supplying goods, commodities, things, services or facilities on park property.
- (g) **Director** shall mean the Director of Parks and Recreation Department or designee.
- (h) **Dolese Youth Park** shall mean and include all real property located at the northwest corner of the intersection of Meridian and N.W. 50th Street in Oklahoma City, more particularly described as being a part of the Southeast Quarter (SE 1/4) of Section 10 (10), Township 12 North (T12N), Range 4 West (R4W) of the Indian Meridian (I.M.).
- (i) **Fisherman's float** shall mean any device designed to keep an individual afloat in an upright position in the water, ordinarily consisting of protectively covered circular, inflated rubber tube or styrofoam float, with a saddle-type seat, in which an individual is seated while wearing watertight waders.

- (j) **Lake Atoka Reservation** shall mean the public water supply reservoir known as Lake Atoka, its associated dam and spillway section and all land and property owned by The City and/or the Oklahoma City Water Utilities Trust immediately surrounding and adjacent thereto.
- (k) **Lake Hefner Reservation** shall mean the public water supply reservoir known as Lake Hefner and the canal and all land and property owned by the City and/or the Oklahoma City Water Utilities Trust immediately surrounding and adjacent thereto.
- (l) **Lake Overholser Reservation** shall mean the public water supply reservoir known as Lake Overholser and the sedimentation basin, by-pass and all land and property owned by the City and/or the Oklahoma City Water Utilities Trust immediately surrounding and adjacent thereto.
- (m) **Model aircraft flying** shall mean the operation of a miniature representation of an aircraft whether by line or remote control.
- (n) **Parasail** shall mean any device which, when airborne, is used or capable of being used for lifting or suspending a person who is being or will be towed by a watercraft.
- (o) **Park** shall mean any public park, recreational area, grounds, or facility owned by The City of Oklahoma City and operated by the Parks and Recreation Department of The City of Oklahoma City, in any location used for public park purposes or public recreational activities; provided the Myriad Botanical Gardens, a 17 acre Botanical Garden located between Robinson, Hudson, Sheridan and Reno, shall not be considered a park under Chapter 38.
- (p) **Parks special event** shall mean: group gatherings of more than 150 people, and/or; charging admission/registration fees, and/or; fund raisers, and/or; have concession sales, and/or; have amplified music.
- (q) **Permittee** shall mean an individual or entity that has applied for and received a permit under the provisions of this article.
- (r) **Playground** shall mean a piece of land used for or equipped with facilities for recreational use by children generally.
- (s) **Racing shells, rowing sculls and racing kayaks** shall mean watercraft propelled by oars or paddles which are extremely narrow in width and of great length compared to width, and which are primarily used for racing purposes.

- (t) **Riprap** shall mean a foundation or sustaining wall of stones or chunks of concrete or rocks placed along embankments, slopes and shorelines to prevent erosion.
- (u) **Stanley Draper Lake Reservation** shall mean the public water supply reservoir known as Stanley Draper Lake and land and property owned by the City and/or the Oklahoma City Water Utilities Trust immediately surrounding and adjacent thereto.
- (v) **Stinchcomb Wildlife Refuge** shall mean and include two (2) parcels of land generally located north of Lake Overholser running from the north shore of Lake Overholser to Wilshire Boulevard between the East River Road and the West River Road and known as the sedimentation basin.
- (w) **Under way** shall mean the movement of a watercraft whether by mechanical or nonmechanical means which is other than incidental to the force of wind, waves or current.
- (x) **Wake** shall mean the track of waves left by a watercraft or other object moving through the water, and such waves are greater than the natural waves in the immediate area of the Watercraft, or are cresting and showing white water, or may cause injury or damage to any person or property.
- (y) **Water Director** shall mean the Water Wastewater Utilities Director or designee.
- (z) **Watercraft** shall mean every device other than a seaplane on the water, used or capable of being used as means of transportation on the water, including but not limited to personal watercraft.
- (aa) **Chief of Police** shall mean the chief administrative officer for the Police Department or designee.
- (bb) **City-operated reservation** shall mean the Lake Overholser Reservation Lake Stanley Draper Reservation and Lake Hefner Reservation.
- (cc) **Dry stall** shall mean the areas within the public dry storage areas marked by curbing in which watercraft and/or watercraft trailers are parked for storage.
- (dd) **Fire** shall mean the active principle of burning, characterized by the heat and light of combustion.
- (ee) **Inflatable watercraft** shall mean any device with a manufacturer's hull identification number constructed of rubber, synthetic material and/or

composite material which is filled with air and not intended for use as a toy.

- (ff) **Personal watercraft** shall mean any watercraft which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on the watercraft, rather than the conventional manner of sitting or standing inside the watercraft, or a watercraft which is similar in appearance and operation to a personal watercraft but which is powered by an outboard or propeller driven motors, or a watercraft less than sixteen (16) feet in length which travels across the water above or on a cushion of air provided by engines, propellers or other means of propulsion.
- (gg) **Rowboat** shall mean watercraft other than canoes, racing shells, mowing sculls and racing layouts, that is propelled through the water with oars or puddles.
- (hh) **Sailboat** shall mean watercraft that is propelled through the water by the action of the wind upon the sails.
- (ii) **Wet stall** shall mean the areas in the public marinas between the concrete dividers in which a boat is stored while still in the water. The wet stall shall include the adjoining front portion of each side of the water storage area.

#### **Sec. 38-86. Enforcement.**

The Director, police and peace officers, and other persons as designated by the Director shall enforce the provisions of this chapter.

#### **Sec. 38-87. Park Hours.**

(a) No person shall enter into or remain upon nor shall any vehicle be left unattended in any park area or facility between the hours of 11:00 p.m. and 5:00 a.m., unless they are using an exercise track, or extension of hours is approved by the Director.

(b) From the hours of 11:00 p.m. to 5:00 a.m. any individual or entity holding a valid permit regulated by this chapter and actually engaged in one of the permitted activities, shall be allowed to remain in any park or on City-operated reservations.

#### **Sec. 38-88. Changing Hours of Operation.**

The Director, in accordance with the rules and regulations as established by 38-50 and other Sections of this Chapter shall extend hours of operation of any park or portion thereof for any park purpose and shall grant a permit. Any other change of hours must be approved by the Park Commission and City Council.

**Sec. 38-89. Emergency actions.**

When an emergency exists that affects the health, safety and welfare of the public in any park, or portion thereof, any section or part of any park may be closed by the Director for such times as the Director shall find reasonably necessary, until the City Council meeting following the next regular meeting of the Park Commission.

**Sec. 38-90. Fires and Grills.**

No individual shall make a fire in any park except in places provided for such purposes. Charcoal grills used for the specific purpose of heating and/or cooking food are permissible. Dumping or disposing of ashes or coals on park grounds or in trash barrels is prohibited.

**Sec. 38-91. Prohibited types of vehicles**

No vehicle in excess of 10,000 pounds or more than two axles, except those engaged in repairing or constructing the park or park facilities, or delivering goods purchased by the City, or as permitted by the Director, shall be allowed to enter upon any park road.

**Sec. 38-92. Driving on roadways and designated areas.**

(a) No individual, except as authorized by the Director, shall operate or drive vehicles, off-road recreational vehicles, motor bicycles, motor scooters, motor cycles, bicycles, tricycles, velocipedes, on park property other than roadways and designated areas provided for traffic through the parks.

(b) No individual except authorized City employees and agents of the City, in the performance of their duties, shall drive any vehicle, as described in subsection (a), on lake bottoms of any City-operated reservoir or reservation unless authorized to do so by the Water Director or the Director.

(c) No individual except authorized City employees and agents of the City, in the performance of their duties shall drive any vehicle on the earthen or ground or soil or land area of the Lake Hefner Dam unless authorized to do so by the Water Director or the Director.

**Sec. 38-93. Animals Generally.**

(a) No individual except employees authorized by the Director shall ride, drive, or allow a horse in any park except for those trails or facilities specifically designated for equestrian use. At no time shall any horse be left unattended or be fastened to anything other than a post or rail specifically provided and designated for such use.

(b) No individual shall permit any dog owned, possessed, or harbored by him to swim, bathe, or wade in any of the waters of any City-operated reservation, except that which is incidental to the retrieval of waterfowl.

(c) No individual in any park or public zoo, shall willfully or wantonly injure, molest or disturb any animal. No person shall give or attempt to give any noxious article, or anything to which may endanger the animal or chase, tease, or intentionally alarm any animal or set any snares for trapping or catching any animal except for maintenance or activities permitted by the Director.

(d) No individual shall conduct field trials for dogs in any park except as permitted by the Director.

**Sec. 38-94. Restrictions on selling and advertising.**

No individual shall sell or advertise in any park except as authorized by the Director.

(a) The Park Commission shall adopt rules and regulations concerning advertising and the sale of goods in parks.

(b) The City reserves the right to negotiate and enter into contracts granting concessions in parks, for more than seven (7) consecutive days.

**Sec. 38-95. Consumption of intoxicating and non-intoxicating beverages.**

Consumption of alcoholic beverages and nonintoxicating beverages shall not be allowed upon any park road or upon any park parking lot, or in Dolese Youth Park.

**Sec. 38-96. Golf.**

No individual shall play golf or use or play with golf balls within any part of any park, not designated as a golf facility.

**Sec. 38-97. Use of Athletic Fields.**

(a) Persons 18 years of age and over are prohibited from using park athletic fields designated as youth athletic fields except as authorized by the Director.

(b) No person shall use a designated park athletic facility for purposes other than posted except as authorized by the Director.

**Sec. 38-98. Bungee Jumping.**

Bungee jumping shall not be allowed in any park.

**Sec. 38-99. Model Aircraft.**

Model aircraft flying shall not be allowed in any park except in those areas designated for such activities.

**Sec. 38-100. Swimming.**

No individual shall be allowed to swim, bath, or wade in any park except in City-operated municipal swimming pools; provided however this shall not prohibit individuals from using a fisherman's float on or in the waters of City-operated reservations and Dolese Youth Park.

**Sec. 38-101. Fishing Areas.**

No person shall fish except in areas designated by the appropriate Commission, according to their function as set forth in this chapter.

**Sec. 38-102. Glass Bottles.**

No person shall carry, transport, bring in or use any glass bottle, including but not limited to beer bottles or soft drink bottles, within any park or City-operated reservation.

**Sec. 38-103. Permits.**

(a) The Director is authorized to issue permits under guidelines set by the Park Commission applicable to their jurisdiction and according to their functions as set forth in this chapter.

(b) The Director is authorized to issue permits under guidelines recommended by the Game and Fish Commission applicable to their jurisdiction and according to their function as set forth in this chapter and approved by City Council.

**Sec. 38-104. Fees.**

(a) An individual or entity to whom a permit is issued pursuant to the provisions of this chapter shall pay to The City the fee established by The City.

(b) There is hereby established a schedule of fees for the use or privilege of using property, equipment and services of the Parks and Recreation Department. Such fees shall be as established by The City.

(c) The Director is authorized to establish fees for participation in special events, activities and programs, conducted and administered by the Parks and Recreation Department that are proprietary in nature. For purposes of this section, proprietary

functions are those that are business-like in nature and not governmental. The established fees and activities under this subsection shall be delivered to the Council within ten (10) days after adoption.

(d) Before any permit required under this article shall be issued, the applicant in consideration of the issuance of the permit, shall agree in writing to release The City, and any other individual acting for or on behalf of The City, from all liability from any accident that may occur on any park or waters of City-operated reservations, whether or not such accident is caused by the negligence of The City. Said agreement shall be binding upon the heirs, executors, administrators and assigns of the said party for whom the application for a permit is made.

(e) No individual or entity shall charge fees in excess of those established in Chapter 60, the General Schedule of Fees. Such lawful and excessive charges shall subject such individual or entity to the payment of a fine and costs, and shall operate to terminate immediately any lease, contract or authority which such individual or entity has to grant permits.

**Sec. 38-105. Display of permit.**

When requested by a City official or other public officer in the discharge of his official duties, a permittee or his representative shall exhibit the permit.

**Sec. 38-106. Revocation.**

The Director shall have the authority to revoke a permit issued pursuant to the provisions of this chapter upon a violation of any rule, regulation, or ordinance.

The permittee shall be informed of the appeal process at the time of revocation.

**Secs. 38-107 - 38-120. Reserved.**

**DIVISION 2. DOLESE YOUTH PARK**

**Sec. 38-121. Fishing.**

Fishing will be allowed at Dolese Park subject to the following:

(a) A valid City fishing permit shall be required except the following individuals shall not be required to purchase or hold a City fishing permit:

(1) Children under the age of sixteen (16) years.

- (2) Any individual who shall have obtained the age of sixty-two (62) years.
- (3) Any individual with a physical disability of at least sixty (60) percent, as certified by a medical doctor licensed to practice medicine in this state.
- (4) Any disabled veterans. For purposes of this section, the word "veteran" shall mean any honorable discharged individual who has served in the Armed Forces of the United States.
- (5) A physically able individual actually accompanying a physically impaired individual as defined in (a)(3) above while the physically impaired individual is fishing.
- (6) Any individual who is legally blind, as defined by State law.
- (7) A sighted individual actually accompanying a legally blind individual as defined in (a)(6) above while the legally blind individual is fishing.
  - (a) Any individual who qualifies for exemptions described in 2, 3, 4, or 6, shall carry on his individual while fishing at Dolese Youth Park, positive, written evidence of the exemption and shall present such written evidence to the Chief of Police upon request.
  - (b) Any violation of State or Federal statutes, City ordinances or any safety regulations pertaining to fishing at Dolese Youth Park shall be just cause for revocation of the permit without refund for the unused portion of said permit. The permittee shall be informed of the appeals process at the time of revocation.
  - (c) Adults may fish during those hours the park is open when accompanied by a child under 16 years of age or from 9:00 p.m. to 11:00 p.m. without being accompanied by a child under 16 years of age.
  - (d) Fishing shall be limited to those park hours as established by this Article during which Dolese Youth Park is open.
  - (e) A fishing permit shall entitle the holder thereof to the use of not more than two (2) rods and reels or poles.
  - (f) No net, except a landing net used to land fish caught by rod & reel, or pole, shall be used. No gig, spear, trammel net or seine of any kind, trot or throw lines, jug lines or limb lines shall be used.
  - (g) No individual shall use a fisherman's float in Dolese Youth Park except during daylight hours and no further than one hundred (100) feet of the shore line.

(h) All persons using fisherman's floats shall wear coast guard approved personal flotation devices at all times when operating floats.

(i) No individual shall use tilapia as bait while fishing at Dolese Youth Park.

(j) No individual shall engage in archery fishing.

(k) Each individual holding a fishing permit shall be allowed to use one minnow trap having a funnel entrance, which shall not exceed eighteen (18) inches in dimension.

(l) All individuals fishing at Dolese Youth Park shall comply with Oklahoma Fishing Regulations as established by the Oklahoma Department of Wildlife Conservation.

**Sec. 38-122. Restrictions on game fish.**

(a) No largemouth bass harvest.

(b) Specific limitations. No person shall take, catch or kill any fish in violation of the limits and restrictions set forth below:

<b>Species</b>	<b>Daily Catch Limit</b>
Largemouth Bass	Catch and Release
Channel Catfish	6
Bluegill and Panfish	No Limit

**Sec. 38-123. Boating.**

(a) No individual or entity or organization shall operate a motorboat, sailboat or windsurfer on any of the waters located within the boundaries of Dolese Youth Park except for rescue or maintenance purposes authorized by the Director.

(b) Non-motorized watercraft shall be allowed upon the waters located within the boundaries of Dolese Youth Park subject to the ordinances, and rules and regulations, of Article V of this Chapter.

(c) No individual or organization shall store any watercraft overnight in Dolese Youth Park.

**Sec. 38-124-38-133. Reserved.**

That Section 38-134 of Article V of Chapter 38 is hereby repealed.

**SECTION 3. CODIFICATION.** The provisions of Section 2 of this Ordinance shall

be codified as Sections 38-46 through 38-50 of Article II, Chapter 38, and Sections 38-84 through 38-123 of Article IV, Chapter 38, of the Oklahoma City Municipal Code, 1980.

**SECTION 4. EFFECTIVE DATE.** The provisions of this ordinance shall become effective thirty (30) days after the date of passage.

**INTRODUCED** and **READ** in open meeting of the Council of The City of Oklahoma City, Oklahoma, on this 21 day of December, 1993.

**PASSED** by the Council of The City of Oklahoma City, Oklahoma, on this 18 day of January, 1994.

**SIGNED** by the Mayor of The City of Oklahoma City, Oklahoma, on this 18 day of January, 1994.

Frank J. Nail  
MAYOR



**ATTEST:**  
Thomas P. Hurley  
City Clerk

**APPROVED** as to form and legality this 18<sup>th</sup> day of Jan., 1994.

Mausha D. Howard  
Assistant Municipal Counselor

**REVIEWED** for Codification this 18 day of January, 1994  
[Signature]  
Assistant Municipal Counselor