

ORDINANCE NO. ____

AN ORDINANCE AMENDING ARTICLE 4 OF THE NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 10, PARKS AND RECREATION; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, with the adoption of Ordinance No. 8420 on March 12, 2012, the North Little Rock City Council adopted North Little Rock Municipal Code (“NLRMC”) Chapter 10, Parks and Recreation (as amended by Ordinance Nos. 8629, adopted on April 14, 2014; Ordinance No. 8807, adopted on April 25, 2016; Ordinance No. 8842, adopted on September 26, 2016; Ordinance No. 8866, adopted on December 12, 2016; Ordinance No. 8879, adopted on January 23, 2017; Ordinance No. 9236, adopted on April 13, 2020; and Ordinance No. 9380, adopted on July 26, 2021); and

WHEREAS, by law, the Parks and Recreation Commission (“Commission”) is granted full and complete authority over public City Parks placed in its care and is statutorily authorized to set fees and adopt rules and regulations for the proper operation and management of public City Parks; and

WHEREAS, the regulations in NLRMC Chapter 10, Parks and Recreation, have been approved by both the City and Commission in order to provide that certain regulations that endanger the peace, health, safety, or welfare of citizens have been adopted by ordinance in order to provide that violations of such regulations may be punishable as provided by law; and

WHEREAS, on November 18, 2024, the Commission voted unanimously to recommend an amendment to Article 4 of NLRMC Chapter 10 (attached hereto as Exhibit A) to allow the use of certain classifications of electric bicycles which are no longer considered a “motorized vehicle” under Arkansas law; and

WHEREAS, the use of electric bicycles have become more common, and it is in the best interest of the City to amend NLRMC Chapter 10 as recommended by the Commission to ensure the safety of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Article 4 of North Little Rock Municipal Code Chapter 10, Parks and Recreation, is hereby amended as shown in Exhibit A.

Editor’s note: Deletions are denoted in “red” by ~~striketrough~~ and additions in “blue” by underline.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that there is an immediate need for the aforementioned amendments to the North Little Rock Municipal Code Chapter 10, Parks and Recreation; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be necessary for the immediate preservation of the public health, safety and welfare, and shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Terry C. Hartwick

SPONSOR:

ATTEST:

Charlie Hight
Council Member Charlie Hight by AT Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields
Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/kt

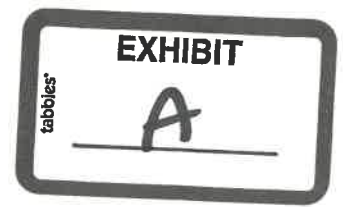
FILED 10:43 A.M. ___ P.M.

By Amy Fields GA

DATE 12-3-21

**Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas**

RECEIVED BY [Signature]



4.1.7 Motorized Vehicles.

- ~~(A) No person shall operate or park any motorized vehicle in a City Park or trail except on streets, parking lots, and trails designated for motorized traffic, including axled trailers.~~
- ~~(B) No person shall operate or park any vehicle of any type in any pavilion, including axled trailers.~~
- ~~(C) This section shall not apply to any person operating or parking an emergency vehicle, Department vehicle, or wheelchair as defined by DOJ, Title II, 28 C.F.R. § 35.104 and Title III, 28 C.F.R. § 36.104.~~
- ~~(D) Abandoned Vehicles. Park Rangers shall have the authority to have vehicles removed from park property pursuant to the policies of the North Little Rock Police Department.~~

4.1.8 Use of Other Power Driven Mobility Devices.

- ~~(A) Definition. Other Power Driven Mobility Devices (OPDMD) means any mobility device powered by batteries, fuel, or other engines — whether or not designed primarily for use by individuals with mobility disabilities — that are used by individuals with mobility disabilities for the purpose of locomotion. Examples include, but are not limited to, golf carts, mobility scooters and electronic personal assistance mobility devices (EPAMDs) such as Segway® PT. OPDMDs are not wheelchairs. DOJ, Title II, 28 C.F.R. §35.104 and Title III, 28 C.F.R. §36.104.~~
- ~~(B) Permit. Any person requiring an Other Power Driven Mobility Device (OPDMD) as defined by this section, who would like to use an OPDMD on trails due to a disability, shall submit an application to the Department for a Special Use Permit.~~
- ~~(C) Factors. The Department shall evaluate applications for OPDMD Special Use Permits using the following factors:
 - ~~(1) The type, size, weight, dimensions and speed of the device;~~
 - ~~(2) The facility's or area's volume of pedestrian traffic (which may vary at different times of the day, week, month or year);~~
 - ~~(3) The facility's or area's design and operational characteristics;~~
 - ~~(4) Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility or area; and~~
 - ~~(5) Whether the use of the OPDMD creates a substantial risk of serious harm to the environment or natural or cultural resources, or poses a conflict with Federal Land Management laws and regulations.~~~~
- ~~(D) Appeal. A person, who upon application, is denied a Special Use Permit for an OPDMD may submit an appeal in writing to the Department Director. The Director shall decide the appeal within seven (7) days.~~

~~4.1.9 Non-Motorized Vehicles.~~

~~No person shall ride, drive, operate, or push a bicycle, skateboard, roller skates, or other non-motorized mode of transportation except on a street, trail, or course designated for that purpose.~~

4.1.7 Restrictions on Types of Vehicles on Park Property.

- (A) No person shall operate or park any motorized vehicle in a City Park or trail except on streets, parking lots, and trails designated for motorized traffic, including axled trailers. "Motor vehicle" for purposes of this section shall include cars, trucks, motorcycles, off road vehicles (ATV's and ORV's), golf carts, and any similar vehicles, and any similar vehicles propelled by electricity, gas, or any similar form of fuel. Motor vehicles shall not include Class 1 or Class 2 electric bicycles ("e-bikes") as defined by Ark. Code Ann. § 27-51-1702, or devices used to assist individuals who are handicapped and are operated in accordance with Section 4.1.8 herein. No person shall operate a Class 3 e-bike as defined by Ark. Code Ann. § 27-51-1702 on any Parks trails.
- (B) No person shall operate or park any vehicle of any type in any pavilion, including axled trailers.
- (C) This section shall not apply to any person operating or parking an emergency vehicle or Department vehicle.
- (D) Abandoned Vehicles. Park Rangers shall have the authority to have vehicles removed from park property pursuant to the policies of the North Little Rock Police Department.

4.1.8 Rules of the Road for North Little Rock Parks Trails

- (A) Pedestrians and Joggers. Pedestrians, skaters, and joggers should walk, skate, or jog near the right side of the trail to accommodate faster runners, skaters, bicyclists, and faster traffic to pass on the left side of the lane.
- (B) Bicyclists, Skaters, Runners and Others. Persons should ride their bicycles, e-bikes, skateboards, and non-motorized scooters on the right side of the lane unless passing. Persons running, skating, or riding bicycles, e-bikes, skateboards, non-motorized scooters, and devices used to assist individuals who are handicapped shall give an audible warning prior to passing slower traffic. Passers shall not cross the center-line of the trail if oncoming traffic is close enough that the passer cannot return to his or her lane before reaching oncoming traffic.
- (C) Speed Limit.
 - (1) No person shall travel on a Parks trail at a speed greater than is reasonable and prudent under the conditions then existing;
 - (2) No person shall travel on a Parks trail at a speed greater than 20 miles per hour;

- (3) Persons traveling on a Parks trail in such a manner as to indicate a reckless disregard for the safety of others shall not only be subject to fines set forth in Section 1.3.1, but may have their right to use the Parks trails suspended in accordance with the provisions of Section 1.4.2 herein.