

ORDINANCE NO. 2023- 13

**AN ORDINANCE TO ESTABLISH PROCEDURES FOR THE OPERATION AND USE OF THE HEBER SPRINGS TRAIL SYSTEM FOR THE CITY OF HEBER SPRINGS, ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Heber Springs has undertaken to establish procedures for the operation and use of the Heber Springs Trail System.

**NOW, THEREFORE**, be it ordained by the city council of the City of Heber Springs, Arkansas, as follows:

SECTION 1. *Restriction of Type of Vehicles Allowed on Trails.*

- A. No golf carts or comparable sized vehicles nor any gas-powered vehicles (except authorized or emergency vehicles) shall be driven on the trail system.
- B. No horses or equestrian activity is permitted on the trail system.
- C. Skates, skateboards, and electrically-powered scooters, bicycles, segways, etc. may be used on the trail system only when their use does not create a safety hazard for pedestrians, wheel-chairs or human powered bicycles.

SECTION 2. *Rules of the Road for the Trail System.*

- A. All users of the trail system should be respectful of other trail users and obey all traffic signage including posted stop signs, designated crosswalks and safety signage along the trail. Special care should be used where the trail crosses or merges with roads and streets used for motor vehicle travel.

B. 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 traffic passing on the left side of the lane.

C. Bicyclists, Skaters, Runners and Others. Persons should ride their bicycles, segways, skateboards and scooters on the right side of the lane unless passing. Persons skating, riding bicycles, segways, scooters and runners shall give an audible warning prior to passing slower traffic. Passers shall not cross the mid-line of the trail if oncoming traffic is close enough that the passer cannot return to his/her lane before reaching oncoming traffic or if it causes any safety hazard.

D. Speed Limit.

1. No person shall skate or ride his bicycle, segway, skateboard, scooter or other vehicle on a city trail at a speed greater than is reasonable and prudent under the conditions then existing.

2. No person shall skate or ride his bicycle, segway, skateboard, scooter or other vehicle at a speed greater than 15 mph on a city trail.

3. No person shall skate or ride his bicycle, segway, skateboard, scooter or other vehicle at a speed greater than 10 mph on the trail when oncoming traffic is present or when passing traffic going the same direction.

4. Persons skating or riding bicycles, segways, skateboards, scooters or other vehicles on a city trail in such a manner as to indicate a reckless disregard for the safety of others shall be subject to punishment set forth in the Penalties section herein.

E. Other Considerations.

1. All trail users must stay on the trail and not trespass on private property.
2. No person may remove or damage flora along the trail system.
3. No person may hunt or harass wildlife along the trail system.
4. All pets must be kept on a leash and should not be allowed to trample flora or disturb fauna along the trail. When encountering other trail users, pets should be on a short leash to allow other trail user(s) to pass safely. Pet owners are responsible for picking up after their pets and properly disposing of waste in proper receptacles.
5. Littering or dumping on the trail system is prohibited. All trail users should carry out all trash, recyclables and food waste.
6. No person may damage or destroy kiosks, signage or features along the trail system.
7. Trail ordinances may be modified as necessary to improve safety, etiquette and efficient use of the trail system.
8. Graffiti and other vandalism on the trail or associated infrastructure is considered destruction of government property and punishable by city ordinance.

SECTION 3. Penalties for Violation of Trail Usage.

A. General Penalty

1. The City shall not inflict any fine or penalty, by ordinance or otherwise, to a greater sum than \$500.00 for any one specified offense or violation of a city ordinance, or double that sum for each repetition of such offense or violation.

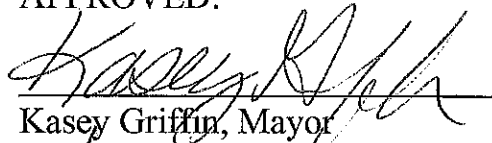
2. If a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the ordinance, shall not exceed \$250.00 for each day that it may be unlawfully continued.

3. If any ordinance provides for any greater fine, penalty or forfeiture than is provided in this section, it shall and may be lawful, in any suit or prosecution for the recovery thereof, to reduce it to such amount as shall be deemed reasonable and proper and to permit a recovery or render a judgment for such amount as authorized.

SECTION 4. Emergency. Due to the need to establish procedures for the operation and use of the Heber Springs Trail System as soon as possible, this Ordinance should be implemented immediately for the protection of the health, safety and welfare of the City and its residents, therefore, an emergency is declared to exist and this Ordinance shall become effective immediately upon and after passage.

PASSED this 20<sup>th</sup> day of July, 2023.

APPROVED:

  
Kasey Griffin, Mayor

  
Vicki McPherson, City Clerk