

## Chapter 86

### PARKS AND RECREATION\*

#### Article I. In General

- Sec. 86-1. Department and superintendent generally.
- Sec. 86-2. Park board.
- Secs. 86-3-86-25. Reserved.

#### Article II. Municipal Golf Course Advisory Board

- Sec. 86-26. Created; composition.
- Sec. 86-27. Responsibilities.
- Secs. 86-28-86-50. Reserved.

#### Article III. Public Conduct in Parks

- Sec. 86-51. Hours of operation.
- Sec. 86-52. Extended hours of operation.
- Sec. 86-53. General restrictions on swimming in parks.
- Sec. 86-54. Age limit for use of wading pools in parks.
- Sec. 86-55. Wearing bathing suits in parks.
- Sec. 86-56. Dressing, undressing in parks.
- Secs. 86-57-86-75. Reserved.

#### Article IV. City Watershed Lakes

##### Division 1. Generally

- Sec. 86-76. Definitions.
- Sec. 86-77. Suspension, revocation of permits issued under article.
- Sec. 86-78. General antipollution requirements.
- Sec. 86-79. Picnickers, campers shall clean premises, extinguish fires before leaving.
- Sec. 86-80. Burning of grass, destruction of timber or other property <;mwa-tersheds.
- Sec. 86-81. Swimming prohibited.
- Sec. 86-82. Wading prohibited; exception.
- Sec. 86-83. Duck blinds.
- Sec. 86-84. Trapping.
- Sec. 86-85. Carrying or using firearms.
- Secs. 86-86-86-95. Reserved.

##### Division 2. Fishing and Frog Hunting

- Sec. 86-96. Fishing permit.
- Sec. 86-97. Methods of fishing.
- Sec. 86-98. Fish limits.
- Sec. 86-99. Method of and limit on taking of frogs.
- Sec. 86-100. General prohibition against hunting; permit for duck hunting.
- Secs. 86-101-86-110. Reserved.

.Cross references-Public intoxication and drinking, § 6-1; library, ch. 70.  
State law reference-Municipal parks, 11 O.S. § 33-101 et seq.

McALESTER CODE

Division 3. Boats and Boating

Subdivision 1. General Provisions

- Sec. 86-111. General authority to use.
- Sec. 86-112. Responsibility of owner.
- Sec. 86-113. Permit.
- Sec. 86-114. No restriction on size of outboard motors.
- Sec. 86-115. Maximum length of boats.
- Sec. 86-116. Boats must be safe and watertight.
- Sec. 86-117. Lights.
- Sec. 86-118. Speed; interfering with fishermen.
- Sec. 86-119. Operator and passengers shall not drink, nor be under influence of, intoxicating beverages.
- Sec. 86-120. Overloading.
- Sec. 86-121. Restrictions pertaining to Lakes No.1 and No.2.
- Secs. 86-122-86-130. Reserved.

Subdivision II. Skiing on Lake McAlester

- Sec. 86-131. Definitions.
- Sec. 86-132. Privilege granted; conditions.
- Sec. 86-133. Permit.
- Sec. 86-134. Prohibited during certain hours.
- Sec. 86-135. Use of designated area required.
- Sec. 86-136. Required pattern; takeoffs from beach.
- Sec. 86-137. Proximity of boats to skiers.
- Sec. 86-138. Parking on or operating boat near ski beach.
- Sec. 86-139. No more than three persons towed by same boat.
- Sec. 86-140. Pulling in towropes.
- Sec. 86-141. Dropping skis.
- Sec. 86-142. Life preservers required.
- Sec. 86-143. Skiers shall not drink or be under influence of intoxicating beverages.
- Sec. 86-144. Right-of-way of towboat.

ARTICLE I. IN GENERAL

Sec. 86-1. Department and superintendent generally.

(a) There is hereby established an executive department of the City of McAlester to be known as the department of community services. The department of community services shall be organized into the divisions of: Airport, cemetery, tourism and EXPO center, parks, recreation and senior citizens/transit. The head of such department shall be the community services director, who shall be appointed by the city manager for an indefinite term and removable by the manager. The community services director shall be an officer of the city and shall have supervision and control of the department of community services.

(b) It shall be the duty of the community services director to oversee the divisions within the department of community services:

- (1) Airport division, which shall be directly responsible for supervision, operation and maintenance of the airport. The division shall carry out such other functions as may be prescribed by statute, City Charter or ordinance. The division shall perform other functions as assigned by the community services director.
- (2) Cemetery division, which shall be directly responsible for the supervision, operation and maintenance of the cemeteries under control of the city. The division shall carry out such other functions as may be prescribed by statute, City Charter or ordinance. The division shall perform other functions as assigned by the community services director.
- (3) Tourism and EXPO center division, which shall be directly responsible for tourism and the supervision, operation and maintenance of the EXPO center. The division shall carry out such other functions as may be prescribed by statute, City Charter or ordinance. The division shall perform other functions as assigned by the community services director.

- (4) Parks division, which shall be directly responsible for the maintenance of public parks, recreation areas and municipal right-of-way within the city. The division shall carry out such other functions as may be prescribed by statute, City Charter or ordinance. The division shall perform other functions as assigned by the community services director.
- (5) Recreation division, which shall be directly responsible for recreational program and other leisure service activities. The division shall carry out such other functions as may be prescribed by statute, City Charter or ordinance. The division shall perform other functions as assigned by the community services director.
- (6) Senior citizens/transit division, which shall be directly responsible for the maintenance and operations of senior citizen facilities; and the operation, scheduling, and implementation of the public transportation system for participating seniors within the city. The division shall carry out such other functions as may be prescribed by statute, City Charter or ordinance. The division shall perform other functions as assigned by the community services director.

(Code 1974, § 19-1; Ord. No. 2278, § 2, 1-8-08)

Charter reference-Authority of council to create offices, departments and agencies of city government, §§ 2-4(7), 3-3.  
 Cross reference-Departments, § 2-106 et seq.

Sec. 86-2. Park board.

(a) There is hereby created a park board consisting of nine members. One member shall be appointed from each of the six wards of the city and one shall be a member at large, such members to be appointed by the mayor with the approval of the council. Two members shall be elected by the student body of McAlester High School. The students so elected shall serve for a one-year term and be residents of the city and all other members shall serve for a term of three years. The members shall serve without compensation.

(b) If a member of the park board fails to attend more than half of all the meetings (regular and special) held within a year, he shall, ipso facto, cease to be a member. The mayor, with the approval of the council, may remove any member of the park board.

(c) As soon as practicable after January 1 of each year, the park board shall elect a chairman, a vice-chairman and a secretary. The secretary need not be a member of the board. The board shall determine the time and place of its regular meetings and the chairman or any four of the members may call special meetings.

(d) The park board shall advise and make recommendations to the council and the city manager on any matters pertaining to parks and recreation.

(Code 1974, § 19-2)

Charter references-Authority of council to appoint and remove members of advisory boards and agencies, § 2-4(5); authority of council to create offices, departments and agencies of city government, §§ 2-4(7), 3-3.

Cross reference-Boards and commissions, § 2-166 et seq.

Secs. 86-3-86-25. Reserved.

ARTICLE II. MUNICIPAL GOLF COURSE ADVISORY BOARD\*

Sec. 86-26. Created; composition.

(a) There is hereby created a municipal golf course advisory board, which board shall consist of nine members. One member shall be the mayor or his designated representative. All of the remaining eight members shall be residents of the city appointed by and serving at the pleasure of the mayor with the concurrence of the city council. Six of these appointed members shall represent and reside within each of the six wards of the city. The two remaining members shall be appointed at-large. Initially, the members appointed from wards one, two and three shall serve a six-year term. Representatives of wards four, five and six

-Cross reference-Boards and commissions, § 2-166 et seq.

shall initially serve a three-year term. The two at-large representatives shall initially serve a six-year term.

(b) Subsequent to subsection (a), members shall serve a term of four years.

(c) As soon as practicable after January 1 of each year, the board shall elect a chairman, vice-chairman and secretary. The secretary need not be a member of the board. The mayor or city manager cannot serve in the capacity of chairman of the board.

(d) The board shall meet at the call of its chairman or any five of its members, and at such times and places as the members shall determine.

(e) The board shall advise and make recommendations to the city council and city manager on any matters pertaining to the municipal golf course.

(f) The members of the board shall serve without compensation.

(g) Ex officio members shall be the city manager or his designee, the community services director and the golf course manager.

(h) Any voting member who is absent in excess of one-half of the meetings in a six-month period shall be automatically removed.

(Code 1974, § 19-18)

Charter reference-Authority of council to appoint and remove members of advisory boards and agencies, § 2-4(5).

Sec. 86-27. Responsibilities.

This section shall be reserved until a municipal golf course is approved for construction. The responsibilities of the golf course advisory board will be prescribed by the city council.

(Code 1974, § 19-19)

Secs. 86-28-86-50. Reserved.

ARTICLE III. PUBLIC CONDUCT IN PARKS

Sec. 86-51. Hours of operation.

Public parks within the city shall be open for use between the hours of 5:00 a.m. and 11:00 p.m.

only, except as provided for in section 86-52. Signs stating park hours shall be posted prominently in each park.  
(Code 1974, § 19-20)

Sec. 86-52. Extended hours of operation.

Hours of operation may be extended for programs or events sponsored by or approved by the city; the hours of operation may be extended during any such event or program and for a period of 60 minutes following the conclusion of such event or program.  
(Code 1974, § 19-21)

Sec. 86-53. General restrictions on swimming in parks.

(a) No person shall swim, bath or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided and designated therefor.

(b) No person shall frequent any waters or places in any park customarily designated for the purpose of swimming or bathing, or congregate thereat, when such activity is prohibited by the director of parks and recreation, upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(c) No person shall frequent any waters or places in any park designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the director of parks and recreation for such purposes for each individual area.  
(Code 1974, § 19-3)

Sec. 86-54. Age limit for use of wading pools in parks.

No person over the age of 12 years shall use or enter any wading pool in a park.  
(Code 1974, § 19-4)

Sec. 86-55. Wearing bathing suits in parks.

No person shall appear in a bathing suit at any place in a park except within the limits of designated swimming or bathing places or areas, and all bathing suits shall conform to commonly ac-

cepted standards. In no event shall any person wear a bathing suit in a park in such a manner as to indecently expose his person.  
(Code 1974, § 19-5)

Sec. 86-56. Dressing, undressing in parks.

No person shall dress or undress on any beach, or in any vehicle, toilet or other place in a park, except in such bath houses or structures as may be provided for that purpose.  
(Code 1974, § 19-6)

Secs. 86-57-86.75. Reserved.

ARTICLE IV. CITY WATERSHED LAKES\*

DIVISION 1. GENERALLY

Sec. 86-76. Definitions.

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

*Lakes* means and includes the three McAlester watershed lakes commonly known as Lake McAlester, Talawanda Lake No.1. and Talawanda Lake No.2. Any reference to "Lake No. I" or "Lake No.2" shall be deemed to refer to Talawanda Lake No.1 and Talawanda Lake No.2, respectively. (Code 1974, § 10-1)

Cross reference-Definitions generally, § 1-2.

Sec. 86-77. Suspension, revocation of permits issued under article.

In addition to any other penalty imposed, if any person is convicted of violating any provisions of this article, the city manager may suspend any permit issued to such person under this article, such suspension to be for a period of 30 days to one year. In the case of willful continuance of any violation, the city manager shall revoke the offender's permit and it shall be the duty of the occupants or owners of cabin sites and owners of boats whose permits have been so revoked to remove the same from city property. (Code 1974, § 10-17)

Sec. 86-78. General antipollution requirements.

No offal, garbage or other trash shall be dumped or placed in any of the lakes or on the adjacent land belonging to the city or on watersheds of any of the lakes. No sewage or drainage of any fluids (other than rainwater) may be drained or put into any of the lakes. (Code 1974, § 10-2)

"Cross reference-McAlester water district, § 78-26 et seq.

Sec. 86-79. Picnickers, campers shall clean premises, extinguish fires before leaving.

All persons holding picnics or camping on the watersheds of the lakes must clean up and destroy all trash and refuse prior to leaving the grounds. All fires must be properly extinguished before leaving the grounds or campsites. (Code 1974, § 10-3)

Sec. 86-80. Burning of grass, destruction of timber or other property on watersheds.

There shall be no burning of grass or timber on the watersheds of the lakes. There shall be no destroying of standing live timber or property of any kind on the watersheds. (Code 1974, § 10-4)

Sec. 86-81. Swimming prohibited.

No swimming shall be permitted in the lakes at any time. (Code 1974, § 10-5)

Sec. 86-82. Wading prohibited; exception.

No wading in the lakes shall be permitted unless the waders are wearing hip boots or commercial waist waders. (Code 1974, § 10-6)

Sec. 86-83. Duck blinds.

No duck blinds shall be built upon the lakes or their watersheds without first securing a permit from the superintendent of lakes. No duck blind shall be built closer to another existing blind than 200 yards. Blind permits shall be in force for a period of one year only, and must be secured each calendar year. (Code 1974, § 10-13)

Sec. 86-84. Trapping.

Trapping may be allowed on the lakes upon approval by the city council, by the submission to and approval of the council of sealed bids for trapping rights. (Code 1974, § 10-14)

Sec. 86-85. Carrying or using firearms.

No firearms shall be carried or used on the lakes or their watersheds, except for the purpose of duck hunting pursuant to the provisions of section 86-100 and except as allowed by the city manager at authorized skeet, trap or turkey shoots, or as allowed by the city manager for special exhibitions. The city manager may also authorize such persons as he may deem fit to use firearms in the destruction of turtles and snakes around the lakes and on the watersheds.  
(Code 1974, § 10-15)

Secs. 86-86-86-95. Reserved.

DIVISION 2. FISHING AND FROG HUNTING

Sec. 86-96. Fishing permit.

(a) It shall be unlawful for any person to fish or spear or otherwise hunt frogs on or in any of the lakes, unless he has a current fishing permit, issued by the superintendent of lakes. Such permit must be carried on the person at all times while fishing or hunting frogs on lake property. No permit shall be required for any person under 16 years of age, if he is accompanied by an adult person who has a permit.

(b) The fee for a fishing permit shall be as follows:

- (1) Daily permit, \$1.00.
- (2) Annual permit, \$5.00.

Retired and current employees of the city may obtain a fishing permit without payment of the prescribed fee. Also, any resident of the city who is 65 years of age or older may obtain a fishing permit without payment of such fee.  
(Code 1974, § 10-8)

Sec. 86-97. Methods of fishing.

(a) Fish may be taken from the lakes by the following means: pole and line; casting rod, reel and line using either artificial bait or natural bait; fly rod, reel and line, using either artificial or natural bait; spinning rod, reel and line using either artificial or natural bait. Snaglines having one hook attached to the line may be used, but

only 12 snaglines may be placed in the lakes by the same permit holder. No snaglines of wire or other metal may be used on any of the lakes. Trotlines may be used on Lake McAlester only, such lines being prohibited on Lake Nos. 1 and 2. No more than 50 hooks may be attached to any trotline, and only one trotline per fishing permit may be placed in Lake McAlester. No trotline made of wire or any other metal shall be placed in Lake McAlester.

(b) No lines attached to jugs, cans or other floating containers may be placed in any of the lakes. No fish may be taken from the lakes with spears or any other single or multiple pronged object. No fish may be taken from the lakes by hand (this method being commonly known as grappling). No fish may be taken from the lakes by seines or nets, except that hand-landing nets of the types used in fly or bait casting fishing may be used as an aid to landing a fish caught on a rod and line. Exception to this regulation may be had by application to the city manager, and the city manager may permit the use of nets and seines for the purpose of removing any rough fish from the lakes as needed.  
(Code 1974, § 10-9)

Sec. 86-98. Fish limits.

(a) All fish limits shall be 12 pounds and one fish in anyone day. This limit shall be one or more species but all fish caught must be considered as making up this limit per permit per fishing day. Channel catfish are excepted from this daily limit and 15 channel catfish may be taken per fishing permit in anyone day. Twenty-five perch may be taken per fishing permit in anyone day. No greater number than ten bass may be taken; no greater number than 25 crappie may be taken; and no greater number than 25 fish may be taken in anyone day per fishing permit.

(b) It shall be unlawful to take or carry away from any of the city lakes, reservoirs, watersheds or reservations any large mouth black bass, small mouth black bass, spotted black bass, or channel catfish of less than ten inches in length, nor shall any species of trout or rock bass be smaller than six inches in total length, and if any such fish of less than such prescribed lengths shall be taken,

the same shall immediately be put back into the water. Failure to immediately put such fish back into the water shall be taken, held and deemed a violation of this section.  
(Code 1974, § 10-10)

Sec. 86-99. Method of and limit on taking of frogs.

Frogs may be taken on the lakes by the use of frog spears and lights. No frogs may be taken on the lakes by the use of nets or seines or by the use of any firearm. No more than ten frogs may be taken per fishing permit in anyone day.  
(Code 1974, § 10-11)

Sec. 86-100. General prohibition against hunting; permit for duck hunting.

(a) There shall be no hunting with firearms or by any other method or means on the lakes or their watersheds, except duck hunting, as authorized by a permit issued by the superintendent of lakes, during the annual duck season as established by federal regulations.

(b) Any person desiring to hunt ducks in accord with subsection (a) shall obtain an annual permit from the superintendent of lakes. The fee for such permit shall be \$5.00; provided, that the fee for a combination fishing and duck hunting permit shall be \$8.00. A husband and wife may use the same permit. Those persons exempt from payment of the fishing permit fee under section 86-96 shall also be exempt from payment of the fee prescribed by this section.  
(Code 1974, § 10-12)

Secs. 86-101-86-110. Reserved.

### DIVISION 3. BOATS AND BOATING\*

#### *Subdivision I. General Provisions*

Sec. 86-111. General authority to use.

Subject to the provisions of this division, sailboats, rowboats, outboard motorboats, inboard mo.

\*State law reference-Motorboats and vesse]s, 63 O.S. § 4001 et seq.

torboats, canoes and kayaks may be placed and used upon the lakes.  
(Code 1974, § 10-30)

Sec. 86.112. Responsibility of owner.

All boat owners are fully responsible for the operation of their boats on the lakes, whether being controlled by the owner or used by someone else as the operator, with or without the boat owner's permission.  
(Code 1974, § 10.32)

Sec. 86-113. Permit.

(a) It shall be unlawful for any person to place or use any boat on the lakes unless a current permit has been issued for such boat by the superintendent of lakes. The fee for such a permit shall be as follows:

- (1) Annual permit for any boat, except an inboard motorboat with more than one cylinder, \$10.00.
- (2) Annual permit for an inboard motorboat with more than one cylinder, \$20.00, plus \$1.00 per passenger on rated capacity over and above six passengers.
- (3) Daily permit for any boat, \$1.00.

(b) An annual permit issued under this section shall be valid for the calendar year, unless sooner suspended or revoked.  
(Code 1974, § 10-31)

Sec. 86-114. No restriction on size of outboard motors.

Outboard motors of any size may be used in conjunction with boats on the lakes.  
(Code 1974, § 10-33)

Sec. 86-115. Maximum length of boats.

Boats placed upon the lakes shall not be over 18 feet in length.  
(Code 1974, § 10-34)

Sec. 86-116. Boats must be safe and watertight.

All boats used on the lakes shall be of a safe type and watertight.  
(Code 1974, § 10-35)

Sec. 86-117. Lights.

All motorboats used on the lakes at night shall carry proper lights as governed by state law. All rowboats used at night shall have a minimum of one light showing.  
(Code 1974, § 10-36)

State law reference-Lights for motorboats, 63 O.S. § 4207.

Sec. 86-118. Speed; interfering with fishermen.

All boats on the lakes shall be operated at a reasonably safe speed and in such a manner as to avoid, as much as possible, interfering with or disturbing persons fishing, either from other boats or from the banks.  
(Code 1974, § 10-37)

Sec. 86-119. Operator and passengers shall not drink, nor be under influence of, intoxicating beverages.

It shall be unlawful for any person to drink or be under the influence of intoxicating beverages while operating or riding on or in a boat on the lakes.  
(Code 1974, § 10-38)

Sec. 86-120. Overloading.

No boat shall be overloaded while upon the lakes. The superintendent of lakes or his duly authorized representative shall be the sole judge as to whether or not a boat is overloaded, and his decision shall be final.  
(Code 1974, § 10-39)

Sec. 86-121. Restrictions pertaining to Lakes No.1 and No.2.

No inboard motorboat or sailboat shall be placed or used upon Lakes No.1 and No.2 for any purpose, and no other boat shall be placed upon or

used upon either of such lakes, except for the purpose of fishing.  
(Code 1974, § 10-40)

Secs. 86-122-86-130. Reserved.

*Subdivision II. Skiing on Lake McAlester\**

Sec. 86-131. Definitions.

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

*Lake* means Lake McAlester.

Cross reference-Definitions generally, § 1-2.

Sec. 86-132. Privilege granted; conditions.

Water skiing privileges shall be permitted on Lake McAlester, but -only under the terms and conditions prescribed in this subdivision. The city assumes no responsibility for such activities.  
(Code 1974, § 10-54)

Sec. 86-133. Permit.

(a) No person shall ski on the lake unless he has a current permit to do so issued by the superintendent of lakes. The fee for such a permit shall be as follows:

- (1) Daily permit, \$0.50.
- (2) Annual permit, \$3.00.
- (3) Annual permit for husband and wife named on same permit, \$4.00.

(b) Any person under 16 years of age may ski at the lake without the purchase of a permit, if he is accompanied by his parent or an adult person with a skiing permit.  
(Code 1974, § 10-55)

Sec. 86-134. Prohibited during certain hours.

No skiing will be permitted on the lake between one hour after sunset and one hour before sunnse.  
(Code 1974, § 10-56)

.State law reference-Skiing regulations, 63 O.S. § 4212.

Sec. 86-135. Use of designated area required.

Only the area of the lake marked and designated by the superintendent of lakes shall be for water skiing. Skiing outside of the designated area shall be unlawful.  
(Code 1974, § 10-57)

Sec. 86-136. Required pattern; takeoffs from beach.

Skiers will use either a clockwise or counter-clockwise pattern and ski takeoffs will be permitted from the beach, either east or west of the boat docks, as determined by instructions promulgated by the commodore of the McAlester Boat Club and posted on the ski beaches, boat launching ramp and city hall, and ruled with the city clerk and the superintendent of lakes.  
(Code 1974, § 10-58)

Sec. 86-137. Proximity of boats to skiers.

No person shall operate a boat on the lake, whether pulling skiers or not pulling skiers, closer than 300 feet behind a skier at any time, or closer than 100 feet to the side of a skier.  
(Code 1974, § 10-59)

Sec. 86-138. Parking on or operating boat near ski beach.

No person shall park a boat on the ski beaches of the lake at any time or operate a boat closer than 50 feet to a ski beach in order to pull a skier.  
(Code 1974, § 10-60)

Sec. 86-139. No more than three persons towed by same boat.

No more than three skiers will be pulled by any one boat at any time except on designated special occasions, such as water carnivals and other special events.  
(Code 1974, § 10-61)

Sec. 86-140. Pulling in towropes.

Towropes must be pulled in immediately after the skier has dropped off, regardless of circumstances.  
(Code 1974, § 10-62)

Sec. 86-141. Dropping skis.

No person shall drop a ski on the lake, unless there is another boat present and available to pick it up immediately for the safety of other skiers.  
(Code 1974, § 10-63)

Sec. 86-142. Life preservers required.

(a) Any person skiing on the lake must wear a life preserver at all times.

(b) Approved life preservers must be provided for the pilot and all passengers in any boat towing skiers on the lake.  
(Code 1974, § 10-64)

Sec. 86-143. Skiers shall not drink or be under influence of intoxicating beverages.

No person shall ski on the lake while he is drinking or under the influence of intoxicating beverages.  
(Code 1974, § 10-65)

Sec. 86-144. Right-of-way of towboat.

A boat pulling a skier on the lake will have the right-of-way over a boat without a skier.  
(Code 1974, § 10-66)

Chapters 87-89

**RESERVED**