RESOLUTION NO. 8439

A RESOLUTION ADOPTING POLICIES, PROCEDURES AND FEES FOR THE PARKS AND TRAILS DEPARTMENT, AND REPLEALING CERTAIN RESOLUTIONS.

WHEREAS, a division has occurred between the Parks and Recreation Department; and that

WHEREAS, the Parks and Recreation Advisory Committee has recommended renaming the department; and

WHEREAS, the Parks and Recreation Department should be renamed to the Parks and Trails Department; and that

WHEREAS, to reflect the new direction of the Parks and Trails department, new policies, procedures and fees should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Hot Springs, Arkansas:

SECTION 1. That the Parks and Recreation Department shall be renamed as the Parks and Trails Department.

SECTION 2. That the following policies, procedures and fees for the Hot Springs Parks and Trails Department are hereby adopted:

PARKS AND TRAILS DEPARTMENT
FACILITY USE POLICIES, PROCEDURES AND FEES

1. General Procedures.

The following policies, procedures and fees for the Hot Springs Parks and Trails Department are hereby adopted.

1.1. Definitions.

(a) *Board of Directors* means the Board of Directors of the City of Hot Springs.

(b) *City* means the City of Hot Springs, a municipal corporation, and shall extend to and include its several officers, agents and employees duly charged with the responsibility of administrating this policy.

(c) *Facilities* means the various city-owned public parks, pavilions, trails, and amenities thereof.

(d) *Parks and Trails Department* means that department of the city responsible for the administration, operation and maintenance of the city-owned public parks and trails and these policies and procedures.

(e) *Reserving Party* means any person, firm or corporation reserving, using or otherwise occupying city facilities covered by this policy.

1.2. Reservations Required.

(a) A reservation shall be required for the exclusive use of any facility governed by this policy. Reservations should be made as far in advance as possible and payment arrangements must be made at the time of the reservation. Reservations are not confirmed until payment is received and will be cancelled by if not paid by the due date on the reservation contract. The Parks and Trails Department reserves the right to refuse facility use based on previous non-payment or non-availability. If a facility has not been reserved, it is open to the public on a first-come, first-served basis.

(b) Official reservations will be posted on the facility reservation boards or other prominent locations at the facility by the Parks and Trails Department. Facilities shall be open for general public use except when officially reserved. To avoid user conflicts, please check bulletin board for reservations before using pavilion. Reserving parties are encouraged to take their reservation contract to the facility as proof of reservation. Failure to relinquish your reservation at the assigned time will result in an additional fee of $50 if the on-call supervisor has to become involved in a user conflict. In addition, if the situation warrants, the police will be called.

(c) Reservations are subject to facility availability and other provisions of this policy

(d) Adair Park is not available for reservation but is available on a first-come, first-served basis unless a city sponsored program is scheduled. City sponsored program times will be posted at Adair Park.

1.3. Reservation Limitations.

(a) Reservations will not be taken for groups that require more seating or parking than is available at the desired facility. The City reserves the right to reassign facilities at any time. The City reserves the right to limit reservations at all facilities in order to ensure some "open time" for general public use.

(b) The City prohibits the use of public facilities for monetary gain by any person, firm or corporation except as otherwise provided hereinafter or as otherwise approved by the City. Provided however, charitable and non-profit organizations providing proof of their charitable/non-profit status may request use of a facility one (1) time per year for a fund raising event.

(c) City sponsored events have priority over all other events and reservations may be cancelled with or without notice, when facilities are needed, by the City or for governmental purposes.

(d) All city facilities are reserved in "as-is" condition and no special repairs, set-up or other maintenance will be performed for reserving parties except as may be pre-approved by the City.

1.4. Discount Fees.

Charitable and non-profit organizations providing proof of their charitable/non-profit status may request a 50% reduction in certain applicable fees once per calendar year. The basic facility use fee as noted on the fee schedule are the only fees eligible for the 50% discount.

1.5. Special Events.

(a) City facilities may be reserved for certain special activities/events involving the organized use of a particular facility element specific to an individual facility or park. Requests for special activities or events must be submitted to the City by the reserving party not less than 30 days prior to the proposed event. All groups wishing to reserve a park element must reserve a pavilion during the event. The ponds may only be reserved during actual fishing derby time with one hour of pre-set up time allowed.

(b) Any proposed use of a city facility involving a group whose expected attendance exceeds 100 persons shall also be considered a special activity for fee and reservations purposes regardless of the facilities used. Groups of 100 or more are also required to reserve a pavilion for their special event.

(c) All special events and activities shall pay the appropriate fees as established on the fee schedule. Additional fees may be imposed by the City for facility preparation costs, supervisory staff costs and utilities.

1.6. Facility Equipment.

Under no circumstances shall any facility equipment, furniture or fixtures be removed from the premises by the reserving party. The reserving party shall be responsible for the cost of repair and replacement of any broken or damaged equipment, furniture or fixtures occurring as a result of the reserving party's use. Repair and replacement costs shall be determined by the City based on actual costs plus labor cost of breakage or damage of equipment and/or furniture must be paid for at a cost determined by the City and may exceed any and all security/clean-up deposits. Because of lack of storage, the City will not permit storage at City facilities of any kind of equipment or materials belonging to individuals or groups using such facilities.

1.7. Facility Use Regulations.

(a) All functions and activities of the reserving party shall conclude no later than the posted facility closing time, unless otherwise approved by the City. The City reserves the right to charge additional fees for after hour usage.

(b) No intoxicants, narcotics, or alcoholic beverages, nor any person(s) under influence of same shall be permitted on or about city facilities; neither shall profane language, gambling, quarreling and fighting be tolerated. The use of any motorized vehicle on any park trail, greenspace or greenway is strictly prohibited. All types of glass beverage containers are prohibited within the City Parks.

(c) Smoking is prohibited by administrative policy.

(d) Reserving parties must provide adequate supervision of group activities to ensure that orderly conduct is maintained at all times. There must be at least one adult for every 20 minors at all assemblies involving young people.

1.8. Insurance.

If insurance is desired for event participants, spectators, personal property, etc., the reserving party will be responsible for securing such insurance. Reserving parties are hereby notified that the City does not provide general liability insurance.

1.9. Gate Fees.

No gate or parking fee may be charged by the reserving party without written approval of the City. The City reserves the right to charge a gate fee or parking fee for special fund raising events designated for improvements to the parks system and/or to assist in park and trail development, maintenance and lighting costs thereof or as may otherwise be approved by the Board of Directors.

1.10. Electrical Wiring/Water and Provisions.

Under no circumstances shall any reserving party make any structural or electrical alterations to City facilities. No special wiring shall be permitted which exceeds the established voltage in the park or other facility. The outdoor conventional electrical outlets located in park pavilions are available for use by groups at the designated level of capacity. The use of adapters for accommodating feeder extensions is prohibited. Reserving parties should contact the Parks and Trails Department for information concerning special wiring needs. All blow-up types of equipment such as moonwalks or bounce houses will be subject to an electrical use fee. Any one requiring use of a water hook-up will be subject to a water use fee.

1.11. Special Assistance.

The services of Parks and Trails Department personnel to assist with events or activities must be secured in writing by the reserving party from the Parks and Trails Director. Cost will be determined at time of reservation based upon the services requested. Per hour rates for such services will be as established by the fee schedule. Requests for special services must be made in writing a minimum of seven (7) working days in advance and will be accomplished only if resources and time constraints permit.

1.12. Concessions.

(a) Concessions by reserving parties are not permitted at any facility or event when City operated concessions are open. Should any reserving party desire that the City provide concessions at times or for events/activities that the City did not otherwise intend to do, the reserving party may

request that the city operate concessions subject to payment of a concession charge by the reserving party. Such concession charge shall be negotiated with the reserving party based on the cost of providing concessions and the anticipated revenue. The City reserves the right to decline to provide concessions at the option of the City.

(b) When city-operated concessions are not open, concession booths or trailers may be operated by and must be provided by the reserving party. In such cases, concessions are permitted and may be operated by only those individuals or groups holding a reservation at that time for that park. Park electrical capacity information is available by contacting the Parks and Trails Department. Reserving parties desiring to operate concessions shall pay a concession fee as established by the fee schedule. All parties must provide proof of Health Department certified mobile unit or Certified Kitchen licensing.

(c) The City reserves the right to operate, by franchise or otherwise, concession booths or trailers at all Parks and Trails facilities.

(d) Concessions are not permitted in Adair Park.

(e) Alcoholic beverages of any type may not be sold or otherwise distributed via concession booths or trailers.

(f) Seasonal concession stands/food vendors such as ice cream trucks are prohibited from vending in any city park.

1.13. Miscellaneous Provisions.

(a) If the reserving party fails to leave the facility clean and sanitary, the City reserves the right to charge the reserving party for clean-up costs and/or to refuse use of City facilities to said party in the future.

(b) Food and drink are not permitted at any City facility when facility concessions are being operated.

(c) By accepting a city facility reservation, the reserving party agrees to abide by all Parks and Trails Department policies, procedures and regulations, local ordinances and applicable state or federal laws and regulations. Failure to comply with such rules and regulations may result in denial of further use of City facilities at the discretion of the City. The violation of local, state or federal laws will be reported to the Hot Springs Police Department for enforcement.

(d) The services of the City personnel to assist with events must be secured by the reserving party from the Parks and Trails Director and will result in appropriate staff fees unless the event is co-sponsored by City.

(e) Additional policies and procedures may be imposed as deemed necessary by the Parks and Trails Director, the City Manager and/or the Board of Directors.

(f) All owners must obey the leash law and keep pets on leashes at all times. Pet owners are required by law to clean up after their pet.

1.14. Refunds.

Refunds of facility fees will be made under the following circumstances:

(1) Upon 100% satisfactory inspection of the facility City staff after the event. Should the facility not pass such inspection, only that portion of the security/clean-up deposit that exceeds the cost of clean-up and/or repair to damaged equipment, furniture and facilities will be refunded. If any cleaning is needed, a minimum charge will be deducted from the deposit and additional clean-up fees will be applied as established by the fee schedule. In the event that clean up requires the services of an outside cleaning service, the reserving party shall also be responsible for those charges.

(2) Upon notification in writing of cancellation by the reserving party no less than seven (7) calendar days prior to the planned activity; or

(3) Upon cancellation due to inclement weather, or unusable conditions caused by weather or other "acts of nature."

1.15. Non-discrimination.

The Parks and Trails facilities will be available to anyone regardless of the content of their reservation or of the beliefs or affiliations of the sponsors on an equitable basis. Use by the public does not imply endorsement or approval by the City of Hot Springs of the beliefs, positions or actions of any person or group using City facilities. The City reserves the right to request a statement or outline of event programs sponsored by the reserving party.

1.16. Appeals.

Any person or organization denied the use of a parks facility may appeal to the City Manager for reconsideration by submitting a written appeal to the Parks and Trails Department describing the nature of the appeal and including the name, address and telephone number of the responsible individual and the name of the organization. The City Manager will issue a decision within thirty (30) days after receipt of the appeal.

1.17. Waiver.

The Board of Directors reserves the right to waive any provision of this policy in unusual or unique circumstance when strict adherence would not be in the best interest of the public generally.

1.18. Special Programming

The use of city parks facilities for special programming beneficial to the citizens of Hot Springs by non-profit organizations is hereby approved. In this regard, individual organizations or group of organizations may submit proposals to the Parks and Trails Department (Department) describing the proposed programming and its benefit to the community at large. The Department shall prescribe such forms and procedures as the Department deems appropriate and the City Manager is hereby authorized

to approve such programs including the waiver of facility use fees. Except as authorized in this paragraph, special programming shall otherwise comply with the provisions of this policy. Provided, further, that approved programs shall submit a report to the Department following the conclusion of each program year describing the number of participants and achieved outcomes of said programming.

2. Live Entertainment

Live entertainment utilizing amplification is not permitted at city facilities unless a live entertainment reservation form is submitted and approved by the Parks and Trails Director or the City Manager. If approved, a live entertainment permit will then be issued and must be displayed at all times during the performance. No special electrical arrangements will be made by the City. Live entertainment reservations must be accompanied by the applicable fees as established by the fee schedule. Reserving party is responsible for clean-up following the event. All live entertainment permit information will be forwarded to the following departments: Police, Fire, Public Works, Sanitation and Parks Maintenance. Reserving parties wishing to have live entertainment must reserve a pavilion and must adhere to the noise ordinance hours of 10:00 pm -7:00 am

3. Geocaches

The placement of a geocache in a city park is prohibited unless permitted through the Parks and Trails Department.

4. Fee Schedule.

The following use fee schedule is hereby established for the various Parks and Trails facilities:

FEE SCHEDULE
PARKS AND TRAILS FACILITIES

5.1. Park Pavilions

a) non-city residents/organizations	$20.00 per hour
b) city residents/organizations	$10.00 per hour

5.2 Special Events/Activities

a) activity fee	$25.00 per facility element/area (in addition to pavilion fees)
b) large group fee	$50.00 (100+ persons, subject to capacity, in addition to all other fees)
c) inspection fee	$25.00 (For use with security/clean up deposits, (only applies to Saturday or Sunday reservations)
d) security/clean-up deposit	$100.00 per event
e) Electrical/Water Use Fee	$25 per reservation/event

f) Reservation Conflict Fee $50

5.3. Extra Clean-up Charge.

a) Minimum deduction from deposit $50.00

b) City Staff cleaning charge, if required $25.00 per hour per person

5.4. Concession Fees.

Self-contained trailer/booth provided by reserving party $50.00 per day

Trailer/booth requiring external electric or water hookup $50.00 per day

5.5. Live Entertainment Permit.

a) electrical use fee $ 50.00 per day (in addition to facility use fees)

b) security/clean-up deposit $ 250.00 per event

SECTION 2. That Resolution Nos. 4438, 4545, 4814, 4944, 5482, 7080 and 7439 are hereby repealed.

SECTION 3. This resolution shall be codified in the City of Hot Springs Code of Ordinances and the sections may be renumbered or re-lettered to accomplish such intention.

PASSED: May 6, 2014

APPROVED: Ruth Carney
RUTH CARNEY, MAYOR

ATTEST:
LANCE SPICER, CITY CLERK