TITLE 10

PUBLIC SAFETY

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CHAPTER 1

ANIMAL CONTROL CODE

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ARTICLE I. IN GENERAL

10-1-1. Short title.

This chapter may be cited as the "Hot Springs Animal Control Code."

10-1-2. Definitions.

The following words and phrases have the following meanings for the purpose of this Code:

Abandon: The act of leaving a companion animal, or a domestic animal, or an exotic animal

(a) without food, water, or care for twenty-four (24) hours or more; or

(b) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

Animal: Any description of vertebrate, excluding Homo-sapiens.

Animal control authority: The person or persons designated by the City Manager with the responsibility for enforcement of this code. (Ord. No. 5134, § 1, 12-2-02)

Animal establishment: Any pet shop, kennel, grooming shop, auction, performing animal exhibition, or other facility engaged in the handling of animals, excluding licensed veterinarians and veterinary clinics and hospitals.

Animal shelter: Any facility designated by the city for the purpose of impounding and caring for animals held under the authority of this Code.

At large: Any animal is at large when off the premises of the owner and not under the control of a responsible person.

Breeder: Any person who maintains an unaltered (unsterilized) dog or cat and breeds such animal for any consideration of profit, fee or compensation.

Caretaker: Any person who provides food, water and shelter for any companion animal, domestic animal or exotic animal.

Code: As used herein, "Code" refers to the Hot Springs Animal Control Code.

Companion animal: Dogs and cats.

Control: Any animal shall be considered under control if it is confined to the premises of its owner or is secured by a leash or lead of sufficient strength to prevent it from escaping, or is confined in an automobile when away from the premises of the owner.

Cruelty to animals: A person commits the offense of cruelty to animals if, except as authorized by law, he knowingly

(a) abandons any animal;

(b) subjects any animal to cruel treatment;

(c) subjects any animal in his custody to cruel neglect; or

(d) kills or injures any animal belonging to another without legal privilege or consent of the owner.

(e) As used in this section, "knowingly" shall mean the following:

A person acts knowingly with respect to his or her conduct or the attendant circumstances when he or she is aware that his or her conduct is of that nature or that such circumstances exists. A person acts knowingly with respect to the result of his or her conduct when he or she is aware that it is practically certain that his or her conduct will cause such a result.

Dangerous dog: Any dog which:

(a) without provocation, attacks or bites a person engaged in a lawful activity;

(b) while off the property of its owner and without provocation, kills or seriously injures another animal;

(c) without provocation, chases, confronts or approaches a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack;

(d) exhibits a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation; or

(e) acts in a manner that causes or should cause its owner to know that it is potentially vicious.

Euthanasia: The humane destruction of a companion animal, or a domestic animal, or an exotic animal administered by a method which causes immediate unconsciousness without visible evidence of distress to the animal or the administrator.

Exotic animal: Any animal not defined as a companion animal or a domestic animal.

Health officer: The designated official of the state department of health or any local health official whose duties may involve conditions or investigations relevant to animal control.

Humane manner: Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, and wholesome food and water, consistent with the normal requirements and breeding habits of the animal's size, species and breed.

Impound: To seize summarily, confine, or restrain in custody.

Kennel: Any person who engages in the business of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling animals.

License: The method of carrying and the information carried on a companion animal which identifies the owner of said animal and any other information required by Code.

Licensing authority: Any agency or department of the city, or any designated representative thereof, including licensed veterinarians, charged with administering the issuance and/or revocation of certificates and licenses under the provisions of this Code.

Livestock: Animals kept or raised for use or pleasure, especially farm animals. Livestock does not include "Wild Animals" as defined in the Hot Springs Animal Control Code but does include, but is not limited to the following:

The species Equus caballus (domestic horses);
The species Equus asinus (asses/donkeys);
The species Bos taurus (cattle);
The subspecies Ovis ammon aries (sheep);
The species Capra hircus (goats);
The subspecies Sus scrofa domestica (swine);

Domesticated races of the species Gallus gallus or Meleagris gallopavo (poultry);
Domesticated races of the species Oryctolagus cuniculus (rabbits); and
All captive-bred members of the families Anatidae (ducks) and Columbidae (doves and pigeons).

Neutered: Incapable of sexual reproduction.

Nuisance: An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's, or public walks and recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; molests, attacks, or interferes with persons in the public right-of-way; or chases vehicles or attacks domestic animals.

Owner: Any person or persons, firm, association, partnership or corporation owning, keeping or harboring a companion, domestic or exotic animal.

Pens and enclosure(s): For purposes of Article XI hereof, pen(s) and enclosure(s) shall mean any area, regardless of size, confining or intended to confine or shelter livestock. Pens and enclosures shall include, but are not limited to, fenced pastures and fields, corrals, paddocks, yards, cages, pens, coops, hatches, stables, stalls, chicken houses, barns, sheds and similar facilities or areas where livestock are kept.

Person: Any individual, corporation, partnership, association, organization or institution commonly recognized by law as a unit.

Pet shop: Any person engaged in the business of buying or selling two (2) or more species of live animals with the intent that they be kept as pets.

Private kennel: Any person, excluding kennels, pet shops and veterinary clinics and hospitals, who keeps, harbors or knowingly permits to remain on or about his premises, more than four (4) dogs or four (4) cats, over three (3) months of age.

Restraint: An animal is under restraint if it is controlled by a leash or within a vehicle being driven or parked on a street, or confined on the property of its owner or keeper.

Restrained. An animal is restrained if it is restricted to its caretaker's premises by means of a fence, pen, cage or other substantially similar means of confinement.

Unrestrained. An animal is unrestrained if it is not restricted to its caretaker's premises by means of a fence, pen, cage or other substantially similar means of confinement.

Vaccinated: A companion animal or a domestic animal that has been administered a vaccine or vaccines, by a licensed veterinarian, against disease or diseases harmful to itself and or communicable to others.

State law reference-Rabies Control Act, A.C.A. § 29-19-301, et seq.

Veterinary clinic or hospital: A clinic or hospital operated by a licensed veterinarian.

Vicious animal: Any animal that attacks or bites humans or other domestic animals, or otherwise jeopardizes the well-being of humans or other domestic animals.

Vicious dog: Any dog which:

(a) without provocation causes death or serious injury to a person engaged in a lawful activity;

(b) on two (2) or more occasions within a twelve-(12) month period, attacks or bites without provocation a person engaged in a lawful activity;

(c) on more than one (1) occasion within a twelve-(12) month period, while off the property of its owner and, without provocation, kills or seriously injures another animal; or

(d) trains for dog fighting, or is owned, bred or kept for the purpose of dog fighting.

Wild animal: "Wild animal" means any living member of the kingdom Animalia, including those born or raised in captivity, except the following:

The species Homo-sapiens (human beings);
The species Canis familiaris (domestic dogs, excluding hybrids with wolves, coyotes, or jackals);
The species Felis catus (domestic cats, excluding hybrids with ocelots or margays);
The species Equus caballus (domestic horses);
The species Equus asinus (asses/donkeys);
The species Bos taurus (cattle);
The subspecies Ovis ammon aries (sheep);
The species Capra hircus (goats);
The subspecies Sus scrofa domestica (swine);
Domesticated races of the species Gallus gallus or Meleagris gallopavo (poultry);
Domesticated races of the species Mesocricetus auratus (golden hamsters);
Domesticated races of rats or mice (white or albino, trained, laboratory reared);
Domesticated races of the species Oryctolagus cuniculus (rabbits);
All captive-bred members of the families Psittacidae, (parrots, parakeets), Anatidae (ducks), Fringillidae (finches), and Columbidae (doves and pigeons);
All captive-bred members of the species Serinius canaria of the class Aves (canaries);
Domesticated races of the species Carassius auratus (goldfish);
Captive-bred members of the superorder Teleostei of the class Osteichthyes (common aquarium fish);
All species of the class Insecta.

10-1-3–10-1-4. Reserved.

ARTICLE II. LICENSING AND VACCINATION

10-1-5. Generally.

(a) No person shall own, keep or harbor any dog or cat within the city unless such dog or cat is licensed and vaccinated as herein provided. (Ord. No. 4993, §1, 8-6-01)

(b) The licensing authority shall maintain a record of all certificates and licenses issued, and make such records available to the Animal Control Authority.

10-1-6. Rabies vaccination.

(a) All dogs and cats over three (3) months of age within the city shall be vaccinated against rabies once each year by a licensed veterinarian, who will issue to the owner a durable metal tag and a certificate of vaccination approved by the Animal Control Authority. Tags must be attached to the collar or harness of the dog or cat and be worn at all times. Tags are not transferable from one dog or cat to another dog or cat.

(b) The health officer and the Animal Control Authority may adopt such other rabies control regulations as they deem necessary for the protection of the public health and safety.

10-1-7. Dog and cat licenses.

(a) All dogs and cats over three (3) months of age shall be licensed as provided herein. Application for a dog or cat license shall be made to the licensing authority and shall state the name, address and telephone number of the owner(s); the name, breed, color, age and sex of the dog or cat; and a certificate of rabies vaccination issued by the licensing authority. Applicants shall pay the following license fees:

Annual -- neutered or restrained: $10.00 per year for each neutered or restrained dog or cat; or (Ord. No. 5411, §1, 12-19-05)

Annual -- un-neutered and unrestrained: $35.00 per year for each un-neutered and unrestrained dog or cat; or

Lifetime -- neutered: $20.00 for each neutered dog or cat provided the animal is vaccinated annually for rabies as evidenced by a current certificate of rabies vaccination. Failure to have the animal vaccinated annually will result in revocation of the lifetime license. Un-neutered animals shall not be eligible for a lifetime license.

(b) Application for a license must be made within thirty (30) days after obtaining a dog or cat over three (3) months of age, or within thirty (30) days of establishing residence in the city. This requirement will not apply to a nonresident keeping a dog or cat within the city for no longer than sixty (60) days.

(c) For registered dogs serving the blind or deaf or government owned dogs used for law enforcement, licensing fees shall be waived. All other licensing and vaccination provisions shall apply.

(d) The licensing period shall be for one year and shall be concurrent with the rabies vaccination.

(e) The licensing authority shall include licensed veterinarians who are hereby empowered to collect the license fee and issue a dog or cat license and a durable metal tag at the time a dog or cat is vaccinated for rabies. Dog or cat license receipts shall be collected from such veterinarians by the city clerk on at least a quarterly basis.

(f) Tags must be attached to the collar or harness of the dog or cat and be worn at all times. Tags are not transferable from one dog or cat to another.

10-1-8--10-1-9. Reserved.

ARTICLE III. RESTRAINT

10-1-10. Restraint in transit.

It shall be unlawful for any person to transport any animal in an open vehicle without said animal being restrained in such a manner as to prohibit such animal from leaving or being thrown out of the vehicle while in a public place or upon the public streets. If the animal is tethered, it shall be done in a manner as to prevent such animal from exiting the vehicle and from causing harm to said animal or persons. The intent of this section is to ensure that an animal in transit is humanely and adequately restrained within the confines of the transporting vehicle.

10-1-11. Confinement.

(a) An owner of a dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog within an adequate fence or enclosure or within a house, garage or other building, or shall confine such dog by a chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large. It shall further be the duty of any owner or keeper of any dog to keep such dog under such control so as to:

(1) Prevent such dog from becoming a danger to persons or property, or trespassing upon another person's property without that person's permission; and

(2) Prevent such dog from running at large upon the streets, sidewalks, alleys, parks or other public places of the city.

(b) An owner of a vicious animal shall confine it within a building or secure enclosure and not release it therefrom unless it is securely muzzled. Any vicious animal trespassing or running at large is hereby declared a nuisance and may be impounded pursuant to the provisions of Article IX hereof or ordered confined by the Animal Control Authority. Further, in any prosecution of an owner or keeper of any such vicious animal for trespassing or running at large, the municipal court may, upon conviction entered, order that such animal be humanely destroyed.

(c) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary clinic or hospital or in a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat, except for intentional breeding purposes.

(d) It shall be unlawful for any owner to allow his dog or cat to enter any food store or place where food is exhibited for sale.

(e) It shall be unlawful for any person owning or having control of any chickens, ducks or other fowl within the city to permit them to run at large after notice from the Animal Control Authority that the chickens, ducks or other fowl are a menace or nuisance to his neighbors or the public in general.

10-1-12. Rabid animals or animals suspected of having rabies.

(a) Every veterinarian shall report promptly to the health officer or Animal Control Authority all cases of rabies in animals treated by him giving name and address of the owner; and owners and addresses of any animal(s) bitten by such rabid animal, so far as known.

(b) Any person having knowledge that an animal, domestic or wild, is rabid or suspects an animal of having rabies, or knowledge that an animal has been bitten by a rabid animal, shall promptly report such information, to the extent known, to the health officer or the Animal Control Authority.

(c) It shall be the duty of the owner, the health department, or the person or agency gaining information that any domestic animal or person has been bitten or is probably infected with rabies, to incarcerate or impound the animal in the institution of some competent veterinarian within this city or county, or in the animal shelter, where the animal shall be held for observation for such period of time as may be reasonably necessary to determine whether the animal is infected with rabies.

10-1-13. Nuisance, maintenance of premises and disturbing noises.

(a) Animal owners must control their animal in a manner such that the animal is not a nuisance. An animal shall be considered a nuisance if it damages, soils, defiles or defecates on private property other than the owner's, or public walks and recreation areas; causes unsanitary, dangerous or offensive conditions; causes a disturbance by excessive barking or other noise making; molests, attacks, or interferes with persons in the public right-of-way; or chases vehicles or attacks domestic animals.

(b) An owner of an animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and the animals themselves shall be restrained in such a fashion that noise emanating therefrom shall not be disturbing to such persons.

(c) Any person(s) that places or otherwise situates food in such a manner that causes or results in the congregation of more than four (4) stray animals shall be deemed to have created a public nuisance and, therefore, shall be in violation of this section.

10-1-14. Dangerous and vicious dogs.

(a) Unlawful keeping of dangerous or vicious dogs.

(1) It shall be unlawful for any person to keep within the city any vicious dog.

(2) It shall be unlawful for any person to keep within the city any dangerous dog, except in compliance with the provisions of subsections (b) and (c) of this section.

(b) Dangerous dog permit required.

(1) If the Animal Services Department has cause to believe that a dog is dangerous, the department may find and declare such dog to be a dangerous dog.

(2) Within three (3) days of declaring a dog dangerous, the Animal Services Department shall notify in writing the person who owns, keeps, or otherwise maintains the dog, of the declaration and that a permit is required to keep such dangerous dog within the city.

(3) The notice shall inform the dog's owner or custodian that a hearing to contest the finding and declaration before the Animal Services Supervisor shall be held if a request in writing is received from the owner or custodian within five (5) working days from receipt of the notice of the dangerous dog declaration.

(4) If the person owning, keeping, possessing, or otherwise maintaining the dog fails to request a hearing, or if the Animal Services Supervisor determines after a hearing that the declaration stands, the owner or custodian shall obtain a permit from the Animal Services Department to keep such dangerous dog within the city. A dangerous dog may be kept within the city only so long as the owner or custodian complies with the requirements and conditions for keeping a dangerous dog in accordance with such permit.

(5) The owner or custodian shall pay one hundred dollars ($100.00) annual permit fee to the city, in addition to all other fees, for possession of a dangerous dog.

(c) Conditions for keeping or maintaining a dangerous dog shall include:

(1) *Confinement*. All dangerous dogs shall be securely confined:

a. Indoors; or
b. In an enclosed and locked pen or physical structure upon the premises of the owner.

The pen or physical structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two (2) feet. All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the dog from the elements. Electronic containment devices shall not be used to confine dangerous dogs.

(2) *Leash and muzzle*. The owner of a dangerous dog shall not allow the dog to go outside its kennel, pen or physical structure unless the dog is muzzled, restrained by a chain or leash not more than four (4) feet in length, and under the physical control of a person capable of controlling the dog. The muzzle must not cause injury to the dog or interfere with its vision or respiration, but must prevent the dog from biting any human or animal.

(3) *Signs*. The owner of a dangerous dog shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a dangerous dog on the premises. The sign must be at least one (1) square foot in area and be easily read from the public highway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a dangerous dog. Similar signs shall be posted on the dog’s kennel, pen or enclosed structure.

(4) *Photograph identification.* Within five (5) days of the declaration of a dog as dangerous, the owner or custodian shall provide the Animal Services Department two (2) color photographs of such dog clearly showing the color and approximate size of the animal.

(5) *Change of status.* The owner or custodian of a dangerous dog shall notify the Animal Services Department immediately when the dog is unconfined and on the loose, or has attacked a human being or domestic animal.

(6) *Change of ownership.* If the owner of a dangerous dog sells, gives away, or otherwise transfers custody of the dog, the owner shall, within five (5) days, provide the Animal Services Department with the name, address, and telephone number of the new owner or custodian if the new owner resides within the city limits. The previous owner shall notify the new owner of the dog's designation as a dangerous dog and of the requirements and conditions for keeping a dangerous dog.

(7) *Sterilization.* The dangerous dog shall be sterilized at the owner's expense and written confirmation of the sterilization by a veterinarian licensed in the State of Arkansas shall be provided to the Animal Services Department.

(8) Other reasonable conditions that may be deemed necessary by the Animal Services Supervisor.

(d) *Failure to comply.* It shall be unlawful for the owner or custodian of a dangerous dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply shall result in the revocation of the dangerous dog permit for such dog. In the event of the revocation of the permit, the owner or custodian shall remove such dog from the city within five (5) calendar days or the dog shall be euthanized.

(e) *Declaration of a vicious dog.* If the Animal Services Department has cause to believe that a dog is a vicious dog as defined subsection 2 of this Ordinance, the Animal Services Department may find and declare such dog a vicious dog.

(f) *Procedures for impoundment and euthanization of a vicious dog*. The Animal Services Department may declare a dog vicious and impound it if the dog poses a serious threat to the public health or safety.

(g) *Notice to owner of declaration of vicious dog.* In instances where the dog is declared vicious or declared vicious and impounded, the Animal Services Department shall, within forty-eight (48) hours, notify the owner of the dog in writing posted at the owner's or custodian's last known address, that the dog has been determined to be a vicious animal and, if applicable, has been impounded by Animal Services. If the dog is impounded or if the owner retains possession of the dog, the owner shall have five (5) days from delivery of the notice to contact animal services and comply with the ordinance by removing the dog from the city limits or having the dog euthanized. If the owner does not contact Animal Services within the five (5) day period prescribed, the Animal Services Supervisor may have such dog euthanized, or may apply to Hot Springs Municipal Court for an order to impound and euthanize the dog.

(h) *Court appearance.* If the owner of the dog contests the Animal Services Department's determination that the dog is vicious, the Animal Services Department shall issue to the owner a citation to appear in Hot Springs Municipal Court for maintenance of a vicious dog. The dog shall remain in the custody of the Animal Services Department pending trial and the owner shall be responsible for boarding fees.

(i) *Judicial determination.* If the court determines that the dog is vicious and that maintenance of the vicious dog is a danger to the public safety, the court may order, in addition to any penalty provided in Section 91 and in addition to any boarding fees owed, one of these alternatives:

(1) That the dog be euthanized;

(2) That the dog be removed from the city limits forthwith;

(1) That if mitigating circumstances exists, such as extreme provocation of the dog, that the dog be declared dangerous and that the owner comply with the ordinance on dangerous dogs.

(j) *Exemptions.* This section shall not apply to dogs properly kept and maintained by a police department or law enforcement agency.

(k) *Violations and penalties.* Any person violating or permitting the violation of any provision of this section shall, upon conviction in a court of competent jurisdiction, be subject to the provisions of §1-1-15 of the Hot Springs City Code. In addition to imposing a fine, the court may order the permit of the subject dangerous dog revoked and the dog removed from the city, or in the case of a vicious dog, may order the dog removed from the city, euthanized or if mitigating circumstances are present, declared dangerous.

10-1-15. Defecation on public and private property.

Any owner, caretaker, caregiver or other responsible party, hereinafter termed responsible party, while in the act of walking, exercising or transporting any domestic animal on foot through or across private property that is not under their control or through or across public right-of ways, sidewalks or other public property must remove, pick-up or clean-up any fecal discharge from the animal that is being walked, exercised or transported at the time of the fecal discharge. In this regard, such responsible party must maintain on their person the proper equipment/supplies (collection devices) for such removal, pick-up or clean-up.

Proper equipment/supplies will be those items that would allow for complete removal of the animal's fecal discharge. Proper equipment/supplies will consist of a disposable, sealable plastic bag or container of sufficient size to hold all of the animal's fecal discharge. In the event that the animal will or could have multiple discharges during any particular "outing," the responsible party must carry sufficient collection devices to provide for complete removal for all such discharges occurring during the outing. Collection devices containing fecal matter shall be disposed of in receptacle suitable for the disposal of solid waste.

Any person found in the act of walking, exercising, or transporting any domestic animal on foot, not in possession of adequate equipment/supplies (collection device) to remove any discharge of that animal, whether it has committed the act of " fecal discharge" or not, will be in violation of this section. Any person in the act of walking, exercising or transporting a domestic animal on foot, may be asked to produce evidence of personal possession of such equipment/supplies (collection device) by any Police Officer or Animal Control Officer. (Ord. No. 5603, §1, 10-15-07)

10-1-16. Dog parks.

Dogs are permitted to run unleashed in any area officially designed by the Animal Control Authority as a "dog park," subject to such rules and regulations for said park as may be established and posted by the Animal Control Authority. (Ord. No. 5794, §1, 11-9-10)

10-1-17 – 10-1-19. Reserved.

ARTICLE IV. CRUELTY

10-1-20. Prohibited treatment; removal of mistreated animals; payment of expenses.

(a) It shall be unlawful for any person to:

(1) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat, any animal;

(2) Fail to provide any animal with proper food, drink, protection from the weather and veterinary care; or

(3) Abandon any animal;

(4) Intentionally poison any animal;

(5) Allow or promote any fight between animals, or to allow or permit any such fight in or upon any premises in his possession or under his control;

(6) Allow an animal to be kept in unsanitary conditions;

(7) Keep or confine an animal in other than a humane manner.

(b) The Animal Control Authority may remove any animal kept or confined under such conditions and may impound such animal pursuant to the provisions of Article IX hereof.

10-1-21. Diseased or injured animals.

(a) It shall be unlawful for any person to knowingly keep:

(1) Any injured animal without providing proper, timely treatment, including treatment by a veterinarian, when appropriate, for such injury; or

(2) Any animal infected with a disease which may contaminate other animals and which may be a health hazard.

A person acts "knowingly" when he is aware that such circumstances exist.

(b) Any such untreated injured or diseased animal shall be immediately treated or, when necessary, humanely destroyed, to prevent unwarranted suffering. The disposition of such animals shall be at the direction of the Animal Services Supervisor or a licensed veterinarian.

10-1-22. Animal disposition upon adjudication.

Upon conviction of a violation of this article, the court of competent jurisdiction may:

(a) Order the animal placed for adoption until reasonable efforts to place the animal with a new owner have been made; or

(b) Order the animal into protective custody; or

(c) Order the animal destroyed if the condition of the animal warrants euthanasia.

(Ord. No. 5134, § 2, 12-2-02)

10-1-23–10-1-29. Reserved.

ARTICLE V. WILD ANIMALS

10-1-30. Prohibitions.

(a) No person may own, possess or have custody of any wild animal, unless that person obtains a permit from the Animal Control Authority as provided herein.

(b) No person may sponsor, promote or train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator in any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically. This prohibition applies to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities, irrespective of whether or not a fee is charged to spectators and regardless of whether or not a permit to own, possess or have custody of a wild animal has been issued as provided herein.

10-1-31. Jurisdiction.

(a) The Animal Control Authority shall enforce the provisions of this Article and is authorized to issue permits for the ownership, possession or custody of wild animals in accordance herewith.

(b) The Animal Control Authority shall make investigations or inspections to determine whether any permit holder has violated or is violating any provisions hereof or any regulation issued hereunder, and for such purposes the Animal Control Authority shall, at all reasonable times, have access to all facilities where wild animals are held pursuant to permits issued hereunder. The Animal Control Authority is specifically authorized and directed to make random and unannounced inspections of such facilities at any reasonable time.

(c) The Animal Control Advisory Committee shall adopt rules and regulations prescribing standards for the humane handling, care, treatment and transportation of wild animals, including the standards by which the Animal Control Authority shall determine whether to issue a permit as provided for herein.

10-1-32. Permits.

(a) Any person applying for a permit to own, possess or have custody of a wild animal must demonstrate to the Animal Control Authority that the applicant will be able to comply with the standards adopted by the Animal Control Advisory Committee.

(b) Each application for issuance of a permit hereunder shall be accompanied by a fee in the sum of one hundred dollars ($100.00).

(c) Each permit issued hereunder shall be effective for a period of one year and must be renewed by re-application as provided for herein, together with payment of the application fee.

10-1-33. Notice required.

Any animal establishment offering a wild animal for sale shall post conspicuously at the place of sale or display a copy of this Article and a copy of the rules and regulations adopted pursuant hereto by the Animal Control Advisory Committee.

10-1-34. Impoundment and disposal.

Notwithstanding the provisions of Article IX hereof, the Animal Control Authority is empowered to impound any wild animal being kept, harbored or maintained in violation of this Code or of rules and regulations adopted by the Animal Control Advisory Committee, and upon conviction of the owner or any other person for violation hereof, the Animal Control Authority may humanely destroy or otherwise dispose of such wild animal, including but not limited to, donating and transferring ownership of such wild animal to a zoo or other facility deemed appropriate by the Animal Control Advisory Committee.

10-1-35–10-1-39. Reserved.

ARTICLE VI. ANIMAL ESTABLISHMENTS

10-1-40. Permit required; term; removal; one per establishment; display.

(a) No person shall operate an animal establishment without first obtaining a permit from the Animal Control Authority in compliance with this Article, nor may any person operate an animal establishment in a manner in violation of any provision of this Code.

(b) The permit period shall begin with the first day of the calendar year and shall run for one year. Renewal application for permits shall be made thirty (30) days prior to and up to sixty (60) days after January l of each year. Application for a new establishment under the provisions of this Code shall be made within sixty (60) days of the start of business or operation.

(c) Every facility regulated by this Article shall be considered a separate enterprise, requiring an individual permit (e.g., two (2) kennels at different locations but owned by the same person, shall be considered as two (2) animal establishments).

(d) Permits obtained in accordance with this Article shall be displayed in a prominent location on the premises of the animal establishment.

(e) An initial application fee of $100.00 shall be paid to the Animal Control Authority upon the formal filing of an application as required by this section. Said application fee is not refundable and shall apply to the initial application for which it was filed for a 12-month period. Applicants who wish to re-file an initial application after a 12-month period must pay a new $100.00 application fee. Once approved, the fee for an annual renewal application shall be $50.00 per year.

10-1-41. Application procedure.

(a) Each animal establishment shall annually file an application for permit with the Animal Control Authority within the time periods provided in section 40(b) hereof, provided that all preexisting establishments shall have ninety (90) days from the effective date of this Code to file such application.

(b) The permit application shall be made on a form provided by the Animal Control Authority and available from the authority or the city clerk's office.

(c) Upon receipt of a completed application, the Animal Control Authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of this Code. The Animal Control Authority shall be permitted to make such inspection at any reasonable time during normal business hours.

(d) The Animal Control Authority shall either issue a permit to the applicant or, if a permit is not granted, the Animal Control Authority shall notify the applicant in writing of the specific reasons for denial.

(e) Any animal establishment denied a permit may not reapply for a period of at least thirty (30) days. Each re-application shall describe any previous denial or revocation.

(f) If an applicant is shown to have withheld or falsified any material information on the application, the Animal Control Authority may refuse to issue or may revoke a permit.

10-1-42. Revocation of permits.

(a) The Animal Control Authority may revoke any permit if the person holding the permit refuses or fails to comply with this Code, or any other law or regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided in this Article.

(b) Whenever a permit is revoked for cause, or pending any proceedings to contest such action, the Animal Control Authority shall have power of entry to inspect all premises where the animals are being kept and shall notify the owner in writing as to the period of time that reasonably shall be allowed for removal of animals from such premises and shall state the specific reasons for revocation. In the event any such owner shall fail to remove such animals as directed, the Animal Control Authority may impound such animals pursuant to Article IX hereof.

10-1-43. Compliance with Code.

(a) An animal establishment shall not sell, trade or give away any dog or cat, over three (3) months of age, unless the dog or cat has been licensed and/or vaccinated as required by this Code.

(b) The Animal Control Authority shall be permitted to inspect any animal establishment and all animals and the premises where such animals are kept at any reasonable time during normal business hours to ensure compliance with all provisions of this Article and the Animal Control Code.

10-1-44. Standards for kennels.

All kennels shall, in addition to the other requirements of this Code, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for kennels are as follows:

(a) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

(b) Building temperature shall be maintained at a comfortable level. Adequate ventilation shall be maintained.

(c) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages.

(d) Cages are to be of material and construction that permit cleaning and sanitizing.

(e) Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.

(f) Runs shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.

(g) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.

(h) The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(i) All animals shall have fresh water available at all times.

10-1-45. Standards for pet shops.

All pet shops, including pet shops operated in conjunction with another holding facility, shall in addition to the other requirements of this Code comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Standards for pet shops are as follows:

(a) *Water*. There shall be available hot water at a minimum temperature of one hundred sixty (160) degrees or use of a quantinary disinfectant for washing cages and disinfecting, and cold water easily accessible to all parts of the shop. Fresh water shall be available to all species at all times. Containers are to be cleaned and disinfected each day.

(b) *Room temperature*. The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.

(c) *Cages and enclosures*. All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to his full length.

10-1-46–10-1-49. Reserved.

ARTICLE VII. PRIVATE KENNELS

10-1-50. Standards.

All private kennels shall, in addition to the other requirements of this Code, comply with the minimum standards of this section. Standards for private kennels are as follows:

(a) No person shall operate a private kennel without first obtaining an annual permit from the Animal Control Authority. Permits shall be based upon calendar years. Application for renewal of a permit shall be made between thirty (30) days prior to and sixty (60) days following January lst of each year. An initial application fee of $100.00 shall be paid to the Animal Control Authority upon the formal filing of an application as required by this section. Said application fee is not refundable and shall apply to the initial application for which it was filed for a 12-month period. Applicants who wish to re-file an initial application after a 12-month period must pay a new $100.00 application fee. Once approved, the fee for an annual renewal application shall be $50.00 per year.

(b) Upon receipt of a completed application, the Animal Control Authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the private kennel is in compliance with all provisions of this Code.

(c) Upon receiving a complaint concerning a private kennel, the Animal Control Authority may make an inspection of the facility to ensure that the facility is in compliance with all provisions of this Code.

(d) All animals shall have adequate space for proper shelter against weather extremes, and for proper exercise.

(e) All kennel areas shall be maintained in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Kennel areas in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors, which would disturb any person residing within a reasonable distance of said premises; and the animals themselves shall be restrained in such a fashion so that noise emanating therefrom shall not be disturbing to such persons.

(f) Proper food of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of animals shall be provided.

(g) Fresh water shall be available at all times.

10-1-51. Permit required.

No person, firm or corporation shall operate an animal drawn vehicle without first obtaining an annual permit from the Animal Control Authority. Permits shall be based upon a calendar year. An initial application fee of $100.00 shall be paid to the Animal Control Authority upon the formal filing of an application. Said application fee is not refundable and shall apply to the initial application for which it was filed for a 12-month period. No additional permit fee shall be required for the remainder of the calendar year in which an initial permit is approved. Applicants whose initial application is denied and who wish to re-file after 12-months must pay a new application fee ($100.00). Once approved, the fee for an annual permit renewal shall be $50.00 per year. Permit renewal applications shall be made and the permit fee paid between thirty (30) days prior to and sixty (60) days following January 1st of each year. (Ord. No. 5134, § 3, 12-2-02)

10-1-52–10-1-54. Reserved.

ARTICLE VIII. ANIMAL-DRAWN VEHICLES

10-1-55. Health of the animal.

No animal shall be permitted to pull any carriage unless the animal is in good health and meets at least the following requirements:

(a) All draft animals must weigh at least one thousand (1,000) pounds.

(b) The animal has no major open sores or wounds and is not lame nor has any other ailment, unless a veterinarian approves in writing.

(c) Shoes shall be reset every six (6) weeks. The animal's feet shall be protected by neoprene pads and a silicon cushion under each shoe. Each shoe shall have borium tips or cleats.

(d) The animal must be groomed daily and not have fungus, dandruff or poor or dirty coat.

(e) The animals must have adequate flesh and muscle tones.

10-1-56. Animal working conditions.

(a) No animal shall be worked under any of the following conditions:

(1) A carriage equipped with ball bearing wheels is holding more than twelve (12) people including the driver; or a carriage equipped with bushing wheels is holding more than nine (9) people including the driver.

(2) The animal works more than eight (8) hours in any twenty-four-hour period with fifteen-minute rest periods between each trip.

(3) Between the dates of June lst and August 3lst, total hours worked shall not exceed six (6) hours in a twenty-four-hour period with a fifteen-minute rest for every hour worked.

(4) The animal pulling a carriage is moved at a speed faster than a slow trot.

(5) The animal is working with equipment causing an impairment of vision other than normal blinders.

(6) The animal is subject to any condition which will impair the good health and physical condition of the animal.

(b) The Animal Control Authority may order the temporary suspension of the operation of all animal-drawn vehicles upon determination that special circumstances exist which would jeopardize the safety of the animal, such as bad weather or other environmental problems.

10-1-57. Equipment and facilities.

Equipment and facilities with respect to animal-drawn vehicles must meet the following minimum standards:

(a) The harness and bit shall be of standard construction and appropriate for the animal. It shall be properly fitted, padded and maintained, and kept free of makeshift wire, sisal rope, and chain. The harness must be oiled and cleaned so as to be soft at all times.

(b) Carriages must be properly lubricated and wheels must spin freely.

(c) No driver may whip an animal with more than a light touch by a light whip.

(d) Adequate water will be provided in the working area and stables at all times.

(e) At each break when the animal's breathing has returned to normal, and it is relaxed, clean water with electrolytes shall be offered if the temperature is seventy-five (75) degrees F. or above.

(f) Stalls and stables must comply with the following:

(1) Ceilings in stalls and stables must be at least ten (10) feet high from bedding and flooring. Bedding therein must be at least six (6) inches deep and dry enough so as not to show wetness under the pressure of the animal's hoofs. Foot and sharp surfaces shall not be permitted in any area or building where they may come in contact with the animals.

(2) Roofs must be kept free of leaks.

(3) Each animal must have a stall large enough for the animal to turn around.

(4) Food must be kept free of contamination.

(5) Animal areas must be treated to exterminate and repel insects.

(6) Ventilation will be provided in hot weather.

(g) Each year during the month of May, owner(s) shall present to the Animal Control Authority a veterinarian certificate of health for each animal utilized in the provision of animal-drawn service, which certificate shall include:

(1) A record of vaccination for encephalitis, flu and tetanus;

(2) A verification of the coggins test (EIA) as negative;

(3) A statement that the animal is free of lice and external parasites;

(4) Worming for internal parasites;

(5) A blood count; and

(6) A statement that the animal is fit for the work it will perform.

10-1-58. Inspections.

The Animal Control Authority shall be permitted to inspect all animals, carriages, stalls and stables at any reasonable time to ensure compliance with all provisions of this Code. This Code shall apply to any stall or stable outside the city limits which houses animals used for drawing vehicles within the city limits.

10-1-59. Reserved.

ARTICLE IX. IMPOUNDMENT; ADOPTION

10-1-60. Impoundment.

(a) Any animal at large or otherwise in violation of the provisions of this Code may be impounded in the animal shelter in a humane manner for a period of not less than five (5) business days; and if within such time, an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this Code, such animal shall become the absolute property of the Animal Control Authority, which may convey ownership of such animal to any responsible person, on such conditions as the Animal Control Authority may prescribe, or the Animal Control Authority may humanely destroy such animal.

(b) The Animal Control Authority shall make a reasonable effort to notify the owner of any animal impounded in the animal shelter that the animal has been impounded, of the manner by which the animal may be reclaimed and that the animal may be destroyed or become the property of the Animal Control Authority as provided herein.

(c) Prior to destruction of a dog at large which carries its owner's address and which is impounded in the animal shelter, the Animal Control Authority shall give the owner (5) days' notice, of the proposed destruction by certified letter, return receipt requested.

(d) Notwithstanding any provision of this Code to the contrary, the Animal Control Authority may refuse to release any animal impounded in the animal shelter for rabies or contagious disease quarantine or for use as evidence in a criminal prosecution, for such time period as the Animal Control Authority may determine.

(e) Notwithstanding any provision of this Code to the contrary, the Animal Control Authority may humanely destroy any animal impounded in the animal shelter upon the written opinion of a licensed veterinarian that destruction of the animal is necessary to prevent disease or injury to other animals or to humans due to overcrowding in the animal shelter, the presence or threatened presence of contagious disease, or any other condition.

(f) Notwithstanding any provision of this Code to the contrary, the Animal Control Authority may humanely destroy any animal impounded in the animal shelter when the Animal Control Authority reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering, or death.

10-1-61. Reclaiming impounded animals.

(a) The owner of an animal impounded in the animal shelter may reclaim the animal upon presenting evidence satisfactory to the Animal Control Authority of compliance with all provisions of this Code, and upon payment of fees and charges as hereinafter provided, credited to the account of the Animal Control Authority, and shall not be in lieu of any fine or penalty otherwise provided by law.

(b) The following fees for reclaiming impounded animals and quarantine fees are hereby adopted:

(1) Reclaiming impounded animals by owners within the corporate limits of Hot Springs:

CATEGORY	**1st offense**	**2na offense**	**3ra offense**	**each additional offense**
Dog or Cat unsterilized & unlicensed	$100.00	$150.00	$200.00	$250.00
Dog or Cat unsterilized & licensed	$75.00	$100.00	$125.00	$150.00
Dog or Cat sterile & unlicensed	$65.00	$85.00	$105.00	$125.00
Dog or Cat sterile & licensed	$50.00	$75.00	$100.00	$125.00
Rabbits, poultry and birds	$25.00	$25.00	$25.00	$25.00
All Other animals	$35.00	$35.00	$35.00	$35.00
In addition to the foregoing fees, the following boarding fee shall be charged for each day the animal is impounded in the animal shelter ..... $ 7.50 per day.				

(2) Reclaiming impounded animals by owners outside the corporate limits of Hot Springs: ..... $35.00 plus $7.50 per day boarding fee.

(3) Animals impounded for rabies quarantine or as evidence in a criminal prosecution: $10.00 per day not to exceed to the maximum quarantine period allowed by state law. (Ord. No. 5411, § 2, 12-19-05)

(c) The owner of an animal impounded in the animal shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.

10-1-62. Adoption.

The Animal Control Authority may convey ownership (permit adoption of) any animal which has become the property of the Animal Control Authority to a responsible person subject to such conditions as may be prescribed by the Animal Control Authority, including, without limitation, the following:

(a) Payment of any vaccination, licensing, veterinary or adoption fees. (Ord. No. 5738, §1, 10-20-09)

(b) Evidence satisfactory to the Animal Control Authority that the animal has, or will be, examined by veterinarian and vaccinations against rabies and other disease administered.

(c) Compliance with Arkansas Act 994 of 2011 (neutered). (Ord. No. 5827, §1, 7-19-2011)

(d) Animals offered for adoption shall be available to the public within the first twenty four (24) hours following the impoundment period. Thereafter, if an animal is not adopted, it may be made available to a reputable non-profit organization that operates for the placement of animals. (Ord. No. 5738, §3, 10-20-09)

(e) Payment of an adoption fee of $55.00 for each dog/or an adoption fee of $35.00 for each cat.(Ord. No. 5827, §2, 7-19-2011)

10-1-63. Adoption conditions.

The Animal Control Authority will monitor animals coming into the care of the Animal Services Center for tendencies to bite or attack, and render a disposition for adoption of each animal. The Animal Control Authority will not offer for adoption any animal that has been officially reported to have bitten a human being or that has displayed a disposition to bite or attack. Provided, further, that any pit bull terrier or pit bull terrier mix, as determined by the Animal Control Authority, shall not be offered for adoption. (Ord. No. 5134, § 5, 12-2-02; Ord. No. 5321, § 1, 2-7-05)

10-1-64. Reserved.

ARTICLE X. RECORDS

10-1-65. Required to be kept.

It shall be the duty of the Animal Control Authority to keep, or to cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody.

10-1-66-10-1-69. Reserved.

ARTICLE XI. LIVESTOCK

10-1-70. Keeping of hoofed livestock.

(a) The keeping within the corporate limits of the City of Hot Springs, Arkansas, of cows, mules, horses, swine, sheep, goats or other hoofed livestock shall be allowed subject to the provisions of this Article and applicable provisions of the Zoning Code as amended.

(b) All pens or enclosures where hoofed livestock are kept shall be not less than 100 feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business of the livestock's owner.

(c) Pens and enclosures for hoofed livestock shall meet the following minimum requirements:

(1) Horses, cows, swine and other large hoofed livestock.

a. One acre (43,560 square feet) per two horses, cows, swine or other large hoofed livestock or combination thereof, minimum of one acre for first such animal;

b. A minimum five-foot fence when the livestock are horses, mules, asses or donkeys; a minimum three-foot, six-inch high fence for all other livestock defined in subsection 10-1-2 (Livestock). Said fence shall be of a standard design and material for the proper constraint of the type of large-hoofed livestock kept;

c. Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably; provided, however, that cows are excluded.

(2) Sheep, goats and other small hoofed livestock.

a. One-half acre (21,780 square feet) per two sheep, goats or other small-hoofed livestock or combination thereof, minimum of one-half acre for first such animal;

b. Adequate shelter from weather elements which provides the animals adequate space to stand, turn and stretch comfortably; and

c. Pen or enclosure of standard design and material for the proper constraint of the type of small-hoofed livestock kept.

10-1-71. Keeping of small livestock and poultry.

(a) The keeping of small livestock and poultry such as rabbits, chickens, guineas and turkeys is permitted within the corporate limits of the City of Hot Springs, Arkansas, subject to the provisions of this Article.

(b) Small livestock and poultry shall be confined within an area containing adequate housing meeting the following minimum floor space requirements:

(1) Rabbits. Six (6) square feet per animal over four (4) months of age;

(2) Turkeys. Eight (8) square feet per bird over four (4) months of age;

(3) Chickens and similar foul. Four (4) square feet per bird over four (4) months of age.

(c) All pens, houses and enclosures where small livestock or poultry are kept shall be not less than one hundred (100) feet from any residence or business establishment; provided, however, that this restriction shall not apply to a residence or business establishment of the livestock's owner.

10-1-72. Condition of pens and enclosures.

All livestock pens and enclosures shall be maintained and kept in such condition as not to become unsanitary, offensive or disagreeable to persons residing in the vicinity thereof, nor shall they be so maintained or kept to permit the breeding of flies or in any manner cause injury to the health or comfort of the public or any person working or residing in the vicinity of said pen or enclosure. Manure or refuse shall be promptly removed and disposed of after each cleaning in accordance with all applicable rules, regulations and laws.

10-1-73. Other provisions.

(a) Any kennels or boarding facilities keeping livestock shall, in addition to the requirements of this Article, comply with all regulations relative to "Animal Establishments" contained in the Animal Control Code.

(b) Livestock and poultry shall be subject to other applicable provisions of the Animal Control Code (e.g., running at large, cruelty, nuisance, impoundment, etc.)

(c) Commercial livestock establishments, including but not limited to, dairy farms, poultry farms, training farms, livestock boarding establishments, livestock display and sale facilities and feed lots, shall in addition to the requirements of this Article be subject to the applicable provisions of the City of Hot Springs Zoning Code as may now or hereinafter be adopted or amended.

10-1-74. Annual permit.

The owner of any hoofed livestock shall obtain a permit for the keeping of said livestock from the Hot Springs Animal Services Department. The purpose of said permit shall be to ensure compliance with this Article. Said permit shall be on a form prescribed by the Animal Services Department and shall be issued upon satisfactory demonstration of compliance with this Article.

10-1-75. Exceptions.

(a) Nothing in this Article shall prohibit the keeping of livestock at the facilities of Oaklawn Park or the Garland County Fairgrounds during the conduct of livestock events at those facilities.

(b) The otherwise lawful keeping of any livestock within the City of Hot Springs, existing on or before the effective date of this Article or existing on or before the effective date of any subsequent annexation, may continue; provided, however, that such keeping shall not be extended or enlarged, either upon the same or adjoining property nor shall any subsequent discontinuance of such keeping be restored except in compliance with this Article.

10-1-76–10-1-79. Reserved.

ARTICLE XII. ANIMAL DISPOSAL AND CREMATION SERVICES

10-1-80. Disposal and cremation services.

The following charges are hereby established for animal disposal and cremation services performed by the Animal Services Division at the request of others:

(a) Special cremations (special handling and return of remains) ..... $ 60.00 per animal

(b) Routine disposal for other cities, property owner associations or individuals located in Garland County but outside the corporate Limits of Hot Springs ..... $ 10.00 per animal

(c) Disposal, other than special cremations, for other cities, or property owner associations.....$ 25.00 per animal

(d) Disposal, other than special cremations, for individuals located in Garland County but outside corporate limits of Hot Springs .....$ 20.00 per animal

(e) Disposal, other than special cremations, for veterinarians .....$ 15.00 per animal

(f) Euthanasia charges, when required:
City residents .....$ 10.00 per animal
County residents or organizations .....$ 15.00 per animal

(Ord. No. 5411, § 3, 12-19-05)

10-1-81–10-1-84. Reserved.

ARTICLE XIII. ENFORCEMENT

10-1-87. Enforcement responsibility.

The provisions of this Code shall be enforced by the Animal Control Authority and by the Hot Springs Police Department.

10-1-86. Interference.

No person shall interfere with, hinder or molest the Animal Control Authority in the performance of its duty or seek to release any animal in the custody of the Animal Control Authority, except as herein provided.

10-1-87. Citations.

The Animal Control Authority and officers of the Hot Springs Police Department are hereby authorized to issue a citation to any person for violation of any provision of this Code. The citation shall be in a form approved by the Hot Springs Municipal Court, shall designate the offense charged and shall require the person so charged to appear before the Hot Springs Municipal Court on a date certain to answer the charges therein contained.

10-1-88. Equipment.

The Animal Control Authority is authorized to employ any equipment it seems necessary to enforce the provisions of this Code, including, without limitation, humane wire box traps; and the Animal Control Authority may, subject to conditions it may determine, lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals at large.

10-1-89. Reserved.

ARTICLE XIV. PENALTIES FOR VIOLATIONS

10-1-90. Cruelty to animals - Penalty.

Any person who commits the offense of cruelty to animals shall be deemed guilty of a class A misdemeanor, and shall be subject to fines and penalties as prescribed in Arkansas Code Annotated Section 5-4-201 and Section 5-4-401 (the sentence shall not exceed one year and the fine shall not exceed one thousand dollars ($1,000.00)).

10-1-91. General penalty.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

State law reference-Penalty for cruelty to animals, A.C.A., § 5-62-101.

(Ord. No. 4940, §§ 1, 1-22-01)

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CHAPTER 2

ANIMAL CONTROL SERVICE

10-2-1. Animal Control Advisory Committee.

(a) There is hereby created an Animal Control Advisory Committee. Said committee shall be organized and shall function in accordance with "General Policies and Procedures for Advisory Committee" (§ 2-8-30). The Animal Control Advisory Committee shall be composed of seven (7) citizens who are qualified electors of the city of Hot Springs, Arkansas. The members shall be appointed by the board of directors. The initial term of three members shall expire May 1, 1991, and the term of four members shall expire May 1, 1993. The term of each member shall be determined by the drawing of lots at the first meeting of the advisory committee.

(b) The Animal Control Advisory Committee shall assist the city manager and/or his/her designee in evaluating the policies and procedures of the department, reviewing and recommending revisions to the animal control code, assisting in the department's public education efforts and such other related matters where input from the general public is requested by the city manager and/or his/her designee. (Res. No. 2482, §§ 1, 2, 1-22-90)

***Editor's note**-§ 10-2-1 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature. §§ 1 and 2 of Ord. No. 4045, adopted Jan. 22, 1990 abolished the animal control commission, as created by Ord. Nos. 3083 and 3712. Ord. No. 4719, adopted Apr. 6, 1998, amended Res. No. 2481 (§2-8-30) by replacing the term "advisory commission" with "advisory committee."*

CHAPTER 3

CIVIL SERVICE COMMISSION

10-3-1. Civil Service Commission-Created.

In accordance with A.C.A. § 14-51-102, there is hereby established a Board of Civil Service Commissioners for the City of Hot Springs, Arkansas Police and Fire Departments.

10-3-2. Civil Service Commission-Powers and duties.

The Board of Civil Service Commissioners shall perform such duties and exercise such powers as are prescribed by the Statutes of the State of Arkansas governing civil service for police and fire departments.

10-3-3. Civil Service Commission - Membership.

The Hot Springs Board of Civil Service Commissioners shall consist of five members who shall hold office in accordance with the Statutes of the State of Arkansas governing civil service for police and fire departments.

10-3-4. Civil Service Commission - Responsibilities of the city.

In accordance with A.C.A. § 14-51-207, the Hot Springs Board of Directors shall:

(a) Provide suitable rooms for the Civil Service Commission to hold meetings;

(b) Allow all reasonable supplies;

(c) Permit use of public buildings for holding examinations by the board;

(d) Provide, designate, manage, and supervise a paid city employee, full-time or part-time, as may be deemed necessary by the city manager, to be known as the administrative assistant to the commission. This assistant shall help with the clerical and administrative needs of the board; and

(e) Provide adequate funding for legal counsel as enumerated in A.C.A. § 14-51-206.

State law reference-A.C.A. Title 14, Chapter 51.

10-3-5. Civil Service Commission - Current membership.

The current membership shall continue to serve as previously appointed and the terms of office shall be as follows:

Position No.	Term of Office Expiration
One	The first Monday in April, 2004 and every 6 years thereafter
Two	The first Monday in April, 2003 and every 6 years thereafter
Three	The first Monday in April, 2002 and every 6 years thereafter
Four	The first Monday in April, 2006 and every 6 years thereafter
Five	The first Monday in April, 2005 and every 6 years thereafter

(Ord. No. 4991, §§1-4,6, 7-16-01)

CHAPTER 4

FIRE DEPARTMENT

Art. I. In General, §§ 10-4-1--10-4-23
Art. II. Operation Beyond City Limits, §§ 10-4-24--10-4-26

ARTICLE I. IN GENERAL

10-4-1. Reserved.

10-4-2. Fire services-Policy and fees.

10-4-2.1. Fire service reimbursement policy.

The Hot Springs fire department is hereby authorized to seek reimbursement for any of the following services in accordance with the fire service fee schedule:

(a) Response, extrication, fire suppression and clean-up of vehicle accidents/fires;

(b) Pumping or removal of liquids of any nature from any building or excavation;

(c) Extrication, placement or retrieval of persons, animals or objects requiring the use of fire department personnel and equipment;

(d) Emergency incidents involving hazardous/toxic materials or conditions associated with incident abatement, mitigation and cleanup, including any related third-party activities necessary to ensure the safety of persons or property; and

(e) Other non-emergency incidents or activities necessitating the use of fire department personnel and equipment.

(f) First responder activities associated with emergency medical services. (Ord. No. 5406, §1, 12-19-05)

Said reimbursement shall not be authorized for any service rendered by the fire department as the result of firefighting activities with the exception of vehicle fires. (Ord. No. 4338, §§ 1, 9-7-93)

State law reference-State law generally concerning fire departments, A.C.A. 14-53-101, 14-53-103.
Cross reference-Fire Prevention Code, § 15-7-1 et seq; firemen's pension fund, § 2-5-13; permit and inspection fee schedule, §15-7-2.

10-4-2.2. Fire service fee schedule.

The fee schedule for any of the services for which the fire department is authorized to seek reimbursement shall be the actual per hour personnel wage rates for each firefighter involved in providing the fire service including wages and benefits plus $100.00 per hour charge for each fire truck used. The personnel and equipment time allocation shall be rounded to the nearest quarter hour for purposes of calculation of the total fire service charges.

Provided, further, that the city manager or board of directors may waive the fire service fees when it is in the best interest of the public or the city to do so. (Ord. No. 4338, §2, 9-7-93)

10-4-2.3. Responsible party.

The fees authorized by this ordinance shall be paid by the owner and/or operator or other responsible part of the property, equipment, vehicle or container causing or contributing to the incident. Provided, however, that in the case of first responder activities associated with emergency medical services, the patient shall be bill through the responding emergency ambulance service with reimbursement made to the fire fund in accordance with the provisions of the emergency ambulance service franchise agreement. (Ord. No. 5406, §2, 12-19-05)

10-4-3--10-4-4. Reserved.

10-4-5. Fire department members-Military service.

10-4-5.1. Restoration of fire and police department employees after discharge from military service.

All members of the fire department or the police department who shall volunteer, be drafted or shall be recalled as reserve officers or enlisted men in the military service of the United States of America shall, upon their honorable discharge from such service, be restored to their position with such departments. (Ord. No. 2308, § 1, 8-7-50)

10-4-5.2. Same-Status and longevity.

The time during which such members shall be in the military service of the United States of America shall be counted upon their records as service in the above named departments, or either of them, so that such members, upon their return to service in either of the above named departments shall have the same status as they would have had if they had not been in the military service of the United States and had been on constant duty with their respective departments. (Ord. No. 2308, § 2, 8-7-50)

10-4-6--10-4-12. Reserved.

10-4-14--10-4-16. Reserved.

10-4-17. Educational pay incentive program.

(a) All civil service members of the Hot Springs police and fire departments will be eligible to participate in the educational incentive pay program once they have completed their one-year probationary period and earned a degree as specified hereinafter.

(b) In cases of any degree combination, the employee will be entitled to payment for the **one** degree that provides him/her with the highest benefit.

(c) Payments will be effective the beginning of the month following that month in which the degree is earned. In the case of a probationary employee who has earned a degree either prior to employment with the city or during the probationary period, payment will be effective the beginning of the month following that month in which the employee completes his/her probationary period. Educational incentive pay will be paid on a biweekly basis as part of the regular biweekly payroll process. Any amount for incentive pay will be listed separately from regular wages and specifically designated as incentive pay. Payments will be based on the following monthly amounts:

Associate's degree	*$135.00 per month*
Bachelor's degree	*$200.00 per month*
Master's degree	*$250.00 per month*

(d) It will be the responsibility of the individual employee to furnish the personnel director with written documentation of his/her degree as soon as it is received. No incentive payments will be made until this has been accomplished, and no back pay will be provided if an employee fails to provide such documentation in a timely manner. To qualify for incentive pay, the degree must be granted by a college or university which has been accredited by an accrediting agency recognized by the U.S. Department of Education. Acceptable documentation will include a copy of the diploma/degree, a certified copy of the transcript indicating the degree earned or written notification signed by an official of the college or university. (Ord. No. 4799, §§ 1-4, 6-7-99)

10-4-18. Certification pay - Policies and procedures.

The following certification pay policies and procedure for the Hot Springs fire department are hereby adopted and shall be effective from and after January 1, 2008:

Effective January 1, 2008, all firefighters with one or more years of service will be eligible for certification pay as follows:

***Paramedic Certification** – Each firefighter who has completed the necessary training and successfully passed the National Registry Paramedic Examination is eligible to receive an incentive in the amount of ten percent (10%) of the firefighter's yearly step pay.*

Emergency Medical Technician Certification (EMT) *– Each firefighter who has achieved the Basic EMT Certification will be entitled to receive certificate pay in the amount of one hundred dollars ($100) per month.*

Hazardous Materials Technician Certification (Level III) *– Each firefighter who has achieved Certification as a Hazardous Materials Technician is entitled to certificate pay in the amount of Fifty Dollars ($50) per month.*

Each category of certifications is considered separately for purposes of the certificate pay. Firefighters are eligible to receive certification pay for each of the listed certifications they hold.

It is the responsibility of the firefighter who wishes to receive certificate pay to submit a copy of each of the certifications and or renewals held by that firefighter to the Human Resources Department. Pay for the initial certification will not commence until proof of certification is provided. Certificates of renewal must be provided prior to the expiration date of the previous certification. Should a renewal not be provided by the certification's expiration date, payments for the certification in question will cease and will not resume until the proper documentation of renewal has been provided by the firefighter. Retroactive pay will not be provided for the period of delay.

All certification pay will be disbursed on a biweekly basis as a part of the regular payroll process. Certificate pay is subject to all appropriate and applicable taxes and withholdings as required by law. Certification pay payments will be effective the first of the month following the month in which the certification was earned. Certificate pay will be listed separately from regular wages and specifically designated as certificate pay. The payment of certificate pay is subject to availability of funds and Board of Directors approval as part of the annual budget consideration and approval process.

(Res. No. 6770, §1, 1-8-08)

Editor's note*-§ 10-4-18 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.*

10-4-19.--10-4-23. Reserved.

ARTICLE II. OPERATION BEYOND CITY LIMITS

10-4-24. Use of personnel and equipment beyond corporate limits authorized.

From and after the date of the passage of this section the personnel and equipment of the Hot Springs fire department may be used beyond the corporate limits of the city of Hot Springs, Arkansas. Such extraterritorial use shall be at the sole discretion of the chief of the Hot Springs fire department. (Ord. No. 3085, § 1, 3-2-71)

10-4-25. Aid to surrounding municipalities.

At the discretion of the chief of the Hot Springs fire department, personnel and equipment of the Hot Springs fire department may be dispatched to surrounding municipalities when in the opinion of the chief of the Hot Springs fire department the personnel and equipment will not be needed in this city during the period of anticipated use. (Ord. No. 3085 § 2, 3-2-71)

10-4-26. Charges for fire services.

Persons who request the extraterritorial use of the personnel and equipment of the Hot Springs fire department shall be billed in accordance with the actual costs incurred for the operation of the equipment and the use of the personnel beyond the corporate limits of this city. (Ord. No. 3085, § 3, 3-2-71)

CHAPTER 5

POLICE DEPARTMENT

Art I. In General, §§ 10-5-1--10-5-29
Art. II. Reserved, § 10-5-30.

ARTICLE I. IN GENERAL

10-5-1, 10-5-2. Reserved.

10-5-3. False alarms.

(a) The Hot Springs Police Department is hereby authorized to charge a fee for false alarms as specified hereinafter. The fee shall be billed to the owner of the establishment from which the false alarms originated and is due and payable upon receipt.

# of alarms	fee to be charged
0 through 5	no charge
6 through 10	$ 25 each
11 though 15	$ 50 each
16 or more	$ 100 each

(b) This ordinance shall be effective from and after January 1, 2007. (Ord. No. 5504, §§1,2, 11-20-06)

10-5-4. Reserved.

10-5-5. Police department members-Military service.

10-5-5.1. Restoration of fire and police department employees after discharge from military service.

All members of the fire department or the police department who shall volunteer, be drafted or shall be recalled as reserve officers or enlisted men in the military service of the United States of America shall, upon their honorable discharge from such service, be restored to their position with such departments. (Ord. No. 2308, § 1, 8-7-50)

10-5-5.2. Same-Status and longevity.

The time during which such members shall be in the military service of the United States of America shall be counted upon their records as service in the above named departments, or either of them, so that such members, upon their return to service in either of the above named departments shall have the same status as they would have had if they had not been in the military service of the United States and had been on constant duty with their respective departments. (Ord. No. 2308, § 2, 8-7-50)

10-5-7. Reserved.

10-5-8. Retirement after twenty years of service; badge, card to be furnished.

(a) From and after September 1, 2006, all persons who retire after twenty (20) years of active duty with the Hot Springs Police Department shall be furnished a badge and picture identification card. The badge shall be of such reduced size as to be distinguishably smaller than a regulation badge worn on the uniform shirt of officers. The picture identification shall bear at a minimum the following information: the name of the retired officer, the dates of employment, the signature of the Chief of Police at the time of retirement, and any other data or information that may now be or in the future be required to be included on such identification.

(b) In addition to the retirement badge referred to above, retiring officers may request that the Chief of Police award them the actual badge worn by the retiring officer as of the date of retirement, provided, that the awarded badge must not be used as a form of identification, but may be used in a static display or encased as a memento.

(c) In the event the retiring officer requests to be awarded his/her actual badge and the department owns no duplicate of that specific badge, the retiring officer will be required to reimburse the department for the cost of the replacement prior to the award. If a duplicate exists, the retiring officer may be awarded the actual badge not currently issued, however, the department assumes no cost or responsibility to refurbish or repair the badge prior to presentation. (Ord. No. 5481, §1-3, 9-18-06)

10-5-9. Reserved

10-5-10. Educational incentive pay program.

(a) All civil service members of the Hot Springs police and fire departments will be eligible to participate in the educational incentive pay program once they have completed their one-year probationary period and earned a degree as specified hereinafter.

(b) In cases of any degree combination, the employee will be entitled to payment for the **one** degree that provides him/her with the highest benefit.

(c) Payments will be effective the beginning of the month following that month in which the degree is earned. In the case of a probationary employee who has earned a degree either prior to employment with the city or during the probationary period, payment will be effective the beginning of the month following that month in which the employee completes his/her probationary period. Educational incentive pay will be paid on a biweekly basis as part of the regular biweekly payroll process. Any amount for incentive pay will be listed separately from regular wages and specifically designated as incentive pay. Payments will be based on the following monthly amounts:

Associate's degree	$135.00 per month
Bachelor's degree	$200.00 per month
Master's degree	$250.00 per month

(d) It will be the responsibility of the individual employee to furnish the personnel director with written documentation of his/her degree as soon as it is received. No incentive payments will be made until this has been accomplished, and no back pay will be provided if an employee fails to provide such documentation in a timely manner. To qualify for incentive pay, the degree must be granted by a college or university which has been accredited by an accrediting agency recognized by the U.S. Department of Education. Acceptable documentation will include a copy of the diploma/degree, a certified copy of the transcript indicating the degree earned or written notification signed by an official of the college or university. (Ord. No. 4799, §§ 1-4, 6-7-99)

10-5-11. Certificate pay program.

(a) Officers of the Hot Springs police department are hereby entitled to receive compensation from the public safety fund based on their certificate level as certified by the State of Arkansas Executive Commission on Law Enforcement Standards and Training. Said compensation will be in addition to any other compensation and will begin the month following receipt of the certificate.

(b) Effective July 1, 1999, certificate pay will be paid on a biweekly basis as part of the regular biweekly payroll process. Any amount for certificate pay will be listed separately from regular wages and specifically designated as certificate pay.

(c) Certificate payments will be as follows:

General Certificate	$ 50 Per Month
Intermediate Certificate	$100 Per Month
Advanced Certificate	$150 Per Month
Senior Certificate	$200 Per Month

In no case, regardless of the combination of certificates a particular officer may earn, will the total monthly compensation exceed the amount designated for the highest certificate earned. (Ord. No. 4798, §§ 1–3, 6-7-99)

10-5-12. Towing services.

10-5-12.1. Application and permit.

The provisions of this ordinance shall apply to any person, firm, organization, or other entity engaged in towing vehicles within the corporate limits of Hot Springs who provides or desires to provide such services pursuant to a request from the Hot Springs Police Department (the department). Any such entity meeting and maintaining the requirements of this ordinance shall be granted a towing permit and shall be placed on a rotating call for service list administered by the department.

10-5-12.2. Service standards.

Permitted towing companies (permittee) shall comply with the following service standards.

(a) *Debris removal.* The permittee will be required to sweep and haul away all debris, glass, and metal parts of automobiles damaged at the scene of an accident.

(b) *24-hour service and response time.* The permittee shall maintain service 24 hours per day each day throughout the year, including holidays. Towing companies must respond to a scene within thirty (30) minutes after a request for service has been issued by the department. If unable to respond within that time frame, permittee must forfeit the call.

(c) *Forfeited calls.* Three forfeited calls in a 30 day consecutive time period will result in a violation of the city issued permit and could result in immediate suspension in accordance with Section 10-5-12.2.(p). Forfeited calls are defined as: 1) permittee called but did not answer; 2) permittee contacted but declined to take call; or 3) permittee exceeds allowable response time limit as described in Section 10-5-12.2.(b).

(d) *Supervision.* The permittee and all employees thereof, while providing towing services, will be subject to the supervision of the department and its officers who will inspect the area after any accident to ensure that the permittee has performed satisfactorily. A tow truck driver shall not remove a vehicle from an accident or incident scene unless and until so directed by the department.

(e) *Customer service.* Permittee and all employees thereof will be required to provide services courteously and with the attitude that their service is an extension of city government and that their dealings with the public will be carried out with the utmost respect for the citizens with whom they may come in contact.

(f) *Vehicle release.* When the department has an official hold on a vehicle, the agent or owner must secure a release from the department before the vehicle may be released by the permittee. The permittee shall not release a held vehicle until a properly executed official release shall have been presented to the permittee.

(g) *Statement of charges.* When the department has no official hold on a vehicle in custody of the permittee, the permittee shall provide a true and correct statement of permissible and actual charges to the vehicle owner or agent upon redemption. The statement of charges shall be on such form as approved by the department and shall include an acknowledgment by the redeemed vehicle agent or owner that he/she has read the statement of charges. Copies of the statement of charges must be submitted to the department when requested by the department. The statement of charges shall contain a notice to the effect that any complaints concerning the services provided by the permittee should be made to the department.

(h) *Agent of city.* The permittee acting as the agent of the city will be required to dispose of all abandoned vehicles held in accordance with A.C.A. 27-50-1101 and any amendments thereto.

(i) *Towing equipment and call list.* Each permittee must maintain an accurate list of their towing equipment on file with the department. The department will develop a small wrecker and a large wrecker call list based on equipment type as follows:

(1) Small wrecker list. In order to be on the small wrecker call list, the permittee must have at least one, one and half ton or heavier rollback (flatbed) and one ton light duty wrecker with lift, as defined by the Arkansas Towing and Recovery Board rules and regulations.

(2) Large wrecker list. In order to be on the large wrecker call list, the permittee must have at least one 25-ton rated wrecker with tandem (twin screw) rear axle with under lift.

(j) *Emergency equipment.* Each service truck shall have emergency equipment in compliance with all applicable state, federal, and local laws. All radios and service trucks and safety equipment shall be subject to inspection at any time by the department. Each permittee must have the following minimum emergency equipment items:

(1) Fire extinguisher, ABC Type of at least nine (9) pound capacity;

(2) Safety chains or straps to secure the towed vehicle to the tow vehicle;

(3) Flares, reflective cones or triangle safety signals, or other similar safety devices;

(4) Shovel and broom for use in accident clean up; and

(5) Safety straps for wheel lift equipment as required by the equipment manufacturer.

(k) *Permittee employees.* Permittee must submit to the department each month, by the fifth of the month, a list of all current employees including any contract workers. Every tow truck driver must apply for a tow truck driver permit upon employment by the permittee and annually thereafter. Tow truck driver permits will be provided by the department at a fee of $5.00 effective May 1, 2010, by the board of directors. Permit will be valid for one year from date of issue.

(l) *Records.* All records related to, involved in, or created in the performance of services pursuant to this ordinance by any permittee shall be kept for four years in a separate filing system and must be readily available for inspection by the department upon request.

(m) *Insurance.* Permittee's wrecker service insurance must meet or exceed the limits required by the Arkansas Towing and Recovery Board. If any permittee's wrecker service insurance is terminated, the permittee will be terminated immediately, unless a new insurance certificate is furnished with the same requirements with no lapse in coverage.

(n) *State and local law compliance.* The permittee shall comply will all applicable state and local laws, ordinances and regulations governing or applicable to the towing and recovery of vehicles including, but not limited to, those of the Arkansas Towing and Recovery Board and driver control laws. All permittees must be and remain in good standing with the Arkansas Towing and Recovery Board.

(o) *Department policy.* The permittee shall comply with the applicable sections of the department's *Vehicle Tow and Wrecker Service Procedures*, *Internal Management Policies and Procedures*, as may now or hereinafter be developed by the department.

(p) *Suspension.* Any violation of this ordinance or the department's *Vehicle Tow and Wrecker Service Procedures* may result in immediate suspension or revocation of a towing permit pending a hearing before the Towing Service Advisory Committee. Any suspension or revocation determined by the Towing Service Advisory Committee may be appealed to the board of directors. The police department captain appointed to the Towing Service Advisory Committee is hereby authorized to suspend a permit pending a hearing.

(q) *Inspection.* Permittee shall be subject to initial inspection of the facility and equipment to insure compliance with requirements presented herein and also included in the department policy. Permittee shall be subjected to annual inspections thereafter.

(r) *Facility hours.* There shall be personnel available at permittee's lot from 8:00 a.m. to 6:00 p.m., Monday through Friday, who is authorized to conduct routine business including the release of vehicles.

10-5-12.3. Towing Service Advisory Committee.

A Towing Service Advisory Committee is hereby established to assist in the administration of this ordinance including, but not limited to, the hearing of complaints regarding the violations of any provisions of this ordinance, the determination of suspensions or revocations, and to consider revisions hereto. Said committee shall be composed of one (1) captain from the department, appointed by the chief of police; two (2) representatives of private wrecker services utilized by the department pursuant to this ordinance, appointed for two (2) year terms by the chief of police; one (1) citizen at large, appointed by the board of directors for a two (2) year term; and the city manager or his designee. The city manager or his designee shall serve as the chairperson. The committee shall meet as needed to hear complaints, requests for suspension or revocation, or to review the provisions of this ordinance and make recommendations regarding revisions or amendments to the board of directors. Should a complaint or incident involve a company who is represented on the Towing Service Advisory Committee, the chairman is hereby authorized to temporarily suspend such member and temporarily replace with a representative from another towing company not involved in the complaint or incident under consideration. Subject to the provisions of this section, said committee shall be organized and shall function in accordance with the "General Policies and Procedures for Advisory Committees" (§2-8-30)(Ord. No.5909,§1, 12-4-2012).

10-5-12.4. Rates and charges.

The following rates and charges are hereby established for private towing services utilized by the department pursuant to this ordinance:

(a) *Routine towing service and recovery fees.*

(1)	Towing service	$ 85.00
(2)	Winching or rollover	$ 65.00
(3)	Flatbed	$ 85.00
(4)	Debris removal (from scene)	$ 15.00 minimum $ 50.00 maximum
(5)	Large towing truck	$300.00 minimum
(6)	Drop linkage/drive shaft (passenger vehicle)	$ 15.00
(7)	Vehicle cover/tarp* *when required due to vehicle damage resulting in exposure	$ 35.00

(b) *Large vehicle towing and recovery.* On calls requiring the utilization of a large wrecker, load recovery and clean-up charge will be dependent upon the particular incident. Such service charges include:

(1)	Backing off brakes	$ 20.00 per axle
(2)	Air bags (suspension)	$ 15.00
(3)	Pulling or removal of bumper	$ 40.00
(4)	Disconnecting drive shaft	$ 25.00

(c) *After-hours recovery charge.* After a vehicle has been placed in the storage area, the permittee may charge a maximum of $25.00 to release said vehicle if said release occurs between the hours of midnight and 6:00 a.m. or on holidays.

(d) *Storage fees.* Permittees may charge the following storage fees per civil day. Storage fees may commence at 12:01 a.m. the day following the date the vehicle was towed and no storage fees shall be collected if a vehicle is released prior to midnight on the same day it was towed. Provided, however, that a full day's storage fee may be collected for the day the vehicle is released regardless of the time of release.

10,000 GVW or less	$ 30.00/day
Greater than 10,000 GVW	$ 75.00/unit/day

(e) *Waiting time.* Permittees may charge the following fees when required to remain or "stand by" at an accident or incident scene. Waiting time shall not begin until one-half hour after the arrival of the wrecker at the scene and shall be prorated in quarter-hour increments thereafter. Waiting time must be authorized by the police officer at the scene.

Small wrecker, including flat bed truck	$ 45.00/hr.
Large wrecker	$ 150.00/hr

(f) *Charges statement.* Each permittee shall provide an itemized statement of all charges to the customer including, but not limited to, copies of required registered mail, receipts and other documentation upon which the bill is based. Any additional charges due to extraordinary circumstances shall be justified in writing. The statement shall be on such form as approved by the department.

(g) *Fee increases.* Permittees may request an increase in the fee schedule not to exceed five percent (5%) each calendar year. Just cause for the increase must be shown by the permittee and presented to the department.

(Ord. No. 5777, §§1-4, 5-4-10)

10-5-13--10-5-29. Reserved.

ARTICLE II. RESERVED

10-5-30. Reserved.

CHAPTER 6

TRAFFIC VIOLATION BUREAU

10-6-1. Traffic violation bureau.

The Hot Springs District Court and the Hot Springs Police Department shall comply with the provisions of Arkansas Code of 1987 Annotated, Title 16, Chapter 10, Sub-chapter 2, the same being the Arkansas Municipal Courts Accounting Law of 1977 (Act 332 of 1977, as amended), and shall provide such clerical personnel as necessary to accomplish the duties as prescribed in the Act. (Ord. No. 5081, §1, 4-1-02)

Amendment note - Ord. Nos. 2617, 2618 and 4377 creating a Traffic Violation Bureau previously codified in this chapter were repealed by Ord. No. 5081.

State law reference-A.C.A. §16-10-2, Arkansas Municipal Courts Accounting Law of 1977.

CHAPTER 7

PARKING

10-7-1. Parking meters authorized.

That the installation of parking meters upon the public streets of Hot Springs is hereby approved. Parking meters shall be installed at such locations and for such time limits as may now exist or as may hereafter be authorized by action of the board of directors. (Ord. No. 4656, §1, 9-2-97)

10-7-2. Parking meter rates and times.

The parking meter rate shall be twenty-five cents (25¢) per hour for meters with a time limit greater than eight (8) hours and fifty cents (50¢) per hour for meters with a time limit of eight (8) hours or less. Individual parking meters shall be calibrated accordingly based on each meter's established time limit. Unless otherwise specified by the Board of Directors, deposit of parking fees shall be required from 7:00 a.m. until 7:00 p.m. daily, except Saturdays and Sundays. (Ord. No. 5523, §1, 1-22-07)

Cross reference-§4-6-16, Penalty for violation of overtime parking; §13-4-2.3(b), Exchange Street Parking Plaza.

10-7-3. Prepaid program.

A prepaid parking meter program is hereby authorized as follows:

(a) *Prepaid parking program.* The city manager or his designee is authorized to issue prepaid parking devices (e.g., cash key) to any person who shall pay the fee set forth hereinafter. Such device shall enable the user to activate parking time at any parking meter equipped to accept the device in an amount equivalent to coin deposit. The appropriate city office shall maintain a record of all prepaid parking meter devices sold and the name of the person to whom sold, date sold and fee paid. No such device shall be issued to any person, firm or official unless the required fee is prepaid. The prepaid parking shall be non refundable. The prepaid parking fee paid by the purchaser shall be an amount equal to eighty percent (80%) of the parking coin value authorized on the device within the minimum and maximum limits of the device. Provided however, that the minimum single purchase shall be twenty-five dollars ($25.00) the same being equivalent to $31.25 of parking coin value. (Ord. No. 5523, §2, 1-22-07)

State law reference-Authority to install parking meters, A.C.A. § 14-57-501.

(b) *Special parking devices for city officials.* Any elected or appointed city official or employee who is required to use their personal vehicles in the performance of their regular and routine duties and who must park in metered spaces in order to perform said duties may be issued a prepaid parking device and with parking value at no cost. The device may be voided or refused at the discretion of the city manager if the privilege is abused by the official or employee to whom it has been issued. (Ord. No. 4656, §3(b), 9-2-97)

(c) *Civic and convention center parking permit program.* A special parking permit program is hereby authorized for sale to registrants of conventions, activities or events at the Hot Springs Civic and Convention Center. Said program shall permit registrants who purchase a civic and convention center parking permit to park at any on-street city parking meter or in any city- owned metered parking lot without deposit of the regular parking meter fee. The permit fee shall be $5.00 of which $2.00 shall be retained by the advertising and promotion commission for administration and production costs and $3.00 shall be returned to the city general fund as parking meter revenue. The permit shall be produced, sold and accounted for by the Hot Springs advertising and promotion commission pursuant to regulations promulgated by the city manager or his designee. (Ord. No. 4717, §1, 3-16-98)

10-7-4. Parking meter suspension.

Collection of parking meter fees and parking meter regulations may be suspended under the following conditions:

(a) *Parking holidays*. The board of directors may, from time to time, authorize and direct that certain parking meters be removed from service (parking holiday) and that no charges for parking be collected; provided, however, that unless the board of directors shall determine otherwise, it shall be unlawful for any vehicle to remain parked in such parking meter space for a period exceeding two (2) hours and, upon violation of this section, any person, firm or corporation shall be subject to the penalties provided for by law for parking meter violations.

(b) *Public purposes*. The city manager may direct, from time to time, the removal of parking meters from service temporarily, without prior consent of the board of directors, for public purposes.

(c) *City vehicles*. Parking meter fees and regulations shall not apply to city employees or officials whose city owned vehicle is parked in a metered or non-metered space while such employee or official is engaged in his/her official duties. (Ord. No. 4656, §4, 9-2-97)

10-7-5. Temporary rental.

The daily rental of metered and non metered parking spaces is hereby authorized as follows:

(a) *Authority.* The city manager or his/her designee is hereby authorized to approve the temporary rental of regulated parking spaces (metered and nonmetered) along the public streets of the city of Hot Springs for the following purposes:

(1) Storage or location of building and construction materials, equipment, dumpsters and vehicles during construction, renovation or clean-up of an adjacent building or property;

(2) Location of display or demonstration vehicles and large equipment during trade shows, exhibitions and conventions at adjacent convention hotels and convention facilities; provided that any nonvehicular equipment shall be maintained on a trailer;

(3) Concession trailers, booths and stands during festivals or events; and

(4) Other such similar purposes as approved on a case-by-case basis.

(b) *Application.* Any person, firm or corporation desiring to temporarily rent regulated parking spaces for the purposes stated above shall make application to the designated city office not less than two business days prior to the first rental day. The city manager or his/her designee is hereby authorized to approve such application if the request is within the scope of this section and will not be detrimental to the safety and convenience of the public, generally, or surrounding properties, specifically.

(c) *Out-of-service spaces to be identified.* When a parking meter is temporarily removed from service pursuant to the provisions of this section, the appropriate city official shall identify the space by so indicating on the meter head by means of a hood or similar method, if metered, or by placement of a cone or other such identification in nonmetered spaces.

(d) *Fees.* Whenever an application is approved, the applicant shall pay to the city of Hot Springs a fee for the use of the authorized spaces in the amount of $2.00 per day, per space, whether or not the spaces are metered.

(e) *Fee waived in emergencies.* The city manager is hereby further authorized to waive the fee and application procedures as required by this section in the case of natural disaster or emergency situations. (Ord. No. 4656, §5, 9-2-97)

10-7-6. Disabled parking.

Parking meter fees are hereby waived for a vehicle displaying a special license plate or special certificate and being used for the actual transporting of a person with a disability. Provided, further, that all other provisions of A.C.A. 27-15-312 shall apply including established parking restrictions other than parking meter fees.

(Ord. No. 4656, §§ 1-6, 9-2-97)

10-7-7--10-7-9. Reserved.

10-7-10. Hill Wheatley Plaza–Maintenance and management.

The following duties and responsibilities are hereby established regarding the maintenance and management of the city-owned property known as Hill Wheatley Plaza:

(a) Parking meters and regulations. The city will purchase, install and maintain all parking meters within the plaza, collect and account for all meter boxes receipts, establish parking and use restrictions of parking spaces (e.g., bus stops, parking spaces, no parking areas, park hours and restrictions, etc.) as necessary for public purposes, and enforce parking and use regulations within the plaza. Provided, however, that the use and regulation of six parking spaces immediately adjacent to and east of the visitors center shall be as established by the advertising and promotion commission.

(b) Special events. The advertising and promotion commission will schedule and otherwise be responsible for all special events within the plaza. Events shall be conducted in accordance with such policies as may be adopted by the commission. Clean up following an event shall be the responsibility of the using party or the commission. The commission shall inform the city not less than seven (7) days prior to an event of the event.

(c) Maintenance and repair. The city shall be responsible for all maintenance and repair of the plaza and plaza amenities (excluding the visitors center and electronic sign). The commission shall be solely responsible for all maintenance and repair of the visitors center and its amenities including the electronic sign and grounds immediately adjacent to the visitors center. The city shall coordinate with the commission prior to undertaking any major repairs or maintenance which would prohibit the use of the plaza for special events.

(d) Revenue. Collections from the plaza parking meters shall be retained by the city for use in the repair and maintenance of the plaza. Any special event use fees or revenues received by the commission shall be retained by the commission.

(e) Other Issues. Interpretations of this policy and/or consideration of issues not addressed by this policy shall be determined by mutual consent of the commission's executive director and the city's city manager. Issues not resolved at the staff level shall be presented to the commission and board of directors.

(Res. No. 4003, §§ 1, 2, 8-3-98)

Editor's note: *§ 10-7-10 was adopted by Resolution but included in the Code of Ordinances due to its permanent nature.*

10-7-11. Hot Springs Civic and Convention Center parking lots - Maintenance and management.

The following duties and responsibilities are hereby established regarding the maintenance and management of the city-owned property collectively known as the Hot Springs Civic and Convention Center parking lots (the lots) as identified on Attachment A hereto:

(a) Regulations. The city will establish and enforce parking and use restrictions of parking spaces within the lots as necessary for public purposes (e.g., bus stops, parking spaces, no parking areas, disabled parking spaces, park hours and restrictions, etc.). The city will also be responsible for the initial striping of the lots.

(b) Special events. The commission will schedule and otherwise be responsible for all special events that may be held on the lots from time to time. Events shall be conducted in accordance with such policies as may be adopted by the commission. Clean-up following an event shall be the responsibility the commission. In this regard, the commission may require the event sponsor or lot user to provide all clean-up service. The commission shall inform the city of any upcoming events not less than seven (7) days prior to said events.

(c) Maintenance and repair. The city shall be responsible for all routine maintenance and repair of the lots. Routine maintenance shall include landscape maintenance, lighting repair and maintenance, re-striping, re-paving, scheduled trash collection, and periodic sweeping. The commission shall be responsible for additional maintenance or cleaning required for special events or center activities beyond the routine maintenance performed by the city. The city shall coordinate with the commission prior to undertaking any major repairs or maintenance which would prohibit the use of the lots for special events or center use. The city shall also be responsible for all utility and signage costs.

(d) Future construction. Construction costs of future lots, as identified on Attachment A hereto, shall be borne by the city and commission on a shared-cost basis to be determined prior to undertaking any such construction.

(e) Fees. The city reserves the right to set use fees for the lots. Any such fees shall be established in consultation with the commission.

(f) Other Issues. Interpretations of this policy and/or consideration of issues not addressed by this policy shall be determined by mutual consent of the commission's executive director and the city's city manager. Issues not resolved at the staff level shall be presented to the commission and board of directors.

(Res. No. 5142, § 1, 2-3-03)

Editor's note: *§ 10-7-11 was adopted by Resolution but included in the Code of Ordinances due to its permanent nature. Attachment A is on file in the office of the city clerk.*

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CHAPTER 8

TRAFFIC

10-8-1. Uniform traffic control devices manual adopted.

(a) The 2009 Edition of the Manual on Uniform Traffic Control Devices (MUTCD), published by the United States Department of Transportation, Federal Highway Administration, is hereby adopted and all traffic control devices hereafter constructed, erected or maintained shall comply therewith.

(b) The English equivalent units, rather than the international system of units (metric) shall be used in determining distances and sizes in designing, installing or maintaining traffic control devices in accordance with the MUTCD.

(Ord. No. 5843, §1-2, 9-20-2011)

10-8-2. Recommendations of traffic control restrictions by traffic review committee.

The City Manager shall appoint a review committee consisting of the Public Works Director, Traffic Services Manager and such other individual as he/she may name. It shall be the responsibility of this committee to review and evaluate all requests for traffic revisions and/or modifications of traffic controls within the City

(a) From and after the date of the passage of this ordinance when the traffic review committee shall recommend that a new traffic control restriction be imposed anywhere within the corporate limits of this city, or where said committee may recommend that an existing traffic control regulation be modified or removed, and the Hot Springs Board of Directors may approve said recommendation, said traffic restriction, its modification or removal shall immediately become effective and which shall have the force of ordinance adopted specifically for that purpose, and the Hot Springs Police Department shall be automatically authorized to implement the approved regulation.

(b) Any requests for the installation/removal/restrictions of parking on City streets, a "Petition for parking change" must be submitted that must be signed by at least 60% of the households in the affected neighborhood. For purposes of clarification, "affected neighbor" means all households located or situated in proximity to the proposed change location such that the most convenient direction of travel from the household to the nearest highway, arterial street, or major collector street would require that the residents thereof routinely traverse the proposed area of change

(c) The penalty for violation of this ordinance shall, upon conviction in the Hot Springs District Court, or any other court of competent jurisdiction be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. (Ord. No. 4960, §28, 3-5-01)

State law reference-General powers of municipalities with regard to regulating traffic enumerated, A.C.A., § 27-49-106.
Cross reference-Traffic and parking violations, Title 4, Chapter 6.

(d) The power granted by this ordinance shall extend to all areas of traffic control and restriction which the city of Hot Springs shall have the power to impose within its corporate limits. (Ord. No. 5969, §§1-5, 9-17-2013)

10-8-3. Curb painting and marking.

10-8-3.1. Curb marking within public rights-of-way.

Hereafter it shall be unlawful for any person, firm or corporation to mark, paint or otherwise designate any curb or pavement area within the public right-of-ways of the city of Hot Springs, Arkansas, except for the purpose of address identification. Any curb marking for address purposes shall be in accordance with such standards as may be developed by the city manager or his/her designee. All curb and pavement marking, painting or designation for traffic, parking and pedestrian regulation purposes shall be accomplished only by the Arkansas State Highway and Transportation Department or by such department(s) of the city of Hot Springs as designated by the city manager and as authorized by order, resolution or ordinance of the board of directors. All such marking or painting shall be in accordance with the standards established by the applicable provisions of the Manual on Uniform Traffic Control Devices, the applicable codes and ordinances of the city of Hot Springs, the applicable laws of the State of Arkansas and the Americans with Disabilities Act. (Ord. No. 4378, § 1, 2-28-94)

10-8-3.2. Curb marking on private property.

Any curb or pavement marking or painting on private property conducted by any person, firm or corporation shall be accomplished in accordance with the applicable provisions of the Manual on Uniform Traffic Control Devices, the applicable codes and ordinances of the city of Hot Springs, the applicable laws of the State of Arkansas and the Americans with Disabilities Act. (Ord. No. 4378, § 2, 2-28-94)

10-8-3.3. Curb marking penalty.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. (Ord. No. 4960, § 5, 3-5-01)

Cross reference-Building address placement and assignment, § 15-1-2; street naming and property numbering guide, § 12-2-6.

10-8-4. Truck routes; signs, penalty.

(a) The terms "truck routes" and "truck routing" shall mean the city streets other than state highways upon which all vehicles weighing more than ten thousand (10,000) pounds must travel; provided, that nothing herein shall apply to local delivery vehicles traveling between two (2) points within the city of Hot Springs to the extent necessary to complete a delivery, nor to municipally owned or operated vehicles or equipment.

(b) The traffic review committee shall determine truck routes within the city and shall recommend appropriate placement of appropriate signs.

(c) From and after the date of the passage of this ordinance when the traffic review committee shall recommend that a new truck route be considered or removed, anywhere within the corporate limits of this city, and the Hot Springs board of directors shall approve said recommendation, said truck route, its creation, modification or removal shall immediately become effective and shall have the force of ordinance adopted specifically for that purpose, and the Hot Springs police department shall be automatically authorized to implement the approved regulation.

(d) The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. (Ord. No. 4960, §28, 3-5-01)
(Ord. No. 5969, §§1-5, 9-17-2013)

10-8-5.–10-8-6. Reserved.

10-8-7. Speed hump policy.

10-8-7.1. Speed hump policy - Purpose.

The purpose of this policy is to provide for the installation of speed humps to calm traffic along neighborhood streets. Speed humps will be designed to meet the needs of a particular situation; and the actual features, spacing, layout and other elements of the overall design will be determined by the particular circumstances of the case under consideration. This policy is designed to provide reasonable opportunities for the installation of speed humps on specified types of residential streets based upon technical criteria, the degree of support from the residents along the proposed street, and the street conditions.

10-8-7.2. Speed hump policy - Eligibility requirements.

In order for a street to be considered for speed hump installation, the street on which the speed hump is proposed must meet the following technical requirements:

(a) The proposed street must not be classified as an arterial street as specified in the most recent edition of the City of Hot Springs Street Specifications Ordinance;

(b) The proposed street should have no more than two traveling lanes, one in each direction, and not greater than 42 feet in width;

(c) Traffic volumes on the proposed street must be more than 500 vehicles per day (vpd), but less than 1,500 vehicles per day (vpd);

(d) The proposed street shall have a posted or prima facie speed limit of 35 mph or less, as determined in accordance with state law;

(e) Street grades shall be eight percent (8%) or less approaching the hump;

(f) The 85th percentile speed of the traveling traffic on the proposed street must be equal to or greater than 10 mph over the posted or prima facie speed limit and a minimum 85th percentile of 38 mph. The 85th percentile speed means the speed at or below which 85 percent of the vehicles are traveling, as determined by a speed study;

(g) The street must not be an identified primary route for emergency response by local police, fire or EMS services; and

(h) If approved, the location guidelines as specified in Section 6 hereof could be met.

10-8-7.3. Speed hump policy - Application.

An individual resident(s) or Neighborhood Association(s), hereinafter termed applicant, can initiate a request for the installation or removal of a speed hump along a street within their neighborhood. An application request must be submitted in writing on such form(s) as may be prescribed by the Traffic Review Committee. The application shall include the signatures from at least five (5) additional households or addresses along the proposed street or intersecting streets within immediate vicinity of the proposed site. Installation or removal may also be initiated by the City Manager, City Engineer or Traffic Review Committee. Installation or removal initiated by City officials shall comply with all other aspects of this policy.

10-8-7.4. Speed hump policy - Application evaluation.

Once a properly completed application has been received, the traffic review committee will initiate the following evaluation process:

(a) The traffic review committee will review the application in order to determine if the proposed street segment meets the eligibility requirements. If the application does not meet the basic eligibility requirements, the evaluation process will be terminated; and the applicant will be notified in writing that eligibility requirements are not met. If the application meets the basic eligibility requirements, the traffic review committee shall so notify the applicant and request that the applicant submit a "neighborhood support petition." The petition shall be in such form as prescribed by the City. The neighborhood support petition must be signed by at least one adult representative from not less than sixty percent (60%) of the households in the affected neighborhood and must be submitted to the traffic review committee within sixty (60) days from the date of the City's eligibility determination notice. For purposes of this policy, "affected neighborhood" means all households located or situated in proximity to the proposed speed hump location such that the most convenient direction of travel from the household to the nearest highway, arterial street, or major collector street would require that the residents thereof routinely traverse the proposed speed hump. The traffic review committee shall determine the affected neighborhood based on the above definition and shall provide the applicant with a map illustrating the affected neighborhood. The boundaries of the affected neighborhood may be reasonably modified by the traffic review committee to meet the intention of this policy based on actual street configuration (e.g., breaking local street segments that exceed 1,000 feet from the proposed speed hump location in either direction, etc.).

(b) Once a completed application and neighborhood support petition have been received, the traffic review committee shall provide notice to the neighborhood by regular mail or hand delivery.

(c) Following the delivery of the written notice and upon waiting 15 days for response by the neighborhood, the traffic review committee shall forward a recommendation in a report to the Board of Directors.

(d) If the application is approved by the Board of Directors, the speed hump will be installed in accordance with the Design Standards and Location Procedures enumerated hereinafter.

10-8-7.5. Speed hump policy - Design standards.

Approved speed humps shall be installed in accordance with the following design standards:

(a) Speed hump profile shall be parabolic or flat-topped raised pavement 12' in length by 3" to ½" in height.

(b) The speed humps shall be installed across the entire roadway to the lip of the gutter with the last one foot tapered flush with the pavement to minimize gutter running and to preserve drainage flows.

(c) Devices may be installed to prevent vehicles from traveling around the speed hump.

(d) All speed humps shall be marked and signs installed, including advanced warning signs, as specified by the Manual on Uniform Traffic Control Devices (MUTCD). In addition, a temporary warning sign with flashing lights shall be placed at the site when the speed hump is initially installed and remain in place until all permanent signs and markings are completed. Permanent signs and markings shall be installed within two (2) weeks after installation of the speed hump whenever possible. Speed advisory signs stating the recommended speed limit (20 mph) shall be installed beneath the speed hump warning sign. Final sign location shall be determined by the traffic review committee.

10-8-7.6. Speed hump policy - Location guidelines.

The traffic review committee will determine the final location of all speed humps in accordance with the following guidelines and safe traffic engineering principles.

(a) Speed humps shall be placed from 50 to 200 feet away from intersections, stop signs or tight turns.

(b) Speed humps shall be spaced from 200 to 400 feet apart to adequately manage speeds along the street.

(c) The final positioning of the speed hump shall take into consideration the following which Should be field verified prior to installation:

(1) Speed humps shall not be installed in front of driveways. They should be at least five (5) to ten (10) feet away from driveways..

(2) Speed humps shall not be installed over, or contain manholes or water valves, or be located adjacent to fire hydrants

(3) Speed humps located near drainage inlets shall be installed downstream of a storm drain inlet.

(4) Speed humps should be located near street lights to illuminate them at night. Installation of humps should take advantage of existing or planned street lighting

(5) Parking may be restricted within 50 feet of the approach sides of a speed hump if deemed necessary.

(6) The speed humps shall not be located in horizontal or vertical curves where visibility of the speed hump is limited nor on approaches to these curves.

(7) *Speed humps shall not be installed within 300 feet of a traffic signal, stop sign or yield sign, or within 75 feet of an uncontrolled intersection.*

10-8-7.7. Speed hump policy - Design and location variances.

The design standards and location guidelines enumerated herein shall be followed, to the extent possible, given the particular circumstances of each proposed installation. The City Engineer or the traffic review committee may recommend variances from the standards and guidelines when field conditions do not permit strict compliance therewith. Any such variances shall be included in the traffic review committee report and considered by the Board of Directors.

10-8-7.8. Speed hump policy - Cost responsibility.

The City of Hot Springs will bear the responsibility of the cost for speed hump installation, including humps, signs, pavement markings and, if necessary, special design features such as delineators.

10-8-7.9. Speed hump policy - Removal.

Speed humps will be removed only when all the following criteria have been met:

(a) Neighborhood resident(s) desiring that the speed hump be removed must complete an application, as required by Section 2 hereof, requesting such removal.

(b) The speed hump(s) must have been in place for not less than twelve (12) months prior to submission of the removal application

(c) The evaluation process, as specified in Paragraph 4 hereof, for speed hump installation, including a public hearing and neighborhood notification, shall be followed for speed hump removal.

(d) If removal is approved by the Board of Directors, the speed hump shall be removed as soon as practical after final Board action

(Res. No. 8305, §1, 9-17-2013)

***Editor's note**-§ 10-8-7 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature. The application for removal of speed humps is on file in the City's Public Works Office.*

10-8-9--10-8-10. Reserved.

10-8-11. Obstructions to visibility.

10-8-11.1. Obstructions to cross-visibility on property at intersection streets - Prohibited.

It shall be a misdemeanor for any person, persons or corporations owning real property at intersecting streets to install, set out or maintain, or to allow the installation, setting out or maintenance of any sign, hedge, shrubbery, natural growth or other obstruction to the view, higher than three (3) feet six (6) inches above the level of the center of the adjacent intersection, within that triangular area between the property line and a diagonal line joining points of the property lines twenty-five (25) feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve and a diagonal line joining points on said tangent twenty-five (25) feet from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve at the corner. (Ord. No. 2596, § 1, 10-6-58)

Cross references-Sign code, § 16-5-1 et seq; building and construction, Title 15; historic district, § 16-7-1 et seq; littering § 4-4-1; prohibiting public performances on sidewalks, § 11-2-12.

10-8-11.2. Obstructions-Exceptions to restrictions of section 10-8-11.1.

The foregoing provision shall not apply to permanent buildings; public utility poles; trees trimmed (to the trunk) to a line at least eight (8) feet above the level of the intersection; saplings, or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view; supporting members of appurtenances to permanent buildings existing on the date this ordinance (sections 10-8-11.1 through 10-8-11.5) becomes effective; official warning signs or signals; to places where the contour of the ground is such that there can be no cross-visibility at the intersection; or to signs mounted ten (10) feet or more above the ground and whose supports do not constitute an obstruction as defined in section 10-8-11.1. (Ord. No. 2596, § 2, 10-6-58)

10-8-11.3. Obstructions existing at time provisions adopted not excepted.

No obstruction to cross-visibility shall be deemed to be excepted from the application of this section because of its being in existence at the time of the adoption hereof. (Ord. No. 2596, § 3, 10-6-58)

10-8-11.4. Obstructions-Penalty for violation of section 10-8-11.3.

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. (Ord. No. 4960, § 7, 3-5-01)

10-8-11.5. Obstructions-Penalty for violation of section 10-8-11.1; right of city to abate and charge costs to owner.

In the event of any violation of section 10-8-11.1, in addition to the fine mentioned in section 10-8-11.4, the city is authorized to go upon said real property and to take any usual and reasonable steps to trim or prune the hedge and/or shrubs in question and the owner of said real property shall be liable for the cost of such action by the city. (Ord. No. 2596, § 5, 10-6-58)

10-8-12. Traffic signal installation.

The installation of any traffic signalization devices, regardless of the funding source, within the corporate limits of Hot Springs shall be approved by the board of directors prior to such installation. (Res. No. 3915, 5-4-98)

***Editor's note**-§ 10-8-12 was adopted by Resolution but included in the Code of Ordinances due to its permanent nature.*

CHAPTER 9

PARADES AND SPECIAL EVENTS

10-9-1. Parades and special events.

10-9-1.1. Title, purpose and authority.

This ordinance shall be known as the "Hot Springs Parade and Special Events Ordinance" and shall govern the use of the streets and public rights-of-ways within the corporate limits of Hot Springs for parades, athletic events or races, block parties, special events and entertainment district activities as defined hereinafter. These regulations are promulgated pursuant to A.C.A. § 27-49-106 (b)(3) and establish the standards for the issuance of parade and special event permits in order to recover the cost thereof and to preserve and protect the public health and safety.

10-9-1.2. Definitions.

The following words, terms, and phrases, when used in these regulations, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning.

Administrative authority means such city officials, employees, staff committees or agents designated by the city manager to administer this ordinance.

Applicant or sponsor means any person, firm or organization who seeks a special event permit to conduct or sponsor an event.

Athletic event or race means any occasion in which a group of persons collectively engage in a sport or form of physical exercise conducted upon any city street, sidewalk, alley, public right-of-way or other property owned or controlled by the city, which obstructs, delays, impedes, impairs or interferes with the usual, normal and free pedestrian or vehicular use, or does not comply with normal traffic laws and controls including, but not limited to, foot races/walks, bicycle races, motorized or self propelled vehicle races, or any similar type activity.

Block party means a festive gathering requiring a closure of a street, or portion thereof, to vehicular traffic, and use of the street for the festivity activity including, but not limited to, barbecues, picnics, music, games, block dances or similar activities.

Entertainment district means any street or public right-of-way area specifically defined and established by the board of directors as an entertainment district for promotional or special event purposes.

Cross references *- Entertainment district guidelines, §10-9-3; transportation center and parking deck facility use policies, §13-4-1; parks facility use policy, §11-2-13.*

Event means and includes a parade, athletic event or race, block party, entertainment district event or any other special event as defined herein.

Parade means any march, procession, pageant, review, ceremony or exhibition consisting of persons, animals, motorized or self-propelled vehicles or any combination thereof, which is conducted upon any city street, sidewalk, alley, public right-of-way or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual, normal and free pedestrian or vehicular use, or does not comply with normal traffic laws and controls.

Permit means the authority and permission granted by the Hot Springs board of directors to conduct a parade or special event upon the streets and public rights-of-ways of the city of Hot Springs in accordance with these regulations and any conditions that may be imposed by the board of directors relative to a particular parade or special event.

Permittee means the person, firm or organization to whom a parade or special event permit has been issued pursuant to these regulations.

Special event means any athletic event or race, block party, entertainment district event, parade, street fair, art and craft show, carnival, rally, public assembly, or any other such activity conducted upon any city street, sidewalk, alley, public right-of-way or other property owned or controlled by the city, which obstructs, delays, impedes, impairs, or interferes with the usual, normal and free pedestrian or vehicular use, or does not comply with normal traffic laws and controls or which requires, in the judgment of the chief of police, the deployment of police officers for crowd control purposes.

10-9-1.3. Permit required.

Any person, firm or corporation desiring to conduct or sponsor a parade or special event, as defined by this ordinance, shall first obtain a permit from the city manager or administrative authority in accordance with the requirements of this ordinance. No parade or special event may be conducted without an approved permit. (Ord No. 5971 §1, 9-17-2013)

10-9-1.4. Permit application.

Applicants desiring to conduct a parade or special event must complete an event permit application on such form(s) as may be prescribed by the administrative authority. All applications should be completed and returned to the administrative authority not less than sixty (60) days prior to the date of the event or parade. The 60-day advance application deadline may be waived by the city manager in the event of extraordinary circumstances of little impact on public safety or convenience, provided the board of directors meeting agenda deadlines can be met for consideration of the application. The permit application must include the following information:

(a) Name, address and phone number of event contact person or persons (applicant);

(b) Description of the organization, if an organization is involved;

(c) Overall purpose of the event including primary target audience;

(d) Date and time for start and end of event or parade including time required for set-up and tear-down;

(e) Location of event or parade route including the name and block number of all street segments involved and identification of those segments requested to be closed to general public use during the proposed event;

(f) Location, description and dimensions of all proposed direction or promotional signage to be placed in public rights-of-way;

(g) Identification of any parking or other non-traffic areas within any public rights-of-way desired for concessions or other such uses including a description of the intended use;

(h) Estimated number of participants, sponsors or units involved;

(i) Estimated number of persons or spectators expected to attend the event;

(j) Fees that will be charged for attendance or participation, if any;

(k) Use of revenues made from event or parade, if any;

(l) Description of assistance requested from city personnel, if any; and

(m) Security plan including number and proposed location of all security personnel.

10-9-1.5. Permit approval process.

Permit applications shall be reviewed by the administrative authority and all applicable city departments. The administrative authority shall submit a recommendation along with any department comments or concerns to the board of directors. The city manager shall either approve, modify or deny the permit application. If approved or modified, the administrative authority shall issue a special event permit together with a copy of these regulations and any conditions to the permittee. The administrative authority shall also provide notification of the permit approval to all appropriate city departments. Notice of applications for events within an established entertainment district shall be provided to all current residents or business within the district prior to consideration by the city manager. (Ord No. 5971 §1, 9-17-2013)

10-9-1.6. Administrative permits.

The administrative authority may issue permits for the following activities without city manager approval:

(a) Minor parades involving forty (40) or fewer pedestrians marching along a route that is restricted to sidewalks or pedestrians pathways, and crossing street intersections only at designated crosswalks or crossing areas in accordance with normal traffic regulations and controls. Pedestrians participating in such parades shall cross street intersections in units of fifteen (15) persons or less, and shall allow vehicles to pass between each such unit; and

(b) Residential block parties in neighborhoods zoned residential, conducted on streets classified as local or minor collector streets and of six (6) hours or less in duration. Provided, however, that application for such residential block parties must be made to the administrative authority on the appropriate forms not less than fifteen (15) days prior to the block party and the administrative authority and chief of police must determine that the block party will not pose any particular detriment to the traveling public.

(c) Events within the Church Street right-of-way from Pleasant to Laurel Streets provided the event is conducted in association with the Civic and Convention Center.

Events qualifying as a minor parade or residential block party pursuant to this section must complete a permit application form not less that fifteen (15) days prior to the event. The administrative authority may refer the application to the city manager for consideration if, in the opinion of the administrative authority or the chief of police, the proposed activity constitutes any particular detriment to the public or poses any crowd control concerns. Should the minor parade or residential block party be denied by the administrative authority, the sponsor may request that the application be submitted to the city manager for consideration. (Ord No. 5971 §1, 9-17-2013)

10-9-1.7. Event regulations.

The following regulations shall govern all special events conducted pursuant to this ordinance:

(a) Street closure. No street shall be closed completely for more than three hours within a 24-hour time period unless specifically approved for a longer period by the city manager. Whenever possible, at least one lane of traffic each way shall remain open and emergency vehicles shall be allowed through access at all times; (Ord No. 5971 §1, 9-17-2013)

(b) Parking or non-traffic areas. Parking lanes or other non-traffic areas of public rights-of-way shall not be utilized for any event concessions, staging or other such activities unless specifically approved as part of the event sponsor's application.

(c) Undue disruption. No event shall be permitted when, in the opinion of the city manager, chief of police or the board of directors, such event would unduly disrupt the flow of traffic or cause an undue hardship on the traveling public, subject to reasonable time, place and manner restrictions;

(d) Routing signage. Signage advising the public of street closings and alternate routes may be required at the discretion of the city manager or his designee;

(e) Promotional signage. Any approved directional or promotional signage placed within public rights of way shall not be so placed more than 48 hours prior to the event and must be removed within 24 hours after the event; and

(f) Alcoholic beverages. The use or sale of alcoholic beverages of any special event is prohibited except as provided hereinafter. The board of directors may permit the sale or use of beer or wine on a case-by-case basis. If approved, all such wine or beer sales or use must be conducted in accordance with the rules and regulations and under proper permit of the Arkansas Alcoholic Beverage Control Division of the Department of Finance and Administration.

(g) Security. Each event sponsor shall be responsible for providing, at their expense, such security personnel as may be required by the chief of police. In this regard, the event sponsor may be required to submit a security plan to the City of Hot Springs Police Department not less than fifteen (15) business days prior to the event. Should, in the opinion of the chief of police, the event so merit, the chief may require that all security personnel be certified law enforcement officers.

(h) Sanitation. The event sponsor shall provide, at the sponsor's expense, such sanitation facilities (trash collection and porta-potties) as may be needed to service the planned event. Arrangements for trash collection shall be made with the City of Hot Springs Sanitation Department not less than five (5) business days prior to the event.

(i) Supervision required. Sponsors must provide adequate supervision of group activities to ensure that orderly conduct is maintained at all times. At all assemblies of minors, there must be at least one adult for every 20 minors.

(j) Breakage. Breakage or damage of any public amenities must be paid by the event sponsor at replacement cost.

(k) **Liability Insurance**. If insurance is required for event participants, spectators, personal property, etc., the event sponsor will be responsible for such insurance. The city does not provide liability insurance for the benefit of the event sponsor or any event participants. The final decision for the need of liability insurance shall be determined by the City Manager. If liability insurance is required, it shall be in the minimal amount of $300,000 or up to a maximum of $500,000. (Ord No. 6016 §2, 4-15-2014)

(l) Admission fees. Gate or admission fees, if any, charged to event participants by any sponsor must be approved by the city manager. (Ord No. 5971 §1, 9-17-2013)

(m) Utilities. Should any utilities be required for the special event, arrangements for such utilities must be made with the applicable utility company and the cost thereof paid by the event sponsor. Any such utility installations must be made in accordance with applicable building codes and accomplished by properly licensed trade persons.

(n) City personnel. Request for assistance from personnel must be approved by the city manager. Such assistance requests must be part of the initial application. City personnel assistance will be provided only if resources and time constraints permit and only on a very limited basis. (Ord No. 5971 §1, 9-17-2013)

(o) Event clean-up. Event sponsors shall be responsible for clean-up of all litter, debris, signs, and other materials not less than 24 hours following the event.

(p) Notification. Whenever an event, which requires the closure of a street(s), is held within an area zoned residential, the event sponsor shall notify, either by hand delivery or regular mail, all addresses within the event area, of the date and duration of such closure. Such notice shall be provided not less than 3 days nor more than 10 days prior to the event. Proof of notification shall be provided to the administrative authority.

(q) Whittington Avenue special requirements. Any special event requiring the use of Whittington Avenue from its intersection with Ozark and Water Streets west to Woodfin shall be conducted in accordance with the following additional requirements:

(1) Provide written notification to area residents as illustrated in Exhibit 1 hereto not less than 3 nor more than 10 days prior to the event.

(2) Provide "escort passes" for residents on the boulevard section of Whittington and to the residents of Quartz Street prior to event.

(3) Arrange with a local ambulance service for the provision of an ambulance to be stationed in the Whittington area during the event.

(4) Install city-provided temporary signs at: (1) Park Avenue and Gulpha Gorge Road, (2) Blacksnake Road at Bull Bayou, (3) Prospect at West Mountain Drive, and (4) east and west ends of the Whittington Avenue section.

(5) Install barricades at the intersection of Whittington and Woodfin as indicated by Exhibit 2 hereto.

(6) Install city-provided detour signs as indicated by Exhibit 3 hereto.

Editor's note-Exhibits 1, 2 and 3 are on file in the Office of the City Clerk.

(7) Provide radio-equipped marshals at all intersections along Whittington (12 minimum).

(8) Arrange to reopen Whittington between events, if applicable.

(9) Ensure that one lane of traffic on Whittington Avenue remains open at all times in the designated event area (from Ozark and Water Streets west to Woodfin).

(10) Any special event expected to last for a duration of two hours or more shall require the sponsor to place on each end of Whittington Park one male and one female port-a-potty.

(11) Pick-up, place, remove and return all city-owned signs to the designated city office within two days after the event. A deposit for all city-owned signs will be required. The deposit will be refunded if all signs are returned in good condition.

10-9-1.8. Traffic safety and ancillary equipment.

Traffic safety equipment (i.e., cones and barricades) shall be placed at such locations as directed by the police department. Permittee shall be responsible for obtaining, placing, removing and returning traffic safety equipment. Event sponsors shall also be responsible for the provision of any ancillary equipment (i.e., sound systems, podiums). The city shall not provide any traffic safety equipment or ancillary equipment.

10-9-1.9. Permit fees, deposits and costs.

All event costs including, but not limited to, solid waste disposal, general clean-up, repair, fire and police services, barricades and event security shall be the responsibility of the permittee. All applicants shall pay such application fees and estimated support costs as may be established by resolution of the board of directors. Event fees shall not be refundable and deposits will be returned upon satisfactory clean-up and payment of all city imposed fees and costs by the permittee.

Editor's note-Ordinance No. 5637 repealed the following language from §10-9-1.9 "Permit fees, deposits and event costs may only be waived by the board of directors on a case-by-case basis."

Cross reference-Special event fee schedule, §10-9-2.

10-9-1.10. Other regulations.

In the conduct of the event, the permittee shall comply with all other applicable laws, codes and ordinances. In the event of a conflict between this ordinance and any other laws, codes or ordinances, the stricter standard shall apply.

10-9-1.11. Exceptions.

The following activities are exempt from the provisions of this ordinance but must comply with all other applicable laws, ordinances or regulations:

(a) funeral processions;

(b) school events conducted under the authority of the Arkansas Activities Association;

(c) special events held on city-owned property, including city parks and plazas, municipal airport and the civic and convention center building, grounds and parking lots that are conducted in accordance with the policies and procedures of the particular facility;

(d) closure of the Orange Street right-of-way from Broadway to Broadway Terrace provided the closure is required in association with a duly permitted and approved event pursuant to the Transportation Center facility use policy;

(e) closure of the Exchange Street right-of-way that lies within the Exchange Street Entertainment District provided the closure is required in association with a duly permitted and approved event pursuant to the Exchange Street Parking Plaza use policy; and

(f) events conducted on private property or the property of other government agencies.

10-9-1.12. Variances and waivers.

The fees as established pursuant to this ordinance may be waived by the City Manager on a case-by-case basis; All fees for parades conducted in celebration of the following official holidays are hereby waived:

(a) New Year's Day;
(b) Dr. Martin Luther King, Jr. Day;
(c) Presidents' Day
(d) St. Patrick's Day;
(e) Easter;
(f) Memorial Day;
(g) Independence Day;
(h) Labor Day;
(i) Veterans' Day;
(j) Thanksgiving; and
(k) Christmas.

For purposes of this section, the term "parade" shall be interpreted in the narrowest sense and shall not include any "special event" conducted for any intent other than celebration of the specified holiday. (Ord. No. 6016, §1, 4-15-2014)

Cross reference-Obstruction on sidewalks, § 4-7-4; bagging of parking meters, § 10-7-4(b).

10-9-1.13. Penalty.

The penalty for violation of this code shall, upon conviction in the Hot Springs District Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. In this regard, it shall be unlawful for a permittee or sponsor to violate, disobey or refuse to comply with the provisions of this ordinance or any rules or regulations promulgated pursuant thereto. Any permittee or sponsor who violates or refuses to comply with the provisions hereof may be denied any future special event permit.

(Ord. No. 5549, §§1-11, 13, 3-5-07)

10-9-2. Parades and special events - Fee schedule.

(a) The following fee schedule is hereby adopted for all parades and special events permitted pursuant to Ordinance No. 5549, as amended.

Parade/Special Event Fee Schedule		
	Administrative Permits (Ord. 5549, § 6)	***All Other Permits***
Permit Fee	*$ 25.00*	*$350.00*
Security Deposit	*n/a*	*$ 250.00*
Permit fees are due upon filing of the event application but will be refunded should the permit not be approved. *Security deposits are due upon filing of the event application will be refunded following the activity if all requirements of Ordinance No. 5549, as amended, have been met.* *The City reserves the right to charge for damages to public property as required by Ordinance No. 5549, as amended.*		

(b) It is the intent of this resolution that no other fees or charges, other than those enumerated in Section1 hereof, shall be assessed for parades or special events approved in accordance Ordinance No. 5549, as amended. However, the City reserves the right to impose other fees and service charges as authorized by Ordinance No. 5549, as amended, in unusual or especially costly circumstances as may be determined by the Board of Directors.

(Res. 6960, §§1,2, 9-16-08)

***Editor's note**-§ 10-9-2 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature. The special events application is on file in the City's Public Works Office.*

10-9-3. Entertainment districts - Guidelines.

(a) Special event permit required. Use of duly established entertainment districts, hereinafter termed "district," shall be subject to the permit application and approval process pursuant to such "special event" ordinance as may now or hereinafter be adopted by the Board of Directors. Activities within a district shall be limited to those as permitted by an approved special event permit including but not limited to the approved hours and days of operation.

(b) Sponsor required and responsible. Such person, firm, corporation, agency or entity as shall make application for the special event permit shall be the "sponsor" for purposes of these guidelines. The sponsor shall be responsible for the coordination of all activities within the district including but not limited to:

(1) Coordination with all merchants within the district as may be affected by the proposed activities;

(2) Ensure that all participants and concessionaires obtain and comply with all applicable state and local permits including but not limited to alcohol permits from the Arkansas Beverage Control Commission (ABC);

(3) Supervision, control and approval of any concessions within the district;

(4) Provision of adequate security, solid waste collection, restroom facilities, barricades, fencing (if required), post-event clean-up and any other conditions or requirements as may be imposed by the city as part of the special event application approval process;

(5) Identification of all security personnel in a clearly distinguishable manner and provision of signage advising persons of ABC requirements regarding leaving designated areas with alcohol beverages; and

(6) Designation of a contact person(s) who shall be readily available to city officials, police and fire personnel, and other emergency personnel during the event.

(c) District merchant participation. Subject to paragraphs (d) and (g) hereof, any merchant or property owner within the district shall be permitted to participate in district activities as a concessionaire upon request to the sponsor by such merchant or property owner. The event sponsor shall retain reasonable control, given the nature of the event, for the overall arrangement of such participating district merchants/owners desiring to locate within the public right-of-way portions of the district. Any participating district merchant or property owner, who is not the sponsor, shall comply with these guidelines and shall be held individually responsible for any violations thereof.

(d) Concessionaires. Temporary concessionaires, vendors, bands, entertainment groups, etc., (hereinafter termed "concessionaires") shall be permitted with the district during a special event provided such concessionaires are under the control of the event sponsor. The sponsor shall provide to the city a listing of all approved concessionaires not less than five (5) days prior to the commencement of the special event. Concessionaire booths, stands, displays, stages, seating and other ancillary equipment shall be so arranged as to maintain a clear path through the district for emergency personnel and vehicles. The city reserves the right to limit the number and arrangement of concessionaires and ancillary equipment placed with the public rights-of-way for public safety purposes. Approved concessionaires operating within the district during a special event shall be considered exempt from the requirements of the transient merchant ordinance and the sign code.

(e) Partial district. An event sponsor may utilize and therefore be responsible for only a portion of an entertainment district provided the portion so utilized is clearly definable. The city reserves the right to adjust the boundaries to clearly delineate the areas of responsibility when use of a district is split between two or more sponsors or when only a portion of a district is utilized by a single sponsor.

(f) Permit revocation. Any person, firm or corporation violating these guidelines may be barred from participation in future events. In addition to the fines and penalties as imposed by the special event ordinance, the permit of any sponsor found to be in violation of these guidelines may be revoked.

(Res. No. 6858, 5-19-08)

***Editor's note**-§ 10-9-3 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.*