

TITLE 11

PUBLIC SERVICES

CHAPTER.

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CHAPTER 1**AIRPORT**

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ARTICLE I. IN GENERAL

11-1-1. Airport Advisory Committee.

Editor's note-Ord. No. 4065, adopted May 17,1990, abolished the previous Airport Commission as created by Ord. No. 2963, adopted July 1, 1968. Res. No. 2521 creating an Airport Advisory Commission was repealed by action of the board of directors on June 27, 1994, and replaced by an "ad hoc" committee. Resolution 3631 reestablished an advisory commission. Ord. No. 4719, adopted 4-6-98, amended all resolutions and ordinances pertaining to advisory commissions by replacing the term "commission" with the term "committee."

11-1-1.1. Creation.

There is hereby created an Airport Advisory Committee. Said committee shall be organized and shall function in accordance with the "General Policies and Procedures for Advisory Committees" (§ 2-8-30) as may now or hereafter be amended except as hereinafter prescribed. The Airport Advisory Committee shall be composed of five (5) citizens who are qualified electors of the city of Hot Springs. (Res. No. 8584, 12-2-2014)

11-1-1.2. Duties and Responsibilities.

The Airport Advisory Committee shall have the following duties and responsibilities:

- (a) *Assist the city manager and airport director in evaluating the policies and procedures for the airport;*
- (b) *Review and recommend revisions to such policies and procedures;*
- (c) *Make recommendations to the city manager and board of directors concerning the development and use of airport properties and facilities; and*
- (d) *Advise the city manager, city staff and the board of directors in other matters relative to the operations of the Hot Springs Municipal Airport.*

State law reference-Authority of cities to promulgate and enforce zoning regulations for airports, A.C.A., 1987, § 14-363-201 et seq.

11-1-1.3. Staff support.

The city staff person assigned by the city manager to the Airport Advisory Committee shall be the airport director. Said staff member shall provide administrative and staff support to the committee as stated in the "General Policies and Procedures for Advisory Committees" (§ 2-8-30) as may now or hereafter be amended.

11-1-1.4. Rules and procedures.

In addition to the "General Policies and Procedures for Advisory Committees," the Airport Advisory Committee may adopt such rules and regulations for the conduct of business of the committee as may be necessary and not in conflict with the laws or regulations of the State of Arkansas, the U.S. Department of Transportation, Federal Aviation Administration, or any ordinance, resolution or policy of the city of Hot Springs. (Res. No. 3631, §§ 1 - 4, 4-21-97)

Editor's note-§ 11-1-1 was adopted by resolution, but included in the Code of Ordinances due to its permanent nature.

11-1-2--11-1-12. Reserved.

ARTICLE II. AIRPORT ZONING

11-1-13. Short title.

This article shall be known and may be cited as "Memorial Field Zoning Ordinance." (Ord. No. 3524, § 1, 9-10-79)

11-1-14. Definitions.

As used in this article, unless the context otherwise requires:

Airport means Memorial Field.

Airport elevation means five hundred forty-four (544) feet above mean sea level.

Approach surface means a surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 11-1-16 of this article. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal and conical zones are those zones set forth in section 11-1-15 of this article.

Board of zoning adjustment is a board consisting of three (3) members appointed by the city council as provided in Arkansas Code Annotated, section 14-56-413.

Conical surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

Hazard to air navigation means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Heights: For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal surface means a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Runway larger than utility means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight, and jet powered aircraft.

Nonconforming use means any pre-existing structure, object of natural growth or use of land which is inconsistent with the provisions of this article.

Obstruction means any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 11-1-16 of this article.

Person means an individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an instrument landing system (ILS).

Primary surface means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface is set forth in section 11-1-15 of this article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Transitional surfaces means surfaces which extend outward at ninety-degree angles to the runway center line and the runway center line is extended at a slope of seven (7) feet horizontally for each foot vertically from the side of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extended runway center line.

Tree means any object of natural growth.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures. (Ord. No. 3524, § 2, 9-10-79)

11-1-15. Airport zones.

In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Memorial Field. Such surfaces are shown on the Hot Springs Memorial Field Airport Airspace Drawing Plan View (Figure E2) and Airspace Drawing Extended Plan View (Figure E3) as prepared

by Barnard Dunkelberg & Company and dated February 2001, which is attached hereto and made a part hereof.* An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (a) *Utility runway, visual approach zone:* The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (b) *Runway larger than utility, visual approach zone:* The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (c) *Precision instrument runway approach zone:* The inner edge of this approach zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet from the primary surface. Its center line is the continuation of the center line of the runway.
- (d) *Transitional zones:* The transitional zones are the areas beneath the transitional surfaces.
- (e) *Horizontal zone:* The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and ten thousand (10,000) feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zone.
- (f) *Conical zone:* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet. (Ord. No. 3524, § 3, 9-10-79; Ord. No. 4994, §1(b), 8-6-01)

*Editor's note-The Memorial Field Zoning Map is not set out herein, but is on file and available for inspection in the office of the city clerk.

11-1-16. Airport zone height limitations.

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established as being the applicable approach, transitional, horizontal, or conical surface above the particular zone. Such applicable surfaces, or height limitations, as depicted on the Memorial Field Zoning Map, are hereby established for each of the zones in question as follows:

- (a) *Utility runway, visual approach zone:* Height limitations slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extended to a horizontal distance of five thousand (5,000) feet along the extended runway center line.
- (b) *Runway larger than utility, visual approach zone:* Height limitation slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand (5,000) feet along the extended runway center line.
- (c) *Precision instrument runway approach zone:* Height limitation slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of forty thousand (40,000) feet along the extended runway center line.
- (d) *Transitional zones:* Height limitation slopes seven (7) feet outward for each foot upward beginning at the side of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty (150) feet above the airport elevation which is five hundred fifty-four (544) feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the side of and the same elevation as the approach surface, and extending a horizontal distance of five thousand (5,000) feet measured at ninety-degree angles to the extended runway center line.
- (e) *Horizontal zone:* Height limitation established at one hundred fifty (150) feet above the airport elevation or a height of six hundred ninety-four (694) feet above mean sea level.

- (f) *Conical zone:* Height limitation slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
- (g) *Excepted height limitation:* Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land. (Ord. No. 3524, § 4, 9-10-79)
- (h) *Utility runway non-precision instrument approach zone:* Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
- (i) *Runway larger than utility with a visibility minimum greater than ¾ mile non-precision instrument approach zone:* Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- (j) *Runway larger than utility with a visibility minimum as low as ¾ mile non-precision instrument approach zone:* Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. (Ord. No. 4994, §1(a), 8-6-01)

11-1-17. Use restriction.

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. No. 3524, § 5, 9-10-79)

11-1-18. Nonconforming uses.

(a) *Regulations not retroactive.* The regulations prescribed in this article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of this article or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this article, and is diligently prosecuted.

(b) *Marking and lighting.* Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the city planning commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the city of Hot Springs. (Ord. No. 3524, § 6, 9-10-79)

11-1-19. Permits.

(a) *Future uses.* Except as specifically provided in (1), (2) and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection (d) below.

- (1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- (2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- (3) In the areas lying within the limits of the transition beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of the vertical height above the ground, except when such tree or structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in subsection (d) below.

(b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) *Nonconforming uses abandoned or destroyed.* Whenever the Hot Springs Planning Commission determines that a nonconforming tree or structure has been abandoned or more than eighty (80) percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the board of zoning adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article. Additionally, no application for variance to the requirements of this article may be considered by the board of zoning adjustment unless a copy of the application has been furnished to the airport manager for advice as to the aeronautical effects of the variance. If the airport manager does not respond to the application within fifteen (15) days after receipt, the board of zoning adjustment may act on its own to grant or deny said application.

(e) *Obstruction marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in questions to install, operate, and maintain, at the owner's expense, such marking and lights as may be necessary. If deemed proper by the board of zoning adjustment, this condition may be modified to require the owner to permit the city of Hot Springs, at its own expense, to install, operate, and maintain the necessary markings and lights. (Ord. No. 3524, § 7, 9-10-79)

11-1-20. Enforcement.

It shall be the duty of the city planning commission to administer and enforce the regulations prescribed herein. Applications for permits and variances required by this article shall be filed with the city planning department on forms published for these purposes. (Ord. No. 3524, § 8, 9-10-79)

11-1-21. Board of zoning adjustment.

The board of zoning adjustment shall have and exercise the following power:

- (a) To hear and decide the special exceptions to the terms of this ordinance upon which such board of zoning adjustment under such regulations may be required to pass.
- (b) To hear and decide specific variances.

The concurring vote of a majority of the members of the board of zoning adjustment shall be sufficient to decide in favor of the applicant of any matter upon which it is required to pass under this ordinance, or to effect variation in this ordinance. (Ord. No. 4994, § 1(c), 8-6-01)

11-1-22. Appeals.

Any person aggrieved by this ordinance or by any order or ruling upon an application for a permit or variance, may within thirty (30) days appeal to the circuit court of Garland County pursuant to the procedure as established by A.C.A. 14-363-208. (Ord. No. 4994, §1(d), 8-6-01)

11-1-23. Reserved.

11-1-24. 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. 5066, §1, 3-4-02)

11-1-25. Severability.

If any of the provisions of this article or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application. (Ord. No. 3524, § 13, 9-10-79)

11-1-26--11-1-29. Reserved.

ARTICLE III. AIRPORT POLICIES AND PROCEDURES

11-1-30. Self-fueling of private aircraft - Regulations.

The following regulations for the self-fueling of private aircraft on Hot Springs Memorial Field are approved:

- (a) *Purpose. Fuel trucks operating on the ramp at Hot Springs Memorial Field must be professionally operated, managed, supervised and controlled to minimize liability and assure optimum safety of operation. Therefore, the operation of such specialized fuel facilities and equipment on the airport shall be provided through the airport's full-service Fixed Base Operator (FBO).*

However, recognizing the need to provide certain grades and types of fuel which are not currently provided by the airport's FBO, and to provide individual aircraft owners with the opportunity to service their own aircraft, the following regulations have been established to govern private non-commercial self-fueling by individual private owners of aircraft at Hot Springs

Memorial Field. These regulations do not conflict with, supersede, or nullify the requirements included in the Minimum Standards for Fixed Base Operations and Airport Tenants, as may now or hereafter be adopted by the Hot Springs board of directors. These regulations do not conflict with, supersede, or nullify the requirements under any FAA Advisory Circulars or National Fire Protection Association Standards (NFPA).

(b) *Non-public self-fueling permit.*

Each applicant must apply for and receive a non-public self-fueling permit from the airport director before engaging in any aircraft fueling operations of Hot Springs Memorial Field. Permit applications may be obtained from the airport administration office and will require the following information:

- (1) *Name, address and phone number;*
- (2) *Type, color and registration number of aircraft;*
- (3) *Proof of ownership or proof of lease agreement in applicant's name;*
- (4) *Proof of required insurance;*
- (5) *Proof of certificate of completion for hazardous substance (fuel) fire safety training. (Applicable if fuel truck is used to fuel aircraft.)*
- (6) *Proof of certificate of operation from fire marshal for approval of fueling apparatus.*

Each permit will be issued for a calendar year beginning January 1. The permit fee is a flat fee per year which is listed below. The permit fee shall be paid by January 30 of each year. This permit shall be pro-rated when issued for less than 12 full months. The permit is not transferable.

- | | | |
|-----|----------|----------------|
| (1) | \$ 25.00 | Gliders |
| (2) | \$ 50.00 | Single-engine |
| (3) | \$100.00 | Twin-engine |
| (4) | \$250.00 | Turbine engine |

- (c) *Flowage fee. A flowage fee of \$.06 per gallon will be assessed upon each delivery of fuel. The fee is due and payable within fifteen (15) days after the receipt of fuel.*
- (d) *Insurance. Permittee, at permittee's sole cost and expense, and for the full term of the permit or renewal thereof, shall obtain and maintain at least the following minimum insurance requirements prior to commencing any fueling activities on Hot Springs Memorial Field:*

- (1) *A comprehensive general liability policy with a minimum limit of not less than \$300,000 combined single limit for bodily injury and property damage.*
 - (2) *In the event that the certificate of insurance is cancelled, reduced or not renewed, the permit is automatically revoked.*
- (e) *Indemnification. The city of Hot Springs shall stand indemnified by permittee as herein provided. Permittee is and shall be deemed to be an independent contractor and operator responsible to all parties for its acts and omissions, and the city of Hot Springs shall in no way be responsible therefore. Permittee covenants and agrees to indemnify, hold harmless and defend the city of Hot Springs, its officers, agents, servants, and employees from and against any and all claims for damages or injury to persons or property arising out of or incident to the use of this permit.*
- (f) *Restriction from public fuels dispensing. Permittee holding this self-fueling permit shall be restricted from selling and dispensing aircraft fuels to other airport users, including locally-based and transient aircraft. Fueling of any aircraft not owned, leased in writing, or otherwise listed on the permit, will result in automatic revocation of said permit. Permittee may only dispense fuel into aircraft listed on the permit.*
- (g) *Training of personnel dispensing fuel. Personnel engaged in dispensing of aircraft fuel from a fuel truck should be properly trained in the area of hazardous substance (fuel) fire safety. This training curriculum must be approved and conducted by the Hot Springs fire department. Upon successful completion, the fire marshal will issue a certificate of completion. Aircraft fueling practices or procedures observed by the airport director, his staff, or the public, which are deemed unsafe from a fire safety perspective, will be investigated. Continued unsafe aircraft fueling practices or procedures may result in revocation of the permit in the interest of public safety.*
- (h) *Fuel. Permittee shall provide aircraft fuel of the types required by those aircraft which permittee owns. The dispensing of fuels shall conform with airport regulations and NFPA 407 regulations as well as any FAA advisory circulars.*
- (i) *Fueling apparatuses.*
 - (1) *A fueling apparatus is one which is one (1) gallon or larger in size and the container itself must be approved by the fire marshal. This is limited to one container on the premises as per the city fire code. If more than one container is used, NFPA 407 regulations apply and the apparatus bringing those containers on the airport must meet the requirements of NFPA 407.*

- (2) *Fueling apparatuses larger than five (5) gallons must meet the requirements of the city fire code which in this case is NFPA 407 and must be registered to the individual permittee. A certificate of operation will be issued by the Hot Springs fire marshal for the fueling apparatus.*
 - (3) *Fueling apparatus shall be properly maintain, operated, and equipped in accordance with recommendations, requirements, and regulations of FAA advisory circulars, Part 139, and NFPA standards.*
- (j) *General fueling regulations.*
- (1) *Fueling must be done in compliance with all local, state, and federal regulations and NFPA 407 "Standard for Aircraft Fuel Servicing." A copy of the NFPA 407 may be obtained from the fire marshal or the airport administrative office.*
 - (2) *Fueling activities must be conducted outside of hangar on concrete or asphalt ramp.*
 - (3) *No aircraft may be fueled while the engine is running or being warmed by application of exterior heat. No person may smoke within fifty feet of an aircraft being fueled.*
 - (4) *No aircraft may be fueled while passengers are on board the aircraft.*
 - (5) *No person shall operate any radio equipment, radar, or any other aircraft-related electrical equipment, or other electrical tool or appliance while fueling an aircraft.*
 - (6) *Adequate fire extinguishers, as described in the NFPA 407, shall be in ready and convenient reach of anyone conducting fueling operations.*
 - (7) *Persons engaged in fueling activities shall exercise caution to insure fuel is not spilled during handling for fire safety and environmental reasons. The engine of any aircraft should not be started with any appreciable amount of fuel under the aircraft. Large spills in any amount deemed unsafe or generally a puddle three (3) feet in diameter or larger, the aircraft owner or fuel handler on scene must request an airport ARFF response.*
 - (8) *All hoses, funnels and appurtenances used in fueling or de-fueling shall be equipped with a grounding device to prevent ignition of volatile liquids.*
 - (9) *Permittee may not store fueling apparatus in hangar.*

- (k) *Fuel vehicle inspections. Fueling apparatuses which have received a certificate of operation from the airport director will be subject to periodic inspections by the fire marshal as well as possible quarterly inspections as may be required by Part 139. The permittee should be advised that his apparatus may also be subject to inspection by the FAA airport safety inspector during his annual certification of the airport.*
- (l) *Penalty. Failure to comply with regulations as written shall warrant revocation of the permit. Should permittee continue to violate the provisions of these regulations thirty (30) days after such revocation of permit, the grantor of the permit shall proceed with court action.*

(Res. No. 3548, 12-3-96)

Editor's note-§11-1-30 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.

11-1-31. General aviation fuel pricing policies.

The following "General Aviation Retail Fuel Pricing Policies" for Hot Springs Memorial Airport are hereby adopted:

- (A) *General Aviation Fuel Pricing Policies. The following policies shall apply to all the retail fuel pricing of aviation fuel at Hot Springs Memorial Airport as enumerated hereinafter.*
 - (1) *AVGAS and JET-A Retail Fuel Pricing. AIRPORT management may adjust the retail price of AVGAS and JET-A Aviation Fuels when necessary due to unforeseen or unavoidable increases or decreases in the wholesale prices of these fuels, as well as to meet the competitive pricing of other Arkansas Airports*
 - (a) *Retail Profit Range for Aviation Fuels: A minimum of fifty-five cents (\$.55) per gallon to a maximum of one dollar fifty cents (\$1.50) per gallon will be the net profit range of Jet-A aviation fuel and a minimum of fifty-five cents (\$.55) per gallon to a maximum of one dollar thirty cents (\$1.30) per gallon will be the net profit range of the AVGAS aviation fuel.*
 - (2) *Pricing policies and standards. In accordance with the Pricing policies established herein, the City Manager and the Airport Director shall establish such other pricing policies and standards as necessary to ensure that the Airport, as an Enterprise Fund, remains self supporting and to provide reasonable aviation retail fuel prices. Such policies and standards shall include, but are not limited to, discounts for volume customers, "fly-in" participants, special events, marketing and promotional events, and local customers*

(3) *Discounts. The City Manager or his/her designee is hereby authorized to set discount prices for special events based on the circumstances of each event and is hereby authorized to create prepared discount pricing incentives for the various events in an appropriate form(s) (e.g., \$.05 -to \$.80 per gallon discounts). The discount incentive shall be from five cents (\$.05) to eighty cents (\$.80) per gallon for volume purchases, “fly-ins”, special events, marketing and promotion events and local customers.*

(a) *Local Customer Discounts. Local customers, described as an Aircraft Owner with the Aircraft based at Hot Springs Memorial, will be given a \$.30 per gallon discount for fuel purchases of any volume, if payment for these purchases are made with cash, Brand card or charged to the customer’s account and account paid by cash, Brand card or check, on or before the due date provided in the invoice. Due to charge card fees, no other charge cards will be honored in paying for discounted fuel purchases and no other discounts will apply*

(4) *Volume Discount Policies. It shall be the policy of Hot Springs Memorial Airport that the discounted pricing of retail aviation fuel shall be as follows:*

(a) *Daily Volume Jet-A Discounts: Effective January 1, 2013 –
Locally Based Aircraft Brand Credit Cards Only - Retail Fuel Sales*
JET-A AVIATION FUEL BRAND CARD ONLY

<u>LOCAL CUSTOMERS</u>	<u>DISCOUNT AMOUNT</u>
Up to 200 Gallons	\$.00
201 - 400 Gallons	\$.30/Gal.
401 - 600 Gallons	\$.40/Gal.
601 - Up Gallons	\$.45/Gal.
Special Promotion	\$.50/Gal.

(b) *Daily Volume Jet-A Discounts: Effective January 1, 2013 –
Transient Aircraft - Brand Credit Cards Only - Retail Fuel Sales*
JET-A AVIATION FUEL BRAND CARD

<u>TRANSIENT AIRCRAFT</u>	<u>DISCOUNT AMOUNT</u>
Up to 200 Gallons	\$.00
201 - 400 Gallons	\$.10/Gal.
401 - 600 Gallons	\$.15/Gal.
601 - Up Gallons	\$.25/Gal.
Special Promotion	\$.50/Gal.

- (c) *Daily Volume Jet-A Discounts: Effective January 1, 2013 –*
Non Brand Credit Cards - Transient Customers - Retail Fuel Sales

JET-A AVIATION FUELNON-BRAND CARDLOCAL & TRANSIENTDISCOUNT AMOUNT

<i>Up to 200 Gallons</i>	<i>\$.00</i>
<i>201 - 400 Gallons</i>	<i>\$.05/Gal.</i>
<i>401 - 600 Gallons</i>	<i>\$.10/Gal.</i>
<i>600 - Up Gallons</i>	<i>\$.20/Gal.</i>
<i>Special Promotion</i>	<i>\$.50/Gal.</i>

- (d) *Self Fueling AVGAS Discount: Effective January 1, 2013 –*

All Credit Cards

All Customers - Retail Fuel Sales

Fuel Price established on Self Fueling: \$.50 to \$.75 below posted Retail price.

No other discounts or promotions apply in the above Self Fueling discount policies.

- (e) *Locally Based Aircraft - Pre Purchase Jet-A: Effective January 1, 2016*

The following conditions apply for the Pre-Purchase of Aviation Fuel:

- a. Fuel cost discount, \$.65 below posted Retail Price at Time of Purchase.*
- b. Pre-Purchase Customer must be locally based.*
- c. Fuel Invoice must be paid upon delivery of fuel within ten (10) days of invoice date.*
- d. Minimal order - one tanker load of Jet-A fuel.*
- e. Immediately upon delivery, 1% of the delivery amount will be deducted for daily fuel testing.*
- f. Fuel inventory must be consumed within a sixty (60) Calendar day period.*
- g. At termination of agreement, all remaining inventory becomes property of Airport.*
- h. Any inventory following the sixty (60) calendar day period will become Airport Inventory.*
- i. AVGAS is not eligible for pre-purchase under the Pre-Purchase Policy.*

(B) General Aviation Fuel Handling Fee Policy. The following fees shall apply to all contract fuel purchases of Aviation Fuel at Hot Springs Memorial Airport as enumerated hereinafter

- (1) *AVGAS and JET-A Contract Fuel Handling Fees (Intoplane Service Fees):*
Transient Aircraft Contract Fuel Handling Fees per gallon:
- | <u>Volume Uplifted</u> | <u>Contract Fuel Handling Fee</u> |
|------------------------|-----------------------------------|
| <i>1 - 299</i> | <i>\$.95</i> |
| <i>300 - 600</i> | <i>\$.80</i> |
| <i>601 - and up</i> | <i>\$.70</i> |
- (2) *JET-A Contract Fuel Handling Fees (Intoplane Service Fees):*
Scheduled Commercial Aircraft Contract Fuel Handling Fees per gallon:
- | | |
|-------------------|--------------|
| <i>Any Volume</i> | <i>\$.50</i> |
|-------------------|--------------|
- (3) *Local Based Aircraft Contract Fuel Handling Fees per gallon*
- | | |
|-------------------|--------------|
| <i>Any Volume</i> | <i>\$.50</i> |
|-------------------|--------------|

(Res. No. 8818, §§1,2 12-1-2015)

Editor's note-§ 11-1-31 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.

CHAPTER 2**PARKS AND TRAILS*****11-2-1. Parks and Trails Advisory Committee.***

(a) *There is hereby created a Parks and Trails Advisory Committee. Said committee shall be organized and shall function in accordance with "General Policies and Procedures for Advisory Committees" (§ 2-8-30). The Parks and Trails Advisory Committee shall be composed of nine (9) 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. (Res. No. 8144, §1, 3-5-2013)*

(b) *The Parks and Trails Advisory Committee shall assist the city manager and/or his/her designee by reviewing and recommending departmental policies, short and long-term facility development plans, proposed and ongoing programs, departmental goals and objectives, 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. 2484, §§1, 2, 1-22-90)(Res. No. 8418, §1, 4-15-2014)*

Editor's note-§ 11-2-1 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature. Ord. No. 4719, adopted 4-6-98, amended all resolutions and ordinances pertaining to advisory commissions by replacing the term "commission" with the term "committee." Resolution No. 8144, approved 3-5-2013 changed the number of members from 7 to 9. Resolution No. 8418 changed the name from Parks and Recreation Advisory to Parks and Trails Advisory.

Amendment note-Ordinance 4239 repealed Ordinances 2457, 2962 & 3258. Ordinance 2457 and 2962 provided for a parks and recreation commission which was inactive and subsequently replaced by an advisory committee. Ordinance 3258 provided for a curfew in Whittington Park.

11-2-2--11-2-11. Reserved.**11-2-12. Public performances in parks, on sidewalks - Prohibited.**

(a) No person, association, firm or corporation shall engage in any public performance for entertainment upon the public sidewalks, public street rights-of-way or city-owned parks within the corporate limits of Hot Springs, where admission charges, contributions, tips or any other form of compensation is required, solicited or accepted. It is the intent of this ordinance to regulate individual street entertainers on public sidewalks and public parks but not to unduly restrict performances, displays or exhibitions of a public nature and intent. Provided, therefore, this ordinance shall not apply to any public performance, display or exhibition conducted on public property which is sponsored, co-sponsored or otherwise approved by the city nor to events or activities held at the Hot Springs Civic and Convention Center or other facilities of the Advertising and Promotion Commission pursuant to the rules and regulations relative to the use of such facilities.

Cross reference-Permit issuance prohibited if indebted to city, §4-11-2.

(b) 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. 5347, §§1, 2, 5-2-05)

11-2-13. Facility use policies, procedures and fees.

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

11-2-13.1. Definitions.

- (a) *Board of Directors means the Board of Directors of the City of Hot Springs.*
- (b) *City means the City of Hot Springs, a municipal corporation, and shall extend to and include its several officers, agents and employees duly charged with the responsibility of administering this policy.*
- (c) *Facilities means the various city-owned public parks, pavilions, trails, and amenities thereof.*
- (d) *Parks and Trails Department means that department of the city responsible for the administration, operation and maintenance of the city-owned public parks and trails and these policies and procedures.*
- (e) *Reserving Party means any person, firm or corporation reserving, using or otherwise occupying city facilities covered by this policy.*

11.2.13.2. Reservations required.

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

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

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

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

11-2-13.3. Reservation limitations.

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

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

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

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

11-2-13.4. Discount fees.

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

11-2-13.5. Special events.

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

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

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

11-2-13.6. Facility equipment.

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

11-2-13.7. Facility use regulations.

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

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

(c) The Parks and Recreation Department's inclement weather policy/procedures must be followed. A copy will be distributed if requested by the reserving party.

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

11-2-13.8. Insurance.

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

11-2-13.9. Gate fees.

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

11-2-13.10. Electrical wiring/water and provisions.

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

11-2-13.11. Special assistance.

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

11-2-13.12. Concessions.

(a) *Concessions by reserving parties are not permitted at any facility or event when City operated concessions are open. Should any reserving party desire that the City provide concessions at times or for events/activities that the City did not otherwise intend to do, the reserving party may request that the city operate concessions subject to payment of a concession charge by the reserving party. Such concession charge shall be negotiated with the reserving party based on the cost of providing concessions and the anticipated revenue. The City reserves the right to decline to provide concessions at the option of the City.*

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

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

(d) *Concessions are not permitted in Adair Park.*

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

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

11-2-13.13. Miscellaneous provisions.

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

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

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

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

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

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

11-2-13.14. Refunds.

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

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

- (2) *Upon notification in writing of cancellation by the reserving party no less than seven (7) calendar days prior to the planned activity; or*
- (3) *Upon cancellation due to inclement weather, or unusable conditions caused by weather or other "acts of nature."*

11-2-13.15. Non-discrimination.

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

11-2-13.16. Appeals.

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

11-2-13.17. Waiver.

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

11-2-13.18. Special programming.

The use of city parks facilities for special programming beneficial to the citizens of Hot Springs by non-profit organizations is hereby approved. In this regard, individual organizations or group of organizations may submit proposals to the Parks and Trails Department (Department) describing the proposed programming and its benefit to the community at large. The Department shall prescribe such forms and procedures as the Department deems appropriate and the City Manager is hereby authorized to approve such programs including the waiver of facility use fees. Except as authorized in this paragraph, special programming shall otherwise comply with the provisions of this policy. Provided, further, that approved programs shall submit a report to the Department following the conclusion of each program year describing the number of participants and achieved outcomes of said programming.

11-2-13.19 Geocaches

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

11-2-14. Fee Schedule

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

11-2-14.1. Park Pavilions

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

11-2-14.1.2. Special Events/Activities.

- | | |
|------------------------------|--|
| a) activity fee | \$25.00 per facility element/area
(in addition to pavilion fees) |
| b) large group fee | \$50.00 (100+ persons, subject to capacity, in addition to all other fees) |
| c) inspection fee | \$25.00 (For use with security/clean up deposits, only applies to Saturday or Sunday reservations) |
| d) security/clean-up deposit | \$100.00 per event |
| e) Electrical/Water Use Fee | \$25 per reservation/event |
| f) Reservation Conflict Fee | \$50 |

11-2-14.1.3. Extra Clean-up Charge.

- | | |
|--|-----------------------------|
| a) Minimum deduction from deposit | \$50.00 |
| b) City Staff cleaning charge, if required | \$25.00 per hour per person |

11-2-14.1.4. Concession Fees

- | | |
|---|-----------------|
| Self-contained trailer/booth provided by reserving party | \$50.00 per day |
| Trailer/booth requiring external electric or water hookup | \$50.00 per day |

11-2-14.1.5. Live Entertainment Permit.

- | | |
|------------------------------|--|
| a) electrical use fee | \$50.00 per day (in addition to facility use fees) |
| b) security/clean-up deposit | \$250.00 per event |

(Res. No. 8439, §1, 5-6-2014)

CHAPTER 3**SPORT RECREATION****11-3-1 *General Procedures***

The following policies, procedures and fees for the Hot Springs Sport Recreation Department are hereby adopted

11-3-1.1 *Definitions.*

- a. *Board of Directors means the Board of Directors of the City of Hot Springs.*
- b. *City means the City of Hot Springs, a municipal corporation, and shall extend to and include its several officers, agents and employees duly charged with the responsibility of administrating this policy.*
- c. *Facilities means the various city-owned public parks, pavilions, playing fields, courts and recreational facilities and amenities thereof.*
- d. *Sport Recreation Department means that department of the city responsible for the administration, operation and maintenance of the city-owned public parks and recreational facilities and these policies and procedures.*
- e. *Reserving Party means any person, firm or corporation reserving, using or otherwise occupying city facilities covered by this policy.*

11-3-1.2 *Reservations Required*

- a. *A reservation shall be required for the exclusive use of any facility governed by this policy. Reservations should be made as far in advance as possible. Reservations are on a first-come, first-served basis. Reservations are not binding until reservations forms have been completed, payment received and the reservation confirmed in the reservation software by Sport Recreations staff. Reservations will be cancelled if not paid by the due date listed on the reservation contract. The Sport Recreation Department reserves the right to refuse the facility use based on previous non-payment or non-availability. For Softball Reservations, please see Section 2.*

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

11-3-1.3 *Reservation Limitations.*

- a. *Reservations will not be taken for groups that require more seating or parking than is available at the desired facility. The City reserves the right to reassign facilities at any time. The City reserves the right to limit reservations at all facilities in order to ensure some “open@ time for general public use.*
- b. *The City prohibits the use of public facilities for monetary gain by any person, firm or corporation except as otherwise provided hereinafter or as otherwise approved by the City. Provided however, charitable and non-profit organizations providing proof of their charitable/non-profit status may request use of a facility one (1) time per year for a fund raising event.*
- c. *City sponsored events have priority over all other events and reservations may be cancelled with reasonable notice, when facilities are needed, by the City or for governmental purposes.*
- d. *All city facilities are reserved in “as-is” condition and no special repairs, set-up or other maintenance will be performed for reserving parties except as may be pre-approved by the City.*

11-3-1.4 *Discount Fees.*

Charitable and non-profit organizations providing proof of their charitable/non-profit status may request a 50% reduction in certain applicable fees once per calendar year.

11-3-1.5 Special Events.

- a. *City facilities may be reserved for certain special activities/events involving the organized use of a particular facility element specific to an individual facility or park. Examples include but are not limited to: basketball tournaments, horseshoe tournaments, shuffleboard tournaments, fishing pond derbies, etc. Requests for special activities or events must be submitted to the City by the reserving party not less than 30 days prior to the proposed event.*
- b. *All special events and activities shall pay the appropriate fees as established on the fee schedule. Additional fees may be imposed by the City for facility preparation costs, supervisory staff costs and utilities.*

11-3-1.6 Facility Equipment.

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

11-3-1.7 Facility Use Regulations.

- a. *All functions and activities of the reserving party shall conclude no later than the posted facility closing time, unless otherwise approved by the City. The City reserves the right to charge additional fees for after hours usage.*
- b. *No intoxicants, narcotics, or alcoholic beverages, nor any person(s) under influence of same shall be permitted on or about city facilities; neither shall profane language, gambling, quarreling and fighting be tolerated. The use of any motorized vehicle on any park trail, greenspace or the greenway is strictly prohibited. All types of glass beverage containers are prohibited within the City Parks.*
- c. *The Sport Recreation Departments inclement weather policy/procedures must be followed. A copy will be distributed if requested by the reserving party*

- d. *Reserving parties must provide adequate supervision of group activities to ensure that orderly conduct is maintained at all times. There must be at least one adult for every 20 minors at all assemblies involving young people.*
- e. *Smoking and tobacco use is regulated by administrative policy.*

11-3-1.8 Insurance.

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

11-3-1.9 Gate Fees.

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

11-3-1.10 Electrical Wiring/Water and Provisions.

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

11-3-1.11 Special Assistance.

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

11-3-1.12 Concessions.

- a. *Concessions by reserving parties are not permitted at any facility or event when City operated concessions are open. Should any reserving party desire that the City provide concessions at times or for events/activities that the City did not otherwise intend to do, the reserving party may request that the city operate concessions subject to payment of a concession charge by the reserving party. Such concession charge shall be negotiated with the reserving party based on the cost of providing concessions and the anticipated revenue. The City reserves the right to decline to provide concessions at the option of the City.*
- b. *When city-operated concessions are not open, concession booths or trailers may be operated by and must be provided by the reserving party. In such cases, concessions are permitted and may be operated by only those individuals or groups holding a reservation at that time for that playing field. Park electrical capacity information is available by contacting the Sport Recreation Department. Reserving parties desiring to operate concessions shall pay a concession fee as established by the fee schedule. All parties must provide proof of Health Department certified mobile unit or Certified Kitchen licensing.*
- c. *The City reserves the right to operate, by franchise or otherwise, concession booths or trailers at all Sport Recreation facilities.*
- d. *Alcoholic beverages of any type may not be sold or otherwise distributed via concession booths or trailers.*
- e. *Seasonal concession stands/food vendors such as ice cream trucks are prohibited from vending in any city park.*

11-3-1.13 Miscellaneous Provisions.

- a. *If the reserving party fails to leave the facility clean and sanitary, the City reserves the right to charge the reserving party for clean up costs and/or to refuse use of City facilities to said party in the future.*
- b. *Ice chest are not permitted at any City facility when facility concessions are being operated.*

- c. *By accepting a city facility reservation, the reserving party agrees to abide by all Sport Recreation Department policies, procedures and regulations, local ordinances and applicable state or federal laws and regulations. Failure to comply with such rules and regulations may result in denial of further use of City facilities at the discretion of the City. The violation of local, state or federal laws will be reported to the Hot Springs Police Department for enforcement.*
- d. *Participants and facility users and/or their parents (guardians) in sports and league activities may be required to sign a user agreement.*
- e. *The services of the City personnel to assist with events must be secured by the reserving party from the Sport Recreation Director and will result in appropriate staff fees unless the event is co-sponsored by City.*
- f. *Additional policies and procedures may be imposed as deemed necessary by the Sport Recreation Manager, the City Manager and/or the Board of Directors.*
- g. *All owners must obey the leash law and keep pets on leashes at all times. Please clean up after pets.*

11-3-1.14 Refunds.

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

- a. *Upon 100% satisfactory inspection of the facility City staff after the event. Should the facility not pass such inspection, only that portion of the security/clean-up deposit that exceeds the cost of clean-up and/or repair to damaged equipment, furniture and facilities will be refunded. If any cleaning is needed, a minimum charge will be deducted from the deposit and additional clean-up fees will be applied as established by the fee schedule. In the event that clean up requires the services of an outside cleaning service, the reserving party shall also be responsible for those charges.*
- b. *Upon notification in writing of cancellation by the reserving party no less than seven (7) calendar days prior to the planned activity; or*
- c. *Upon cancellation due to inclement weather, failure of light system or unusable conditions caused by weather or other "acts of nature."*

11-3-1.15 *Non-discrimination.*

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

11-3-1.16 *Appeals.*

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

11-3-1.17 *Waiver.*

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

11-3-2 *Athletic Field Use Policy.***11-3-2.1 *Leagues.*****11-3-2.1.1 *City-sponsored Leagues.***

The City reserves the right to conduct softball, soccer or other sports leagues and establish fees for said leagues. City-sponsored leagues shall have priority use of playing fields.

11-3-2.1.2 Non-City Leagues.

Advance reservation for non-city leagues desiring the use of City playing fields will be received and considered at such times as may be prescribed by the Sport Recreation Department. After reviewing usage requests and needs, the City shall allocate fields in as equitable a manner as possible based on the requests received and field availability. Interested parties should contact the Sport Recreation Department for current league reservation deadlines. Following league deadlines, all reservations will be accepted on a first-come, first-served basis. Leagues shall pay a fee as established by the fee schedule per team per season. Sponsors shall furnish the City a copy of the official league registrations for verification of number of teams. The City reserves the right to impose additional fees if the number of teams or players increase. Additional field use fees may apply as established by the fee schedule.

11-3-2.1.3 Practice Time.

- a. Practice times are limited to a maximum of two hours per week. Practice times must be booked by 12:00 noon on the Friday preceding the week of the desired reservation time. Practice times may be reserved on an as-needed basis. No reservations for field practice times will be accepted before the pre-season City-sponsored league organizational meeting (dates available on request) or before league fees have been paid.*
- b. Non-league teams must pay practice field fees as established by the fee schedule. City sponsored and non-city sponsored league practice fees are included in the league fees.*

11-3-2.1.4 Tournament Field Fees and Reservations.

Tournament fees apply to both league and non-league players for all playing fields. Tournament sponsors are responsible for all necessary umpires and score-keepers. All tournaments shall be required to post a security/clean-up deposit as established by the fee schedule. Tournament fees and deposits are due at the time of reservation and must be received by the City at least seven (7) days prior to the proposed tournament. Until the deposit is received by the City, the tournament is not confirmed and the fields may be reserved by another party.

11-3-2.2 *Outfield Advertising.*

The City reserves the right to allow advertising banners to be installed on the outfield fences at athletic fields on a first-come, first-served basis subject to the following conditions:

- a. Fee will include sign for advertiser.*
- b. Fees, as established by the fee schedule for outdoor field signage, must be paid in advance.*
- c. Advertising of alcohol, tobacco or inappropriate themes as determined by the Sport Recreation Manager, City Manager or Board of Directors will not be permitted.*

11-3-3 *Tennis Court Usage.***11-3-3.1 *Tennis Court Reservations.***

Reservations for tennis courts must be booked based on full hours. (Example: 6:00 - 8:00) Fee payment is due in advance. Fees for tennis court usage are as established by the fee schedule. No lights are available on Friday through Sunday nights unless special arrangements are made and fees are paid in advance.

11-3-1.2 *Tennis Tournaments.*

Tournament sponsors are responsible for all score-keepers. All tournaments shall be required to post a security/clean-up deposit as established by the fee schedule. Tournament fees and deposits are due at the time of reservation and must be received by the Sport Recreation Department at least seven (7) days prior to the tournament. Until the deposit is received by the Parks and Recreation Department, the reservation is not confirmed and courts may be reserved by another party paying the required fees.

11-3-3-1.3 *Private Lessons*

Private lessons are prohibited unless permitted through the Sport Recreation Department. Permit fees are established by the fee schedule. Permits must be kept with the instructor at all times. Permit entitles instructor to the use of one court per lesson.

11-3-4 Live Entertainment

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

11-3-5 Geocaches

The placement of a geocache in a city park is prohibited unless permitted through the Sport Recreation Department.

11-3-4 Fee Schedule.

The following use fee schedule is hereby established for the various sport recreation facilities:

FEE SCHEDULE
SPORT RECREATION FACILITIES

11-3-4.1 Park Pavilions

- | | | |
|----|---|-------------------------|
| a. | <i>non-city residents/organizations</i> | <i>\$20.00 per hour</i> |
| b. | <i>city residents/organizations</i> | <i>\$10.00 per hour</i> |

11-3-4.2 Special Events/Activities

- | | | |
|----|------------------------|---|
| a. | <i>activity fee</i> | <i>\$25.00 per facility element/area (in addition to pavilion fees)</i> |
| b. | <i>large group fee</i> | <i>\$50.00 (100+ persons, subject to capacity, in addition to all other fees)</i> |

- c. *inspection fee* \$25.00 (For use with security/clean up deposits, only applies to Saturday or Sunday reservations)
- d. *security/clean-up deposit* \$100.00 per event
- e. *Electrical/Water Use Fee* \$25 per reservation/event
- f. *Reservation Conflict Fee* \$50

11-3-4.3 Extra Clean-up Charge.

- a. *Minimum deduction from deposit* \$50.00
- b. *City Staff cleaning charge, if required* \$25.00 per hour per person

11-3-4.4 Playing Field Use Fees.

- a. *City Sponsored Leagues fees to be established by the Sport Recreation Department from year to year as part of the annual budget process*
- b. *Non-City Sponsored Leagues \$100.00 per team per season*
- c. *Practice Fields*
 - 1. *City Sponsored Leagues light use and practice times to be established by the Parks and Recreation Department from year to year as part of the annual budget process*
 - 2. *Non-City Sponsored Leagues Included in team fee*
 - 3. *Non-League Teams*
 - without lights* \$20.00 per hour per field
 - with lights²* \$30.00 per hour per field

² *Lights available on Friday, Saturday or Sunday only by special arrangement and additional fees to be determined by Sport Recreation Department on a case by case basis based on estimated utility and personnel costs.*

11-3-4.5 Tournament Fees.

- a. *Field Use Per Day*
 \$200.00 for 1 Field (includes scoreboard usage)
 \$275.00 for 2 Fields (includes scoreboard usage)
 \$350.00 for 3 Fields (includes scoreboard usage)
 \$450.00 for 4 Fields (includes scoreboard usage)
- b. *Temporary Fence Setup:* \$75.00 per field
- c. *Light Use:* \$25.00 per field/hour. ____fields x ____ hrs (2 hr. min)
- d. *Security Deposit* \$100.00

11-3-4.7 Concession Fees.

- Self-contained trailer/booth provided by reserving party* \$50.00 per day
- Trailer/booth requiring external electric or water hookup* \$100.00 per day

11-3-4.8 Tennis Court Use Fees.

- a. *without lights* \$ 5.00 per court per two hours with two hour minimum
- b. *with lights* \$ 25.00 per court per two hours with two hour minimum
- c. *tennis coach permit* \$ 25.00 per quarter. Cannot be prorated

11-3-4.9 Tennis Tournament Fees.

- a. *court use fee* \$ 25.00 per court per day plus light fee and deposit
- b. *light fee* \$ 25.00 per two hours time with two hour minimum
- c. *security/clean-up deposit* \$ 100.00 per tournament

11-3-4.10 Live Entertainment Permit.

- a. *electrical use fee* \$ 50.00 per day (in addition to facility use fees)
- b. *security/clean-up deposit* \$ 250.00 per event

(Res No. 8438, §1, 5-6-2014)

Editor's note-§11-3 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.