

# **TITLE 13**

## **TRANSPORTATION**

### CHAPTER.

1. TRANSPORTATION CODE.
2. INTRACITY TRANSIT.
3. TRANSPORTATION ADVISORY COMMITTEE.
4. TRANSPORTATION CENTER.

## CHAPTER 1

### TRANSPORTATION CODE

Art. I.	In General, §§ 13-1-1--13-1-10
Art. II.	Requirements, §§ 13-1-11--13-1-30
Art. III.	Taxicabs, §§ 13-1-31--13-1-49
Art. IV.	Limousines, §§ 13-1-50--13-1-59
Art. V.	Sightseeing Vehicles, §§ 13-1-60--13-1-69
Art. VI.	Charter Service, §§ 13-1-70--13-1-79
Art. VII.	Trams, §§ 13-1-80--13-1-89
Art. VIII.	Special Events Service, §§ 13-1-90--13-1-99
Art. IX.	Public Transit System ("IT"), §§ 13-1-100--13-1-109
Art. X.	Specialty Transit, §§ 13-1-110--13-1-119
Art. XI.	Airport Transit, §§ 13-1-120--13-1-121

#### ARTICLE I. IN GENERAL

##### **13-1-1. Short title.**

This ordinance shall be known and cited as the "Hot Springs Transportation Code." (Ord. No. 4571, § 1, 10-21-96)

##### **13-1-2. Scope of ordinance.**

(a) This ordinance shall govern all transportation of passengers for hire by motor vehicle and by certain other means originating and terminating within the commercial zone of Hot Springs, Arkansas. Transportation of passengers by motor vehicle incidental to other commercial or governmental purposes is excluded from regulation by this ordinance (e.g., courtesy vans).

(b) No person, firm or corporation may transport passengers for hire by motor vehicle or otherwise within the territorial jurisdiction of this ordinance, other than pursuant to permit and license or franchise by the city of Hot Springs under authority hereof. (Ord. No. 4571, § 2, 10-21-96)

##### **13-1-3. Definitions.**

As used throughout this ordinance, the following words and phrases have the following meanings:

- (a) *Administrative authority* means such official(s) or employee(s) of the city of Hot Springs charged with the responsibility for administration of the Transportation Code.

- (b) *Airport transit* means any motor vehicle transporting passengers for hire to and from the Hot Springs airport, exclusively, pursuant to Article XI hereof.
- (c) *Charter service* means a motor vehicle under control to a group of persons who, pursuant to a common purpose and under a single contract and at a fixed charge, have acquired the exclusive use of a vehicle to travel together as a group to a specified destination, or for particular itinerary, either agreed upon in advance or modified by the charter group after having left the place of origin.
- (d) *Commercial zone* means the corporate limits of Hot Springs, Arkansas, together with that area outside the corporate limits of the city as prescribed by the "Arkansas Motor Carrier Act, 1955" (A.C.A. 23-13-201 et seq.) and A.C.A. 14-57-201.
- (e) *Courtesy van* means any vehicle used for the sole transportation of guests or patrons of an establishment which is owned and operated exclusively by said establishment (e.g., hotel courtesy vans).
- (f) *District* means the Central Business Improvement District No. 2 to the city of Hot Springs created by ordinance of the city of Hot Springs. (Ord. No. 4772, § 1, 12-21-98)
- (g) *Driver* means the operator of any motor vehicle or other public conveyance licensed pursuant to this ordinance.
- (h) *Fare* means the monetary amount charged by the operator for use of the motor vehicle or other public conveyance licensed pursuant to this ordinance.
- (i) *Hearing officer* means such city official(s), commission or committee as may be designated by the city manager or board of directors with the responsibility for conducting public hearings required by this ordinance.
- (j) *Jumbo taxicab* means a vehicle with a seating capacity greater than seven (7) passengers but less than eighteen (18) passengers which is licensed as a taxicab and for no other purpose pursuant to the applicable provision of this ordinance.
- (k) *License* means authority issued by the city of Hot Springs to a permit holder to operate a specific motor vehicle pursuant to a permit issued hereunder.
- (l) *Limousine* means an unmarked luxury passenger automobile, seating not more than fifteen (15) passengers and meeting the vehicle restrictions as stated in Section 13-1-51 of this Code. Vans, station wagons, buses and other such vehicles are excluded except as permitted by Section 13-1-51(c) Luxury Sedan or Van.
- (m) *Owner* means any person, firm or corporation who has the ownership, direction or control of vehicles licensed pursuant to this ordinance.

- (n) *Permanent business structure* means a permanent building constructed and maintained in accordance with the Arkansas Fire Prevention Code (Volumes I and II) and housing a business or commercial activity licensed by the city of Hot Springs and for which a certificate of occupancy is in force. (Ord. No. 4772, § 1, 12-21-98)
- (o) *Permit* means authority issued by the city of Hot Springs to an owner authorizing him to operate specified types of motor vehicles for hire governed by this ordinance.
- (p) *Public transit system* means a mass public transit system operated either directly or indirectly by the city of Hot Springs for the transportation of the general public along fixed routes on a fixed schedule and such other special routes as may be established by the city, said system being currently known as "Hot Springs Intracity Transit" ("IT").
- (q) *Sightseeing vehicle* means all motor vehicles which are operated for conducting sightseeing tours for the general public which have seating capacity in excess of eight (8) passengers including, but not limited to, an amphibious vehicle known as a "duck" and which is utilized for the purpose of conducting sightseeing tours.
- (r) *Smoking* means holding a lighted pipe, cigar, or cigarette of any kind, or lighting, or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind or any other use of tobacco products whatsoever. (Ord. No. 4828, § 1 (a), 11-1-99)
- (s) *Special events service* means a motor bus transportation system operated either directly or indirectly by the city of Hot Springs exclusively for the transportation of general public passengers for a per-passenger fare to and from Oaklawn Park and such other events, points of interest or other attractions as may be designated by the city.
- (t) *Specialty transit service* means the operation upon the streets of Hot Springs of any vehicle for hire which is drawn by horse, mule or other animal or any other novelty-type vehicle.
- (u) *Taxicab* means all motor vehicles which are operated as a common carrier for hire and having a seating capacity of seven (7) passengers or less.
- (v) *Tram* means a vehicle which is composed of a powered unit and one or more trailer attachments which operates for the transportation of the general public. (Ord. No. 4571, § 3, 10-21-96)

**13-1-4. Penalty.**

The penalty for violation of this ordinance shall, in addition to the other remedies specified in this ordinance and 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, § 10, 3-5-01)

**13-1-5--13-1-10. Reserved.**

## ARTICLE II. REQUIREMENTS

**13-1-11. Scope of article.**

The provisions of this article shall apply to all transportation of passengers for hire as described in Articles III (Taxicabs), IV (Limousines), V (Sightseeing Vehicles) and VI (Charter Service) hereof. The provisions of this article shall not apply to those systems operated pursuant to Articles VII (Trams), VIII (Special Events Buses), IX (Public Transit), X (Specialty Transit) and XI (Airport Transit). (Ord. No. 4571, § 11, 10-21-96)

**13-1-12. Public hearing procedures.**

Any public hearing required by this ordinance shall be conducted pursuant to notice by publication in a newspaper with general circulation in the city not less than ten (10) days prior to the hearing and, in the case of hearings on rate schedules and applications for permits or for additional vehicle licenses, by written notice to each holder of a permit issued hereunder. At any such hearing, the applicant and other permit holders and, in the case of proposed suspensions or revocations, the permit holder affected, may present witnesses or other evidence, may be represented by an attorney and may cross-examine opposing witnesses. Other interested persons may comment. The hearing officer(s) may impose reasonable restrictions with respect to time and procedure and may, but is not required to, provide for stenographic or other recording of the hearing or portions thereof. (Ord. No. 4571, § 12, 10-21-96)

**13-1-13. Operating permits.**

Permits for the operation of motor vehicles or other forms of transportation for hire subject to this ordinance may be issued only by the board of directors pursuant to the following provisions:

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**Editor's note**-Sec. 2 of Ord. 4571 states "that any person, firm or corporation who, as of the effective date of this ordinance, holds an operating permit(s) or franchise agreement(s) pursuant to the previous Transportation Code (Ord. 3824 as amended) shall continue to hold said permit(s) under this ordinance and the same shall be considered as issued under this ordinance. Provided, however, that any applications for additional permits or vehicle licenses submitted by a current permit holder after the effective date of this ordinance shall be subject to all provisions of this ordinance."

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

- (a) *Permit types.* Operating permits shall be authorized by the board of directors for only the following types of transportation companies or services:
- (1) Charter service.
  - (2) Limousine service.
  - (3) Sightseeing service.
  - (4) Taxicab (including jumbo taxicabs) companies.
- (b) *Permit application.* Application for a permit shall be made to the administrative authority, shall be verified by oath and shall contain the following information:
- (1) *Name and address of applicant.* If applicant is an individual, his/her name and address; if applicant is a corporation, its name, address of principal place of business, name and address of registered agent, name and address of each corporate officer, state of incorporation (if a foreign corporation, evidence of its qualifications to do business in this state) and evidence of the corporation's good standing in the Office of the Secretary of State; if applicant is a partnership or unincorporated association, its name, address of principal place of business, managing agent upon whom service of process for the partnership or association may be made and names and addresses of all partners or members.
  - (2) *Criminal record.* A statement as to whether applicant, its managing agent or any partner or member of a partnership or unincorporated association applicant has ever been convicted of violating any criminal or quasi-criminal statute or ordinance including traffic laws and, if so, the date and place of conviction, the nature of the offense and the penalty imposed.
  - (3) *Judgment record.* A statement as to whether applicant, its managing agent or any partner or member of a partnership or unincorporated association applicant is subject to any outstanding judgment resulting from operation of a motor vehicle and, if so, the court, case number, date of judgment and name and address of judgment creditor.
  - (4) *Proposed location* of depots, terminals or other places of business.
  - (5) *Trade name* under which applicant proposes to operate.
  - (6) *Type of permit* sought and number of vehicle licenses sought.
  - (7) *Applicant's previous experience* in transportation of passengers for hire including any government which has authorized applicant to operate motor vehicles for hire, whether such authority has ever been suspended or revoked, whether a request for issuance of such authority has ever been denied and the reason for such suspension, revocation or denial.

- (8) *References.* Evidence of applicant's good character and business and financial responsibility.
  - (9) *Any other information* applicant believes tends to show why it should be issued a permit.
  - (10) *Logo.* Full color sketch showing the identifying insignia and color scheme of vehicles to be operated by applicant.
  - (11) *Age.* Each applicant must submit sufficient proof of his/her age that he or she is above the age of twenty-one (21) years. No permit shall be granted to any person under the age of twenty-one (21) years.
  - (12) *Any other information* requested by the board of directors or the administrative authority.
  - (13) *Application fee.* Each application shall be accompanied by payment of a non refundable fee in the sum of fifty dollars (\$50.00) to defray the expense of notice and publication costs.
- (c) *Permit and additional vehicle license application review procedure.* Applications for operating permits or additional vehicle licenses shall be reviewed in accordance with the following procedures:
- (1) Applications shall be transmitted by the administrative authority to the hearing officer(s) who shall conduct a public hearing to determine whether the applicant is fit, willing and able to properly perform the service proposed and to conform to this ordinance and other applicable laws, ordinances and regulations. In making such determination, the hearing officer(s) shall take into consideration the following factors:
    - a. The character, business and financial responsibility and experience of the applicant and the probability that, if granted a permit or additional vehicle licenses, the applicant will operate his/her vehicle in accordance with the provisions of this ordinance.
    - b. Whether any increase in the number of such vehicles operating in the city would produce or substantially increase traffic congestion.
    - c. If the application is for a sightseeing or charter service to be operated within the CBID No. 2, the following additional criteria shall be considered.

1. Whether any increase in the number of such vehicles operating in the district would adversely affect property values.
  2. Whether any increase in the number of such vehicles operating in the district would adversely affect the overall economic development of the district.
  3. Whether any increase in the number of such vehicles operating in the district would adversely affect the historic character and aesthetics of the district. (Ord. No. 4772, § 1, 12-21-98)
- d. Any other factors directly related to the grant or denial of the application which would substantially affect the public safety or convenience. (Ord. No. 4788, § 1, 4-5-99)
- (2) The hearing officer(s) shall recommend to the board of directors that the application be granted, granted in part and denied in part, granted as modified or denied.
  - (3) The board of directors shall review the application and may review the record of the hearing, if any, and may hear any interested persons. Thereupon, the application shall be granted, granted in part and denied in part, granted as modified or denied by the board of directors by resolution. In making its determination, the board of directors shall consider the same standards and factors as the hearing officer(s).
  - (4) Should any application for an operating permit or additional vehicle licenses involve operation within any Central Business Improvement District, said application shall also be submitted to said district by the administrative authority. Whereupon, the district shall consider said application pursuant to such licensing and operational rules and procedures as may now or hereafter be promulgated by said district(s) for operation within the district. Consideration of such applications by the city pursuant to this Code shall be considered as a separate action from the district procedures; provided, however, that a single, joint public hearing may be conducted at the discretion of both the city and the district. Approval of any such application by the board of directors shall not constitute approval for operation within the district if such application is subject to any district licensing and operational rules and procedures.

**Editor's note**-As of 12-21-98, there are no CBID transportation regulations applicable to operators within the district.

- (d) *Issuance of permit.* In accordance with the authorizing resolution of the board of directors, the administrative authority shall issue the operating permit pursuant to the following:

- (1) The operating permit shall be in a form to be developed by the administrative authority. Said permit form shall state the type of permit, the effective calendar year, the annual permit fee required, the maximum number of vehicle licenses to be operated pursuant to said permit and such other information as may be deemed necessary and appropriate by the administrative authority.
  - (2) No permit shall be issued hereunder until evidence of compliance with all provisions of this ordinance has been provided to the administrative authority.
  - (3) Should the permit authorize operation within the CBID No. 2, the resolution approving the permit shall so state (charter, sightseeing and specialty transit only). (Ord. No. 4772, § 1, 12-21-98)
- (e) *Permit transfers.* No permit issued hereunder may be transferred, sold or leased without approval of the board of directors pursuant to the same procedure as a new permit application.
- (f) *Permit fees.* Annual fees for permits, payable on or before January 31 of each year to the administrative authority, shall be as follows:
- |                         |          |
|-------------------------|----------|
| (1) Charter service     | \$ 60.00 |
| (2) Limousine service   | \$ 60.00 |
| (3) Sightseeing service | \$ 60.00 |
| (4) Taxicab companies   | \$ 60.00 |

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

Should a permit holder fail to pay the annual permit fee, his/her permit will lapse. Any request for reinstatement shall be considered in the same manner as a new application. Payment of permit and license fees shall be in lieu of any other city occupational taxes or license fees. (Ord. No. 4957, § 1(a), 2-20-01)

In addition to the above fees, sightseeing, charter or specialty transit operations permitted to operate within the CBID #2 shall remit an annual permit fee, payable on or before January 31, of each year, to the city clerk, as agent for the commission, in the amount of \$60.00 per year per vehicle. (Ord. No. 4772, § 1, 12-21-98)

- (g) *Permit revisions.* Each year, upon payment of the annual permit fee, the permit holder shall review the information contained in his/her original application and previous revisions, if any, and update the information contained therein and indicated his/her verification thereof by his/her signature. Said application, together with all revisions, shall be kept on file in the office of the administrative authority. (Ord. No.4571, § 13, 10-21-96)

**13-1-14. Vehicle licenses.**

Each and every vehicle operated in conjunction with an operating permit shall comply with the requirements of this section.

- (a) *License issuance.* No vehicle may be operated pursuant to a permit without issuance by the administrative authority of a license therefor. The administrative authority shall issue a vehicle license to a permit holder upon receipt of the following between January 2 and January 31 of each year for each vehicle to be licensed:
- (1) Application stating the year, model, make, unit number, serial number and passenger (excluding driver) seating capacity;
  - (2) Evidence of current Arkansas license as required by the State of Arkansas for the class and type of vehicle to be operated, and the number of said license;
  - (3) Evidence of current safety inspection required by state law;
  - (4) Evidence that the permit holder owns or leases the vehicle;
  - (5) Evidence that the permit holder has not licensed more vehicles than the number of licenses specified in his/her permit;
  - (6) Evidence of compliance with the required annual vehicle examination by the Hot Springs police department;
  - (7) Evidence of insurance coverage; and
  - (8) Evidence of compliance with all provisions of this ordinance.
- (b) *License fees.* Each permit holder shall pay to the administrative authority an annual license fee, on or before January 31 of each year, for each vehicle licensed hereunder equal to five dollars (\$5.00) per passenger seat (excluding driver's seat) for the first fourteen (14) seats, together with one dollar (\$1.00) per passenger seat for each seat in excess of fourteen (14). Should a conflict arise concerning the passenger seating capacity of a vehicle, the chief of police or his/her designee shall determine the seating capacity. Provided further, that charter service vehicles shall be exempt from this section.

**Cross reference-**License, permit issuance prohibited if indebted to city, §4-11-2.

- (c) *License identification.* Each vehicle licensed pursuant to a particular permit shall be so identified by a form of identification to be affixed to the vehicle which clearly illustrates what type of permit the vehicle is operating under, the authorized seating capacity of the vehicle and the expiration date of the license.

- (d) *Maximum number of licenses.* A permit holder may not license more vehicles than the number authorized by the operating permit. The permit holder may license less than the number of vehicles authorized by the permit in any given year by notifying the administrative authority of the permit holder's intent to do so. (Ord. No. 4957, § 1(b), 2-20-01)
- (e) *Licenses--replacement.*
- (1) *Licenses-replacement.* Should replacement of a licensed vehicle become necessary during the year, said replacement (substitution) shall be granted by the administrative authority, provided the requirements hereof are met for the replacement vehicle. The administrative authority shall keep a record of all such substitutions and shall instruct the Hot Springs police department to remove the license identification affixed to the originally licensed vehicle and affix said identification to the substituted vehicle. No license fee shall be required for the remainder of the year for the substitute vehicle unless the seating capacity of the substitute vehicle is greater than that of the original vehicle, in which case an additional fee shall be due for the additional seats, prorated according to the number of complete months remaining in the calendar year; provided further that, in no event, shall a refund of license fees be granted by the city due to vehicle substitution or removal from service during the year.
- (2) *Licenses-substitution (sightseeing).* Substitution of an existing sightseeing vehicle shall be permitted in emergency situations due to breakdown or mechanical malfunction of a vehicle licensed under this Code rendering said licensed vehicle inoperative or unsafe. Whenever such circumstances shall occur, the permit holder or his/her representative shall notify the Hot Springs police department of the substitution on a form to be prescribed by the administrative authority. The notification shall include the reason for the substitution; the city license and state license (tag) number of the vehicle being removed from service and of the vehicle being placed in service; and the expected duration of the substitution. Operation of a substitute vehicle shall not be construed in any way as authority to operate more vehicles than authorized pursuant to the operating permit nor to increase the number of licenses authorized by the board of directors. All potential substitute vehicles shall be inspected and meet the license requirements annually including the provision of insurance; provided, however, that no license fee shall be required for a substitute vehicle; and the substitute vehicle license shall clearly indicate that said vehicle is a substitute vehicle.

- (f) *Additional licenses.* Any permit holder may apply for authorization to license additional vehicles in excess of the number authorized in his/her permit by submitting an application for additional vehicles to the administrative authority. Said application shall state the permit holder's name and permit number, the number of additional vehicles desired and information illustrating the need for said additional vehicles. The application shall be reviewed in the same manner as a new permit application. Provided, however, that formal notice of the public hearing and to other providers, as required by § 13-1-12, shall not be required for additional license applications. (Ord. No. 4869, § 1(h), 5-15-00)
- (g) *Dual operation of vehicles prohibited.* No vehicle may be licensed or operated pursuant to more than one permit of any type, except that a vehicle may be licensed and operated pursuant to a charter permit and one additional permit of any other type.
- (h) *Conveyance of licenses.* Any number of licenses may be permanently conveyed from one permit holder to another permit holder of the same type provided the transfer of said licenses is approved by resolution of the Hot Springs board of directors prior to the transfer. Notice of the proposed transfer shall be provided to each holder of a permit issued pursuant to this Code prior to consideration by the board of directors; however, a public hearing shall not be required. Should such conveyance be approved by the board of directors, the permit of both parties shall be adjusted by the administrative authority to indicate the revised maximum number of licenses authorized for each permit holder. (Ord. No. 4571, § 14, 10-21-96)

**Editor's note**-This section does not apply to charter permits.

### **13-1-15. Suspension and revocation of permits and licenses.**

Any permit or license issued hereunder may be suspended or revoked after hearing as provided for herein. If the hearing officer(s) finds that any permit holder has violated any provision of this ordinance, has otherwise engaged in or allowed conduct not in the public interest, has violated any other law or ordinance, or has failed to provide the service represented in his/her application, the permit and any or all licenses may be suspended or revoked upon such terms or conditions, if any, that the hearing officer(s) may determine. (Ord. No. 4772, § 1, 12-21-98)

### **13-1-16. Vehicle operator's (driver's) regulations.**

All drivers who operate vehicles licensed pursuant to this ordinance shall comply with the regulations set forth in this section.

- (a) *Requirements.* No person may operate a vehicle licensed pursuant this Code, who is under the age of eighteen (18) years or to whom has not been issued a current Arkansas driver's license of the type and classification required by the State of Arkansas.

- (b) *Identification card.* Each driver of a vehicle licensed pursuant to this ordinance shall be issued an identification card by the city of Hot Springs police department. Said identification card shall be numbered and shall include the driver's photograph, name, address, Arkansas driver's license number and employer's name and address. Each driver shall display his/her identification card in the vehicle in full view of passengers. Identification cards shall be renewed on or before January 31 of each year. The applicant shall pay a \$5.00 fee for each ID card.
- (c) *Operating privileges suspension/revocation.* A driver's operating privileges may be suspended or revoked by the hearing officer(s) upon evidence of violating this ordinance, of excessive traffic offenses or conviction of a criminal offense, provided that no suspension or revocation shall occur until after notice in writing to the driver and to his/her employer and an opportunity for the driver to present witnesses and evidence in his/her behalf and to cross-examine witnesses appearing before the hearing officer(s). (Ord. No. 4571, § 16, 10-21-96)

### **13-1-17. Insurance.**

(a) *Minimum coverage.* Each permit holder shall secure and maintain a policy or policies of liability insurance coverage with minimum coverages required by the State of Arkansas for the specific vehicle involved, or as may be stated in subsequent articles of this ordinance, evidenced by a current certificate of insurance covering each vehicle licensed under such permit and filed with the administrative authority annually, with amendments as necessary to maintain current filings with respect to each licensed vehicle.

(b) *Notice of suspension or cancellation to be sent to city.* Each certificate shall include a representation by the insurance carrier that notice of cancellation will be sent to the administrative authority at least ten (10) days prior to cancellation. The administrative authority is authorized to temporarily suspend any permit holder's operating privileges upon failure to file said certificate or upon notice of cancellation until a hearing can be held by the hearing officer(s). (Ord. No. 4571, § 17, 10-21-96)

**Editor's note**-This section does not apply to charter permits.

### **13-1-18. Vehicles.**

(a) *Display of identification.* Each vehicle operated hereunder, except limousines, shall display identifying insignia conforming to the permit application and shall also display, in characters not less than three (3) inches high, a vehicle identification number; provided, however, specialty or novelty vehicles may be granted a variance by the administrative authority from the display specifications. (Ord. No. 4947, § 1 (a), 2-5-01)

(b) *Annual examination.* Each vehicle subject to the provisions of this article shall be taken to the Hot Springs police department (HSPD) for examination no more than thirty (30) days prior to application for a vehicle license. An inspection may be made of the vehicle interior, brakes, lights, tires and other components of the vehicle. The HSPD shall inspect the vehicle to ensure compliance with all applicable provisions of this ordinance; e.g., logo display, route map display, etc. If the HSPD is satisfied that said vehicle is in satisfactory condition and is in compliance with the requirements of this ordinance, a form shall be issued to the owner or driver stating that the vehicle has passed the examination. This form shall be presented at the administrative authority's office before any license shall be issued by the city for the operation of said vehicle for the ensuing year. Provided further, that the HSPD may periodically inspect vehicles licensed pursuant to this ordinance throughout the year. (Ord. No. 4571, § 18, 10-21-96)

**Editor's note**-This section does not apply to charter permits.

### **13-1-19. General rules of operation.**

(a) *Authorized operation.* No vehicle licensed pursuant to this ordinance shall be operated by any person other than the owner of such vehicle or his/her duly licensed authorized agent.

(b) *Passengers limited.* No vehicle licensed pursuant to this ordinance shall be operated with more passengers than the stated seating capacity of the vehicle. In addition, it shall be unlawful for the operator of any vehicle to permit any other person to occupy or ride in the vehicle when the same is occupied by a fare-paying passenger or by members of the party of the fare-paying passenger without the consent of such fare-paying passenger.

(c) *Compliance with traffic laws.* All vehicles licensed pursuant to this ordinance shall comply with and be subject to the traffic laws, rules and regulations of the city of Hot Springs, Arkansas and the State of Arkansas. In this regard, said vehicles shall be operated with due respect for the safety, comfort and convenience of passengers and for the safe and careful transportation of property of passengers and the safety of the general public, and all reasonable efforts shall be made to promote such safety at all times and under all conditions.

In addition, sightseeing permit operators shall operate their vehicles in a manner which maintains a speed consistent with the normal flow of traffic upon the streets of Hot Springs so as not to restrict such traffic flow particularly in the area of Central Avenue from Spring to Orange Streets. Provided further, sightseeing operators shall have no authority to stop, block, direct or otherwise inhibit the flow of traffic when entering or departing a public street or highway.

(d) *Parking and stopping regulations.* When a specific loading zone is occupied by the full number of the vehicles authorized for such zone, no vehicle shall loiter or wait nearby for the purpose of occupying space in such zone. No private vehicle shall at any time occupy any such zone. The driver of a vehicle for hire shall not stand or park upon any street in a commercial zone as defined by the zoning code of the city of Hot Springs, Arkansas, at any place other than a zone established for that purpose, except that this provision shall not prevent the driver of a vehicle for hire from temporarily stopping in accordance with applicable municipal and state traffic regulations at any place for the purpose of loading or unloading passengers. No vehicle for hire shall be placed in or shall occupy a vehicle for hire zone except for the purpose of being held forth for hire. Every driver of a vehicle for hire parked in such a zone shall be, at all times, within twenty-five (25) feet of his/her vehicle. Vehicles shall be placed in zones only at the rear or approach end and shall be moved toward and to the front of zones immediately if space is available or when space becomes available by the departure or movement of preceding vehicles. Nothing contained herein shall prohibit a vehicle for hire from leaving an authorized zone, regardless of the position or place of the vehicle in such zone.

(e) *Loading or unloading passengers.* No driver of any vehicle for hire shall stop to load or unload any passenger while situated in an intersection or crosswalk or in such manner as to interfere with the orderly flow of traffic. Operators of said vehicles shall not receive or discharge passengers in the street but shall pull up to the sidewalk or, in the absence of a sidewalk, to the extreme right side of the street, except on one-way streets, and there receive or discharge passengers. Double-parking for the purpose of loading or unloading passengers is prohibited. When a passenger is discharged, the vehicle shall proceed to the nearest loading zone, provided, however, that the driver of a vehicle for hire so returning may park the same on any street in any residential zone as defined by the zoning code of the city of Hot Springs, Arkansas. Nothing herein shall be construed as prohibiting a driver of a vehicle for hire from taking on a passenger while en route to the nearest authorized loading zone.

(f) *Solicitation of passengers from bus stops.* It shall be unlawful for any person, firm or corporation licensed or authorized to drive or operate a vehicle for hire on the streets of Hot Springs to solicit or take as a passenger any person or persons from a bus stop while they are awaiting transportation by any transit bus operated by authority of the city of Hot Springs.

(g) *Office required.* All persons engaged in a business subject to the provisions of this ordinance in the city of Hot Springs shall maintain a central place of business for the purpose of receiving calls and dispatching vehicles. They shall answer all calls received by them for services inside the corporate limits of Hot Springs as soon as possible and, if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the said call can be answered and give the reason therefor. Said persons shall file and keep current with the administrative authority, the addresses and telephone numbers of said places of business. (Ord. No. 4571, § 19, 10-21-96)

(h) Should a permit authorize operation within the CBID #2, the following additional rules of operation shall apply:

- (1) All vehicles subject to these regulations shall be operated in a manner which maintains a speed consistent with the normal flow of traffic upon the streets located within the district so as not to restrict such traffic flow.
- (2) No driver or other agent or employee of any vehicle subject to these regulations shall solicit any person while such vehicle is in the traffic lanes of the streets in the district or solicit any person from the vehicle while such vehicle is moving.
- (3) No permit holder or his agents or employees shall interfere with the legitimate business activities of a competitor or any other merchant doing business within the district.
- (4) No permit holder or his agents or employees shall solicit any pedestrian or motorists to purchase or use goods or services, regardless of whether said goods or services are owned by the permit holder or some other person, firm, or corporation. (Ord. No. 4772, § 1, 12-21-98)

**13-1-20--13-1-30. Reserved.**

## ARTICLE III. TAXICABS

**13-1-31. Article scope.**

The provisions set forth in this article shall apply to the operation of taxicabs and jumbo taxicabs as defined in Article III of the Transportation Code. These provisions are in addition to the requirements set forth in Articles I and II of the Transportation Code.

**13-1-32. Base fares.****13-1-32.1. Zones.**

The City of Hot Springs is hereby divided into zones and subzones for the purpose of calculation of fares. Said zones and subzones are more particularly described by the base fare zone map attached hereto as Exhibit "A."

**13-1-32.2. Calculation of rates.**

The method of calculation for all taxicab rates shall be as follows: The rate shall be the sum of four dollars (\$4.00) for the passenger engaging the taxicab on all trips originating in any zone of the city, together with the sum of seventy-five cents (\$.75) for each additional zone or subzone crossed or entered during the course of the trip. An additional charge will be made on each additional passenger as prescribed hereinafter. Provided, however, that no additional charge shall be made for children under the age of three (3) years who are accompanied by a fare-paying adult. Passenger trips originating at an address located on a zone or subzone line shall not be assessed an additional zone charge for crossing said zone or subzone line at the inception of the trip; provided, further, that passenger trips terminating at an address located on a zone or subzone shall not be considered to have crossed or entered said zone or subzone. (Ord. No. 5574, §1, 6-18-07)

**13-1-32.3. Minimum fare zones.**

The minimum fare for taxi trips originating or terminating in Zone 5 is five dollars (\$5.00); Zone 6 is six dollars (\$6.00); Zone 7 is seven dollars (\$7.00); Zone 8 is eight dollars (\$8.00); Zone 9 is nine dollars (\$9.00); Zone 10 is ten dollars (\$10.00), Zone 11 is eleven dollars (\$11.00), and Zone 12 is twelve dollars (\$12.00). Fares for taxi trips originating or terminating in Zones 5, 6, 7, 8, 9, 10, 11 and 12 are calculated by the same method of rate calculation as other trips, except that the calculated fare is then compared to the stated minimum fare for that zone. The higher of the compared rates is then used as a basis for a single-passenger fare. Additional charges as prescribed hereinafter may then be added, if any.

**13-1-32.4. Display of rate map and chart.**

Each taxicab shall include a sign or other device, clearly visible to passengers, informing passengers how information regarding current fares and zone maps may be obtained. Such sign shall include information concerning exclusive ride and group ride service and stating that exclusive ride service is available for an additional fare as prescribed by this ordinance, if requested.

**13-1-32.5. Dispatcher to calculate fare.**

Fares shall be calculated by the dispatcher and at no time shall be calculated by the driver. When the dispatcher has calculated the fare, he/she shall radio the driver who shall communicate the fare to the passenger or passengers. In connection with this restriction and in addition to the rate chart that is provided for herein, a sign shall be placed in each taxicab which shall state, "Do not pay until fare is fixed by dispatcher." Once the fare has been set by the dispatcher and announced to the passenger(s), the taxicab operator may require payment of the fare prior to undertaking the trip. The placement of this sign shall be in full view of all passengers and at no time shall be obstructed or otherwise concealed. The final placement of said sign shall be directed by the Hot Springs police department.

**13-1-32.6. Discount fares.**

Taxicab companies are authorized to sell discount fare ticket books. The discount ticket books may contain any number of coupons which shall be redeemable only at the time of use and shall not be transferable. Said discount books shall be provided a discount of not less than ten percent (10%) nor more than twenty percent (20%) of the ordinary taxi base fare.

**13-1-33. Additional charges.**

In addition to the base fare, the following "additional charges" may be charged where applicable. All additional charges shall be posted in the taxicab in full view of the passenger.

**13-1-33.1. Additional persons.**

An additional charge of one dollar and fifty cents (\$1.50) will be made on each additional passenger in a common party; provided however, that no additional fare shall be collected for children under the age of three (3) years who are accompanied by a fare-paying adult. (Ord. No. 5506, §1(a), 11-20-06)

**13-1-33.2. Waiting time.**

A charge of thirty-six dollars (\$36.00) per hour, in addition to the above charges, shall be made for waiting time the vehicle for hire is required to make at the request of a passenger. A proportionate amount shall be charged for less than one hour at a rate of \$3.00 for each full five-minute period; provided, however, that stops of five minutes or less shall be \$3.00 per stop. (Ord. No. 5325, §1, 2-21-05)

**13-1-33.3. Luggage.**

The above rates are based on one passenger with two pieces of average-size luggage. An additional charge of fifty cents (\$.50) per trip shall be made on each passenger who shall have in excess of two (2) average pieces of luggage. Average size luggage is defined as less than nine (9) cubic feet.

**13-1-33.4. Parcels.**

The above rates are based on one passenger with two parcels of average size; i.e., two grocery sacks, two laundry bags. An additional charge of twenty-five cents (\$.25) will be made on each passenger who shall have in excess of two (2) average-size parcels.

**13-1-33.5 Reserved.****13-1-33.6 Emergency fuel surcharge.**

An additional emergency fuel surcharge of twenty-five cents (25¢) may be added to the total fare for each twenty percent (20%) of increase above the benchmark fuel price once said percentage exceeds the benchmark price for four (4) consecutive weeks. Once implemented, the surcharge may remain in effect no longer than the total number of weeks the fuel price exceeds the benchmark price, including the initial four (4) week period. The total surcharge shall not exceed 50 cents in any consecutive twelve (12) month period. Upon implementation, notice of the surcharge, including the amount thereof, shall be posted in each taxicab; and the permit holder shall notify the City in writing that the surcharge has been implemented. The permit holder shall also notify the City in writing whenever the surcharge is discontinued. For purposes of this section, the Oil Price Information Service (OPIS) newsletter average "Thursday" price for regular unleaded gasoline at the Little Rock, Arkansas terminal shall be used to establish the current price. The benchmark fuel price shall be 187.607 cents per gallon, the same being the "Thursday" OPIS average Little Rock, Arkansas terminal rack price for regular unleaded gasoline for the period March 23, 2006 through March 22, 2006. (Ord. No. 5574, §2, 6-18-07)

**13-1-34. Special group fares.****13-1-34.1. Special group fares authorized.**

Taxicabs are authorized to charge a *special group* fare per person in lieu of the base rate when transporting one (1) or more passengers as a group between and/or among hotels, motels, restaurants, Convention Auditorium, Hot Springs Airport, Oaklawn Park, Mid-America Museum and any other attractions. Special group fares are authorized only if all passengers have a common origination and destination points as described above. When a taxicab elects to charge the special group fare in lieu of the base rate, a sign or charge shall be prominently displayed indicating the destination(s) and the group fare per person for said destination(s). Provided further, that a taxicab may operate as a special group fare taxi provided that a sign stating *Special Group Taxi Only* is affixed on both sides of the exterior of the vehicle in not less than two (2") inch letters, and a fare sign or chart is also prominently displayed indicating the destination(s) and the group fare per person for said destination(s).

**13-1-34.2. Special group zones.**

The city is hereby divided into two (2) zones for the purpose of calculation of per person special group rates. Special group Zone One shall consist of base fare zones one, two, three and four. Special group Zone Two shall consist of base fare zones five, six, seven, eight, nine, ten, eleven and twelve. Said zones are more particularly described by the base fare zone

map attached hereto as Exhibit "A." For purposes of special group fares only, passenger trips originating at an address located on a zone line shall not be assessed an additional charge for crossing said zone line at the inception of the trip; provided further, that passenger trips terminating at an address located on a zone shall not be considered to have crossed or entered said zone.

### **13-1-34.3. Special group zone fares.**

The special group per person fare for trips originating the terminating in Zone One shall be four dollars (\$4.00); trips originating or terminating in Zone Two shall be five dollars (\$5.00). "Additional charges" may be added as authorized heretofore. (Ord. No. 5506, §1(b), 11-20-06)

### **13-1-35. Reserved.**

### **13-1-36. Exclusive ride.**

If an individual passenger or party desires an exclusive ride, said passenger or party may request exclusive ride at any time prior to others being allowed to enter the taxicab. The rate for exclusive ride service shall be the standard base fare rate for one (1) passenger, except that the charge for each additional passenger shall be one dollar (\$1.00); provided further, that the minimum fare for exclusive ride service shall be three dollars (\$3.00). Dispatcher shall advise person(s) engaging a taxicab of the exclusive ride option and rate. No individual nor party shall be charged the exclusive ride fare set forth herein unless said individual or party specifically requests said service.

### **13-1-37. Group riding.**

Except when exclusive ride service has been requested, a taxicab operator may accept more than one (1) party for transportation in the same taxicab to destinations in the same general direction as that for which it shall have been engaged by the first party. The fare for each party shall be calculated as separate trips.

### **13-1-38. Contract fares.**

Taxicab companies are hereby authorized to enter into fixed rate, fixed term contracts as may be negotiated between the taxicab company and any third parties (e.g., social service organizations); provided further that such contracts must have a term of not less than six months and said contracts must be for the provision of transportation on a per passenger flat rate basis and may not be used to institute charter type services as defined in this Code.

### **13-1-39. Fare calculation violations.**

The rates established by this ordinance and the methods of rate calculations are to be strictly adhered to by all taxi permit holders, and any deviation therefrom is a violation of this ordinance.

**13-1-40. Fare revisions.**

Taxicab fares as established herein may be adjusted from time to time by the board of directors after public hearing and shall be calculated to permit a fair, just and reasonable return to the taxicab owners. Taxicab fare revisions shall become effective upon expiration of thirty (30) days from the date of passage and approval, during which time any taxicab owner may seek judicial review thereof.

**13-1-41. Manifests.**

Every taxicab company shall maintain a daily manifest upon which is recorded all trips made by each taxicab, showing the time and place of origin and destination of each trip and amount of fare for each passenger. The form for the manifest shall be approved by the Hot Springs police department.

**13-1-42. Jumbo taxicabs.**

A holder of a taxicab permit may request that one (1) or more vehicle licenses authorized pursuant to the permit be approved for issuance to vehicles with seating capacities not exceeding eighteen (18) passengers. The city manager may authorize the issuance of such jumbo taxicab licenses and upon satisfactory showing of public necessity and convenience.

**13-1-43. Smoking prohibited.**

Smoking in any taxicab within the corporate limits of Hot Springs by any driver/operator or passenger is strictly prohibited at all times whether or not the taxicab is in service. A notice shall be posted in the passenger compartment of each taxicab stating "*Smoking strictly prohibited by order of the City of Hot Springs.*"

**13-1-44--13-1-49. Reserved.**

(Ord. No. 5256, § 1, 3-15-04)

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## ARTICLE IV. LIMOUSINES

**13-1-50. Scope of article.**

The provisions of this article shall apply to the operation of limousines as defined in this ordinance and are in addition to the requirements set forth in Articles I and II of this ordinance. (Ord. No. 4571, § 50, 10-21-96)

**13-1-51. Vehicle restrictions.**

The following vehicle restrictions shall apply to any vehicle licensed as a limousine:

- (a) *Full size limousine.* An unmarked luxury passenger automobile (known in the automobile industry as a limousine), bearing current State of Arkansas license as required by the state for limousines, not more than twelve (12) years old, seating not more than fifteen (15) passengers, with a partition between the driver and passenger compartment, and with a wheelbase of not less than one hundred twenty-five (125) inches may be licensed as a limousine.
- (b) *Antique limousine.* A full size luxury limousine in excellent condition licensed as an antique vehicle in accordance with Arkansas law and otherwise complying with the requirements of this article may be licensed as a limousine.
- (c) *Luxury sedan or van.* Luxury sedans or luxury vans, classified as such by the manufacturer, bearing current Arkansas “for hire” or “limousine” license, not more than seven (7) years old, and with a seating capacity of not more than fifteen (15) passengers may be licensed as a limousine upon specific approval by the city. In this regard, any permitted limousine operator who wishes to operate a luxury sedan or luxury van must attach to the vehicle license application information describing the vehicle (make, model, year, options, features, etc.) and a color photograph of the vehicle’s interior and exterior. The Hot Springs police department shall verify that the vehicle is of a luxury nature as part of the vehicle inspection process and shall so note on the vehicle license application. Any sedan or van not found by the police department to be a luxury sedan or luxury van pursuant to this section shall not be licensed as a limousine. (Ord. No. 4571, § 51, 10-21-96)

**13-1-52. Fares.**

Limousines shall be rented at the following minimum fares per hour. Hourly fares may not be prorated.

- (a) *Full size limousine and antique limousine.* Full size and antique limousines shall be rented at not less than thirty dollars (\$30.00) per hour with a minimum charge of ninety dollars (\$90.00). Rentals in excess of three (3) hours shall be at a rate of not less than twenty dollars (\$20.00) per hour.
- (b) *Luxury sedan and luxury van.* Luxury sedans and luxury vans shall be rented at not less than thirty-five (\$35.00) per hour with a one hour minimum. (Ord. No. 4571, § 52, 10-21-96)

**13-1-53. Fare revisions.**

Limousine fares may be revised from time to time by resolution of the board of directors after a public hearing. Fares shall permit a fair, just and reasonable return to limousine owners while providing a clear distinction between taxicab fares and limousine rates. No resolution establishing limousine fares shall become effective until expiration of thirty (30) days from the date of its passage and approval, during which time any limousine owner may seek judicial review thereof. (Ord. No. 4571, § 53, 10-21-96)

**13-1-54. Operations.**

Limousines shall be operated in a manner which provides exclusive, luxury service to the patron(s). All vehicles licensed as limousine shall be operated by a uniformed chauffeur. (Ord. No. 4571, § 54, 10-21-96)

**13-1-55 -- 13-1-59. Reserved.**

## ARTICLE V. SIGHTSEEING VEHICLES

**13-1-60. Scope of article.**

The provisions of Articles I and II of this ordinance shall govern the operation of sightseeing vehicles as defined in this ordinance. (Ord. No. 4571, § 60, 10-21-96)

**13-1-61. Vehicle substitution.**

Substitution of an existing sightseeing vehicle is authorized in accordance with Article II, Section 13-1-14 (e) (2). (Ord. No. 4571, § 61, 10-21-96)

**13-1-62. Operations locations.**

Sightseeing vehicles shall only be operated, staged or displayed from the principal place of business as identified in the operating permit and not more than two additional locations (addresses); provided, however, that under no circumstances shall the total number of such locations exceed three (3). Sightseeing vehicles may, however, occupy any otherwise lawful parking space while on tour, if necessary, for the conduct of the tour if the tour originates from one of the operation's designated locations. (Ord. No. 4571, § 62, 10-21-96; Ord. No. 5175, §1, 4-7-03)

Provided, further, that the city's transportation depot and plaza, the operator's maintenance garage, and any other designated staging area located in a city owned parking lot are not considered as operating, staging or display areas subject to the restrictions contained in this section. (Ord. No. 4619, § 1, 4-21-97)

**13-1-63. Operation within the CBID No. 2.**

Permit holders authorized to operate within the CBID No. 2 shall comply with the following additional provisions.

- (a) Except as otherwise permitted by (b) hereof, each permit holder authorized to operate sightseeing vehicles within the CBID No. 2 shall have no more than two such vehicles within the geographical boundaries of the district at any point in time, regardless of the number of vehicles which are licensed to that permit holder by the city of Hot Springs. In determining the number of vehicles within the district at any point in time, any vehicle operating on the streets located within the district shall be considered as being in the district and any vehicle parked in the public right-of-way or in private or public parking lots shall be considered as being in the district.
- (b) A permit holder may have such additional vehicles in the district, to the extent those vehicles are licensed by the city of Hot Springs, for the purpose of loading and/or unloading specific charters to and from hotels or motels which are located within the district or which may be accessed only by passing through the district. This section does not authorize additional vehicles for charters which do not originate from or terminate at hotels or motels located in the district or which may be accessed only by passing through the district.

- (c) Each permit holder subject to this section shall maintain a central place of business within the district for the purpose of selling tickets, receiving calls and dispatching vehicles. All ticket sales in the district shall be made from within the confines of a permanent business structure.
- (d) No vehicle subject to this section shall make a left turn off of, on to, or across Central Avenue, except left turns are permitted at the traffic signals located at the intersections of Central Avenue and Mountain Street and Central Avenue and Court Street. (Ord. No. 4772, § 1, 12-21-98)

**13-1-64. Out of service mode.**

Sightseeing vehicles, licensed pursuant to this Code, that are in an “out-of-service” mode are not subject to the provisions of this Code. Provided, however, that this provision shall only apply to sightseeing vehicles that:

- (a) are less than 20 feet in overall length (bumper to bumper);
- (b) are clearly identified as “out-of-service” by means of a placard in the front window; and
- (c) are not available for hire and must return to one of the operator’s designated operating locations before returning to an in-service status.

Provided, further, that the provisions of this section shall not be utilized to circumvent the requirements of this Code; and any violations hereof shall be subject to the permit suspension and revocation provisions of this Code.

(Ord. No. 5257, § 1, 3-15-04)

**13-1-65 -- 13-1-69. Reserved.**

## ARTICLE VI. CHARTER SERVICE

**13-1-70. Scope of article.**

The provisions of Articles I and II of this ordinance shall govern the operation of charter service, provided, however, that Section 13-1-14 and all subsections thereof, Subsection 13-1-17(b), and Subsection 13-1-18(b) shall not apply to charter services. (Ord. No. 4571, § 70, 10-21-96)

**13-1-71. Vehicle registration.**

All charter operators shall register with the city all vehicles operated pursuant to their operating permit at the time of payment of the annual permit fee. Such registration shall be on a form as provided by the administrative authority and shall include the year, make, model, state license number, vehicle identification number and the current insurance carrier. (Ord. No. 4571, § 71, 10-21-96)

**13-1-72. Operation within the CBID No. 2.**

Permit holders authorized to operate within the CBID No. 2 shall comply with the following additional provisions.

- (a) Each permit holder authorized to operate a charter service within the district shall have no more than two such vehicles within the geographical boundaries of the district at any point in time, regardless of the number of vehicles which are licensed to that permit holder by the city of Hot Springs. In determining the number of vehicles within the district at any point in time, any vehicle operating on the streets located within the district shall be considered as being in the district and any vehicle parked in the public right-of-way or in private or public parking lots shall be considered as being in the district.
- (b) No vehicle subject to this section shall make a left turn off of, on to, or across Central Avenue, except left turns are permitted at the traffic signals located at the intersections of Central Avenue and Mountain Street and Central Avenue and Court Street. (Ord. No. 4772, § 1, 12-21-98)

**13-1-73 -- 13-1-79. Reserved.**

## ARTICLE VII. TRAMS

**13-1-80. Scope of article.**

The provisions of this article and Article I shall govern the operation of trams. (Ord. No. 4571, § 80, 10-21-96)

**13-1-81. Grant of authority, purpose of operation, etc.**

The board of directors is authorized to grant by ordinance one or more franchises for the operation of trams as defined in this ordinance or to operate said tram directly as a part of the public transit system. Said trams shall operate for the purpose of transporting passengers for hire between points of interest, provided that the duration, terms, insurance, conditions, franchise fee and procedures for granting such franchise(s) are clearly stated in the franchise agreement and are fair, reasonable and in the public interest as determined by the board of directors, provided further that, should the city so determine, said service may be provided directly or indirectly by the city as an operating division of the public transit system. (Ord. No. 4571, § 81 (a), 10-21-96)

**13-1-82 -- 13-1-89. Reserved.**

## ARTICLE VIII. SPECIAL EVENTS SERVICE

**13-1-90. Scope of article.**

The provisions of this article and Article I shall govern the operation of special events service. (Ord. No. 4571, § 90, 10-21-96)

**13-1-91. Grant of authority, purpose of operation, etc.**

The board of directors is authorized to grant by ordinance one or more franchise(s) for the operation of special events service as defined in this ordinance for the purpose of transporting passengers for hire between specified special events to be established by the board of directors, provided that the duration, terms, conditions, insurance, franchise fee and procedures for granting such franchise(s) are clearly stated in the franchise agreement and are fair, reasonable and in the public interest as determined by the board of directors, provided further that, should the city so determine, said service may be provided directly or indirectly by the city as an operating division of the public transit system ("IT"). (Ord. No. 4571, § 91 (a), 10-21-96)

**13-1-92 -- 13-1-99. Reserved.**

## ARTICLE IX. PUBLIC TRANSIT SYSTEM ("IT")

**13-1-100. Scope of article.**

The provisions of this article and Article I shall govern the operation of public transit service. (Ord. No. 4571, § 100, 10-21-96)

**13-1-101. Service standards; service levels; policies and procedures.**

The city's public transit system, currently known as Hot Springs Intracity Transit ("IT"), shall operate in accordance with the fare schedule, service standards, service, levels, policies and procedures which have been or may be adopted by the city manager, board of directors, Arkansas Highway and Transportation Department, and/or the U.S. Department of Transportation, Federal Transit Administration. (Ord. No. 4571, § 101, 10-21-96)

**13-1-102 -- 13-1-109. Reserved.**

Cross reference-Intracity Transit, § 13-2-1.

## ARTICLE X. SPECIALTY TRANSIT

**13-1-110. Scope of article.**

The provisions of this article and Article I shall govern the operation of specialty transit. (Ord. No. 4571, § 110, 10-21-96)

**13-1-111. Grant of authority, purpose of operation, etc.**

The board of directors is authorized to grant by ordinance one or more franchises for the operation of specialty transit as defined in this ordinance or to operate said specialty transit directly as part of the public transit system. Said specialty transit shall operate for the purpose of transporting passengers for hire along a specified route(s); provided, that the duration, terms, franchise fee, rates, insurance, conditions and procedures for granting and operating such franchise(s) are clearly stated in the franchise agreement and are fair, reasonable and in the public interest as determined by the board of directors; provided further that, should the city so determine, said service may be provided directly or indirectly by the city as an operating division of the public transit system. (Ord. No. 4571, § 111, 10-21-96; Ord. 4776, § 1, 1-4-99)

**13-1-112. Operation within the CBID No. 2.**

Permit holders authorized to operate within the CBID No. 2 shall comply with the following additional provisions.

- (a) No permit holder under this section shall operate more than two trolleys, surreys, carriages, or other animal drawn vehicle within the boundaries of the district between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday of each week, except as may be specifically authorized by the city.
- (b) No permit holder under this section shall permit his animals to rest or remain in any parking space, commercial zone, bus stop or other space along Central Avenue for more than five (5) minutes, except in designated equine stands. The city will designate loading and/or unloading spaces which may be used only for such time as may be necessary to load or unload passengers but in no event shall such loading and/or unloading points be occupied more than five (5) minutes.
- (c) Specialty transit vehicles shall have hydraulic brakes and electric lights, including turn signals, brake signals and running lights.
- (d) Each permit holder under this section shall provide aprons, refuse bags or other devices for its animals to prevent pollution of the streets.
- (e) Each permit holder under this section shall maintain a place of business in the district for the purpose of selling tickets, receiving calls and dispatching vehicles. (Ord. No. 4772, § 1, 12-21-98)

**13-1-113 -- 13-1-119. Reserved.**

## ARTICLE XI. AIRPORT TRANSIT

**13-1-120. Scope of article.**

The provisions of this article and Article I shall govern the operation of airport transit. (Ord. No. 4571, § 120, 10-21-96)

**13-1-121. Grant of authority, purpose of operation, etc.**

The board of directors is authorized to grant by ordinance one or more franchises for the operation of airport transit as defined in this ordinance. Said airport transit shall operate for the purpose of transporting passengers for hire to and from the Hot Springs Airport, exclusively, provided that the duration, terms, rates, insurance, conditions, franchise fee and procedures for granting and operating such franchise(s) are clearly stated in the franchise agreement and are fair, reasonable and in the public interest as determined by the board of directors, provided, further, that should the city so determine, said service may be provided directly or indirectly by the city as an operating division of the public transit system. (Ord. No. 4571, § 121, 10-21-96; Ord. No. 4776, § 1, 1-4-99)

## CHAPTER 2

### INTRACITY TRANSIT

#### ***13-2-1. Fare and general operating policies.***

*That the following “Fare and General Operating Policies” for Hot Springs Intracity Transit (IT) are hereby adopted.*

#### ***13-2-1.1. General operating policies.***

*The following policies shall apply to all the services and operating divisions of Hot Springs Intracity Transit as enumerated hereinafter.*

- (a) Routes and hours and days of operation. IT management may temporarily adjust the hours of operation or routes when necessary due to unforeseen or unavoidable circumstances such as inclement weather or similar service interruptions, as well as to accommodate special needs of a short term nature such as conventions or community events.*
- (b) Exact fare. In order to ensure security and control of unrecorded cash and to provide for the safety of bus operators and passengers, IT shall require deposit of exact fares in all services requiring passenger deposit of fares. Bus operators shall not be permitted to make change or otherwise handle cash or fares.*
- (c) IT management. It is the desire of the City of Hot Springs to operate IT in a cost-effective manner while providing quality mass public transportation services to the citizens of Hot Springs. In this regard, IT management may be accomplished by management contract or as a direct operating department of the city or a combination thereof. If operated under an operations contract, such agreement shall clearly define city and contractor functional responsibilities; and the city shall retain such administrative, operational and maintenance functions as deemed necessary by the city manager to ensure an effective and efficient public transit service for the community. Management and operations contracts, if any, shall be awarded pursuant to a competitive proposal process.*
- (d) Customer service. In addition to any customer service policies established pursuant to paragraph (f) hereof, IT management is hereby authorized to develop a program for the provision of a free ride in situations where service delays or failures have created an undue hardship on a particular system patron. This service shall be provided by means of an “oops” card which entitles the recipient to one free ride on any division of the IT system. The “oops” cards shall be pre-numbered and shall be accounted for by IT management.*

- (e) *Public safety program. In conjunction with the Hot Springs police department, IT management is hereby authorized to develop a public safety program consisting of two elements--"safe haven" and "transit on watch." Under the "safe haven" program, any citizen who feels endangered or is in need of limited emergency transportation (e.g., vehicle breakdown) may board any IT bus and request a "safe haven" ride to the nearest public telephone located on the bus route. The "safe haven" ride shall be provided at no charge; provided, however, that service may be refused to repetitive patrons with no reasonable emergency situation. The "transit on watch" element shall utilize IT bus drivers as eyes for the police department. Drivers may be trained to observe various activities along their route and report unusual or suspected criminal activity to the Hot Springs police department.*
- (f) *Service policies and standards. In accordance with the service policies established herein, the city manager and IT management shall establish such other service policies and standards as necessary to ensure a quality public transit system. Such policies and standards shall include, but are not limited to, key performance and control measures, marketing and promotion plans, customer service and complaint procedures, fare collection and handling procedures, safety policies, loss control and claims reporting, accident/incidence reporting, statistical and MIS reporting, maintenance policies and procedures, bus operator manual and training program, equipment evaluation procedures, etc.*
- (g) *Promotional fare programs. The city manager is hereby authorized to negotiate promotional fare programs with third party agencies (e.g., television and radio stations, publications media, local businesses). Such programs shall be designed to increase and promote IT ridership or certain elements thereof (e.g., attraction shuttles). As part of a promotional fare program, the regular fares may be discounted up to fifty percent (50%); and a commission of up to twenty-five percent (25%) of the discounted fare price may be paid to the promotional or sponsoring agency. In lieu of commission based on fares, a flat fee commission may be paid; provided, however, that any such fee in excess of \$5,000 in any given calendar year shall be accomplished in accordance with the city's purchasing policies and procedures.*
- (h) *Advertising Cards. The city manager, or his designee, is hereby authorized to establish an advertising card program for the placement of third-party advertisements on the inside of Hot Springs Intracity vehicles equipped with advertising card racks. The rate of such advertisements shall be set by the city manager based on the prevailing rate for the Hot Springs market area for similar type advertisements (e.g., public rest benches, etc.) as may be adjusted given the level of project public exposure on the IT vehicles as compared to other such mediums.*

**13-2-1.2. Fixed route service.**

(a) *Hours and days of operation.* The hours and days of operation for the basic fixed route system shall be established each year as part of the federal grant application and city budget review and approval process. No regular fixed route service shall be provided on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(b) *Fares.* The regular fare for the fixed route system shall be as established by resolution of the board of directors in accordance with Federal Transit Administration (FTA) regulations. Children age five (5) and under shall ride free if in the company and care of a fare-paying passenger age twelve (12) or older. No fare shall be required of the following individuals: IT employees and spouses (with ID card); city fire and police officers (in uniform); and other dignitaries and officials as approved by the city manager.

(c) *Transfers.* A transfer program is hereby established for passengers transferring from one bus to another in order to continue a single trip. Transfers shall be valid for not more than one hour from the time of issuance and will only be honored at such transfer points as may now or hereinafter be established. The cost of a transfer, if any, shall be as established by resolution of the board of directors.

(d) *Discount fares.* The city manager is hereby authorized to create prepared discount fare incentives for the various ridership categories in an appropriate form(s) (e.g., passes, coupons, tokens, etc.). The discount incentive shall be twenty-five percent (25%) for adults (age 19 through age 61) and fifty percent (50%) for children/students (ages 6 through 18), senior adults (age 62 and older) and disabled citizens. The percentage discounts shall be rounded to the next lowest twenty-five cents (\$.25) in establishing the discount incentive sale price. The actual prepaid discount for elderly and disabled citizens shall also be adjusted to ensure compliance with Federal Transit Administration (FTA) regulations. The city or IT management may require the presentation of applicable identification documentation (driver's license, health service card, etc.) for verification of rider type prior to sale of discount incentives. Pre-sold discount incentives (e.g., discount coupons) are non refundable and non transferable. IT nor the city will replace lost or stolen coupon books, tokens, etc. Paratransit service shall not be eligible for discount incentives.

(e) *Monthly pass program.* The city manager is hereby authorized to establish a monthly pass program whereby fixed route patrons may purchase a pass good for unlimited rides for the month issued. The price of a monthly pass shall be set by resolution of the board of directors. Monthly passes will not be pro-rated. The price of the pass shall be calculated on the assumption of 44 one-way passenger trips per month and discounted in accordance with paragraph (b) (4) of this section (discount fares). The monthly pass shall be non refundable and non transferable. IT nor the city will replace lost or stolen passes.

(f) *Routes.* The routes for the fixed route system shall be established each year as part of the federal grant application and city budget review and approval process and at such other times as required to meet service demand or circumstances. The establishment of new routes or revisions in existing route shall be accomplished in accordance with Federal Transit Administration (FTA) regulations and procedures. Route modifications effecting less than

*15% of the total route miles may be approved by the city manager with notification to the board of directors. Routes shall be designed to serve those areas of the city which have a demand for public mass transportation within the constraints of the financial resources available. Routes shall only extend beyond existing city limits in order to serve particular transit needs of city residents (e.g., community college).*

*(g) Park and ride program. The city manager is hereby authorized to establish a monthly pass program for the benefit of the general public, merchants and employees within an established zone. The park and ride pass entitles the holder to a parking space in either the city-owned parking lot at Whittington and Walnut or Transportation Plaza and unlimited rides for the month issued on the fixed route or trolley systems within the zone. The initial zone shall include Central Avenue from Whittington and Park Avenues to Market Street; provided, however, that the city manager may modify the zone or create additional zones as needed to meet the needs of the program. The price of the park and ride pass shall be set by resolution of the board of directors and passes will not be pro-rated. The monthly pass shall be non refundable and non transferable. Neither IT nor the city will replace any lost or stolen passes.*

### **13-2-1.3. Hot Springs Trolley.**

*(a) Hours and days of operation. "Hot Springs Trolley" system shall operate such hours and days to best meet the downtown historic, arts district and area attractions shuttle needs. The city manager is hereby authorized to adjust the hours and days of operations as deemed appropriate based on the demand for this service.*

*(b) Fares. The fare of the trolley system shall be as established by resolution of the board of directors.*

*(c) Transfers. Trolley system passengers may transfer to the fixed route system pursuant to the fixed route transfer policy.*

*(d) Trolley pass. The city manager is hereby authorized to establish various trolley pass programs in order to better accommodate system patrons, tourism and the business community. Such programs may include tickets, tokens, passes or other such items in both prepaid and postpaid formats. The base rate for any prepaid program shall be as established by resolution of the board of directors. Prepaid programs may be discounted by up to 25 percent (25%) for sale to the initial purchaser (e.g., motels, hotels, merchants, etc.) who may in turn resell any such discounted prepaid item at full value. Prepaid items must be purchased prior to use and are not refundable. Prepaid items will be validated by the trolley driver upon initial use and shall be honored for the specified time only (e.g., day of validation for a one-day pass). The base rate for postpaid programs shall be full fare and shall be billed periodically to the program participants based on the number of rides (tokens, tickets, etc.) recorded or collected on the trolley(s) over the specified period.*

*(e) Discount fares. Discount fare incentives and monthly passes, created pursuant to the fixed route system, shall also be honored on the trolley system.*

(f) *Routes. The trolley system routes shall be established in the same manner as the fixed route system.*

**13-2-1.4. ADA paratransit service.**

*The complementary paratransit service, as required by the Americans with Disabilities Act of 1990 (ADA), shall be operated pursuant to Federal Transit Administration (FTA) regulations. The city manager may appoint an ADA citizens advisory committee to assist in the provision of transit service pursuant to ADA. The paratransit service shall operate the same hours and days as the fixed route system. The fare shall be twice the full fare rate for the fixed route system. Discount fare or pass programs shall not apply to the paratransit system.*

**13-2-1.5. Oaklawn shuttle service.**

(a) *Hours and days of operation. IT may operate a special shuttle route known as the “Oaklawn Park Special” during the regular race meet at Oaklawn Jockey Club each year. IT management shall adjust the times, days of service and number of buses used to meet the mass transit needs during the Oaklawn season. This service may be operated as a direct operating division of IT or by a contractor selected pursuant to a competitive proposal process.*

(b) *Fares. The fare for the Oaklawn Special shall be as established by resolution of the board of directors.*

(c) *Routes. The service shall include the Central Business District south to Oaklawn Park and shall operate as an “open-door” route designed to provide mass public transportation to Oaklawn Park and return. It is the intent of this service to provide a convenient method of mass public transportation to Oaklawn Park thereby relieving traffic congestion in the downtown area. Therefore, the routes and days of operation of the Oaklawn shuttle may be adjusted to accomplish this intention. In this regard, the service may not be operated every race day but may operate only on those days when a high occupancy vehicle is needed to accommodate anticipated attendance or the needs of large groups.*

**13-2-1.6. Purchase of service agreements.**

*The city manager is hereby authorized to negotiate and execute “purchase of service agreements” with local human service agencies for the provision of special transportation services. The terms, conditions, times, routes and contract price shall be negotiated by the city manager or his designee. The contract price shall not be less than an amount necessary to accomplish the service without subsidy from city general funds. It is the intent of this service to assist in the provision of coordinated, specialized transportation needs that is of benefit to both the contracting agency and the city of Hot Springs while meeting the transit needs of the community. All contract service routes and times shall be designed to meet the transportation needs of the agencies involved on a coordinated basis, but all such routes shall also operate as “open-door” routes for the general public.*

**13-2-1.7. Special service.**

*The city manager is hereby authorized to utilize IT for the provision of special service of a viable mass public transportation nature. This service includes, but is not limited to, public shuttle routes for large conventions, special events of interest to the community at large, etc. The fare for such special service shall be set by the city manager or his/her designee based on the circumstances of each event. Whenever the provision of such service is by third-party agreement, the fare or contract price shall be sufficient to recover the costs necessary to provide the special service. IT management shall assign the equipment most appropriate to the provision of the special service.*

**13-2-1.8. Charter service.**

*It is not intended that IT perform charter operations in competition with private operators. Any charter service must be "incidental" to other IT services and in accordance with current federal regulations governing charter operations performed with federally subsidized vehicles. When such "incidental" charter is performed, the charter fare shall be equal to or above the average prevailing local charter rate and shall be accomplished with the concurrence of all charter operators permitted by the city pursuant to the city's transportation code. In addition to the above, the city may use IT vehicles which have been released from their federal share obligation or are otherwise not federally subsidized to provide special transportation for exclusive groups when such groups are of a public nature.*

**13-2-1.9. – 13-2-1.10. Reserved.****13-2-1.11. Fares.**

*The following fare schedule is hereby established for Hot Springs Intracity Transit (IT), effective January 1, 2004:*

**FARE SCHEDULE  
HOT SPRINGS INTRACITY TRANSIT (IT)  
(Effective January 1, 2004)**

**a. Fixed Route Service:**

<i>Adult</i>	<i>\$1.25</i>
<i>Senior/Disabled</i>	<i>\$0.50</i>
<i>Child/Student</i>	<i>\$1.25</i>
<i>Preschoolers</i>	<i>free</i>
<i>Transfers</i>	<i>free</i>

**b. Trolley Service:**

<i>Adult</i>	<i>no charge</i>
<i>Senior/Disabled</i>	<i>no charge</i>
<i>Child/Student</i>	<i>no charge</i>
<i>Preschoolers</i>	<i>free</i>
<i>Transfers</i>	<i>free</i>
<i>Transfers to fixed routes must pay fixed route fares.</i>	

- c. **Paratransit Service:**  
 Eligible client \$2.50  
 Eligible client guest \$2.50  
 Preschoolers free  
 Personal Care Attendant (if approved for client) free  
 Ten ride coupons \$25.00
- d. **Discount Coupons (per ten rides):**  
 Adult \$9.25  
 Senior/Disabled \$5.00  
 Child/Student \$6.25
- e. **Monthly Pass (fixed routes only):**  
 Adult \$41.25  
 Senior/Disabled \$22.00  
 Child/Student \$27.50
- f. **Oaklawn Shuttle Service:**  
 All ages \$3.00
- g. **Special Service:** Special route service fares/rates may be established by the city manager or his/her designee based on the circumstances of each event.
- h. **Park and Ride Pass (fixed route & trolleys):**  
 Monthly Pass (within downtown zone) \$18.75

All fares are one-way trips; Adults – ages 19-61; Seniors – ages 62 and older; students – ages 6-18; preschoolers age 5 and under; preschoolers must be accompanied by a fare-paying passenger age 12 or older. Per FTA regulations, senior/disabled fares may not exceed one-half of the established fare on fixed and trolley routes. (Res. No. 5448, Para. 11, 2-2-04)

(Res. No. 5417, §1, 12-15-03)

*Editor's note-* § 13-2-1 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.

### **13-2-2. Reserved.**

### **13-2-3. Substance abuse policy.**

*Editor's note-* The Substance Abuse Policy for Intracity Transit employees is adopted by Resolution No. 6022 and on file in the office of the City Clerk.

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## CHAPTER 3

### TRANSPORTATION ADVISORY COMMITTEE

#### ***13-3-1. Transportation Advisory Committee.***

*Editor's note-Ord. No. 4719, adopted April 6, 1998, amended all ordinances and resolutions pertaining to advisory commissions by replacing the term "commission" with the term "committee."*

##### ***13-3-1.1. Created; membership.***

There is hereby created a Transportation Advisory Committee. Said committee shall be organized and shall function in accordance with "General Policies and Procedures for Advisory Committees" (Resolution No. 2481). The Transportation Advisory Committee shall be composed of seven (7) citizens who are qualified electors of the City of Hot Springs. The members shall be appointed by the Board of Directors. The initial terms of office and membership shall be as established by Section 13-3-1.3 hereof.

##### ***13-3-1.2. Responsibilities.***

The Transportation Committee shall:

- (a) assist the City Manager and/or his/her designee in evaluating and establishing the operating policies and procedures of Hot Springs Intracity Transit (IT);
- (b) serve as the "hearing officers" for the purpose of administration of the Transportation Code;
- (c) consider and make recommendations to the Board of Directors concerning transportation service provision issues as defined in and regulated by the Transportation Code;
- (d) assist the City Manager and/or his/her designee in establishing a transportation plan for Hot Springs and in evaluating short and long-term transportation needs; and
- (e) consider and advise the City Manager and the Board of Directors relative to such other transportation-related issues as may be referred to said committee by the City Manager or Board of Directors.

##### ***13-3-1.3. Members; Terms of office.***

*Editor's note-Section 3 of Res. No. 5232 sets out the initial terms of office and membership and are not codified herein but are on file in the Office of the City Clerk.*

*(Res. No. 5232, §§1-3, 5-5-03)*

*Editor's note-§ 13-3-1 was adopted by Resolution but included in the Code of Ordinances due to its permanent nature.*

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## CHAPTER 4

### TRANSPORTATION CENTER

#### ***13-4-1. Transportation center - Property management policy.***

##### ***13-4-1.1. Policy purpose.***

*This property management policy shall serve as a guide for the long-term use of the “Transportation Depot” and “Transportation Plaza” collectively known as the “Transportation Center.” As cited in this document “Depot” means the former train station depot building located at 100 Broadway Terrace including the pavilion portion thereof. “Plaza” means the seven acre area adjacent to the Depot from the Depot building south to Grand Avenue and consisting of the transit waiting pavilion, brick plaza area, parking lots, community green area and that portion of the Hot Springs Creek Greenway north of Grand Avenue. “Center” means the entire complex including both the depot and the plaza.*

##### ***13-4-1.2. Transportation center purpose.***

*The primary use of the center shall be for multi-modal purposes. In this regard, the plaza may consist of the Intracity Transit (IT) public bus system central transfer station, a tourist railroad, public parking areas, Greenway trail connection, tour bus parking, staging areas for other transportation providers (e.g., taxis, sightseeing, local charters, specialty transit) and venue for various community events.*

*The depot is a public building owned by the City of Hot Springs. The purpose of this building is to provide a central, convenient facility for passengers and operators of various modes of transportation within the City. As a public building, the facility will also be available for other ancillary uses that are not in conflict with the primary purpose. In this regard, the building may house a combination of governmental activities (e.g., offices for the public transit system), private transportation ticket sales and offices, food and other concessions of an incidental nature, public meeting areas and historic exhibits related to transportation and the history of Hot Springs. All other uses shall be incidental to the transportation-related uses.*

##### ***13-4-1.3. Transportation providers.***

*Transportation providers licensed under the city’s Transportation Code and other such vehicles licensed under the authority of others (e.g., out-of-town tour buses) shall be permitted to park and load in designated staging areas within the plaza. Local providers shall be permitted to park or stand within their designated area only during their established business hours. Out-of-town tour buses or similar providers shall be permitted to load, unload and park in their designated area during the time of their engagement in Hot Springs. Overnight or extended parking is expressly prohibited.*

**13-4-1.4. Public parking.**

*Private automobiles shall be permitted to park in designated public parking areas within the plaza. Unless otherwise designated, public parking shall be limited to ten hours in any given "civil" day. Extended parking shall be permitted only in spaces designated as "long term parking" and is restricted to unattended private automobiles parked for the purpose of utilizing other transportation conveyances. Designation of spaces as long term parking shall be at the direction of the City Manager. Overnight camping or similar activity is expressly prohibited. There shall be no charge for public parking.*

**13-4-1.5. Long term leases.**

*The following policies shall apply to all formal leases for permanent or long lease space within the depot building.*

- (a) *Tenant Mix. The primary client group, to be located within the depot shall be those tenants whose business activities are transportation or tourist related. Other activities will only be considered after efforts to fully occupy the building with transportation/tourist-related activities have been exhausted. All activities must comply with any occupancy or tenant mix requirements imposed by the ISTE A grant regulations. To the extent possible and feasible it shall be the policy of the City to attract tenants providing goods and services not otherwise offered within the community.*
- (b) *Negotiation Procedure. When potential tenants approach the City regarding leasing of space within the depot, they shall be directed to the Facility Manager. The Facility Manager and the City Manager shall work through a negotiation process to arrive at a suitable lease for presentation to the Transportation Advisory Committee for review and to the Board of Directors for approval. The City Manager and Facility Manager shall endeavor to arrive at an agreement that represents a consensus between the proposed Tenant and the City. Efforts will be made to lease available space according to lease rates existing in the current market in the area around the depot. The Board shall have final authority regarding all lease provisions and may make modifications as dictated by the market conditions or circumstances of a particular Tenant.*
- (c) *Terms and Conditions. The following terms and conditions shall be used as guidelines for negotiation of long term leases.*
  - (1) *Landlord (City) responsibilities/authorities:*
    - a. *Common use areas will be defined.*
    - b. *Landlord will pay real property taxes on building and land.*
    - c. *Landlord will provide janitorial service to common use areas.*
    - d. *Landlord will maintain structure.*

- e. *Landlord will maintain grounds and parking areas.*
- f. *Landlord will provide fire and casualty insurance for structure only.*
- g. *Landlord will allow certain non-permanent improvements to the tenant space with approval of the Facility Manager.*
- h. *Landlord requires that all permanent improvements have prior written approval and become Landlord's property.*
- i. *Landlord shall be responsible for the maintenance of the heating and air-conditioning system.*
- j. *Landlord shall be responsible for all utilities except telephone.*

(2) *Tenant responsibilities/authorities:*

- a. *Tenant shall pay taxes on all personal property and equipment.*
- b. *Tenant has the right to remove any non-permanent/structural improvements upon written approval from Landlord.*
- c. *Tenant shall be responsible for premises liability insurance in a recommended amount of not less than \$300,000.*
- d. *Tenant will be responsible for all telephone charges including installation fees.*

(3) *Term:*

- a. *Term for this condition can be variable ranging from one (1) year to five (5) years.*
- b. *Leases of one year or less shall require 30 days notice for renewal or termination. Leases of greater than one year shall require a 90-day notice for renewal or termination.*

(4) *Rent:*

- a. *Rent payment shall be based on a square footage rate. The City Manager and Facility Manager shall negotiate a lease rate based on market conditions and the amount and type of use for the proposed space.*
- b. *Multi-year leases will be subject to periodic review and increase/decrease based upon the U. S. Consumer Price Index.*

(5) *Deposit: Deposit shall be equal to one month rent in advance on leases of less than one year. No deposit shall be required for leases of one year or longer.*

- (d) *Sample Lease. To the extent possible, a standard lease shall be used for each Tenant; however, the particular terms and conditions may be modified as a result of the negotiation progress (paragraph B above). A sample lease is attached hereto.*

*Editor's note - The sample lease is on file in the Office of the City Clerk.*

**13-4-1.6. Policy waiver.**

*The board of directors reserves the right to waive any provisions of this policy in unusual or unique circumstances when strict adherence would not be in the best interest of the public generally.*

**13-4-1.7. Coordination.**

*This policy shall be used in conjunction with such special events policy and short-term facility use policy as may now or hereafter be adopted by the board of directors.*

*(Res. No. 4964, 7-15-02)*

*Editor's note-§ 13-4-1 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.*

**13-4-2. Transportation center and parking deck - Short-term facility use policy.****13-4-2.1. Policy purpose.**

*This policy establishes the conditions and regulations for short-term use by individuals, groups and organizations of the "Transportation Depot" and "Transportation Plaza" (collectively known as the "Transportation Center") and the Exchange Street Parking Plaza and adjacent Exchange Street Entertainment District. In addition, this policy establishes the rates, conditions and regulations governing public parking within the Exchange Street Parking Plaza.*

*As cited in this policy, "Depot" means the city-owned building located at 100 Broadway Terrace including the pavilion portion thereof. "Plaza" means the seven-acre area adjacent to the Depot from the Depot building south to Grand Avenue and consisting of the transit waiting pavilion, brick plaza area, parking lots, community green area and that portion of the Hot Springs Creek Greenway north of Grand Avenue. "Center" means the entire complex including both the depot and the plaza. "Parking Plaza" means the Exchange Street Parking Plaza located at 128 Exchange Street and the city-owned parking lot located at 126 Exchange Street. "District" means the Exchange Street Entertainment District as established by the Board of Directors. The term "facilities" or "facility" shall mean either the Transportation Center or Exchange Street Parking Plaza or both as the context dictates.*

**13-4-2.2. Community activities and short term uses.**

*Short-term uses of a community nature shall be permitted within the facilities provided such activities do not unduly restrict or conflict with the public transportation or parking-related activities within the facilities. In this regard, the following policies, procedures and fees are hereby established:*

- (a) Reservation policies and procedures.*

- (1) *General procedures. All events or short-term uses must be by reservation. Interested parties (event sponsor) must call the facility manager to determine availability and fees. All reservations will be accepted on a first-come, first-served basis. Reservations must be confirmed in writing by executing a facility use agreement and paying the appropriate fees. The facility use agreement shall be in a format approved by the city attorney.*

*Payment of fees must be made in advance to the facility manager, either by mail or in person, at the designated office of the facility manager. The city reserves the right to reassign uses at any time.*

*City-sponsored events have priority over all other reservations; hence, reservations are subject to cancellation if the city requires use of the facilities. In such cases, the facility manager will notify the reserving party as soon as possible.*

- (2) *Reoccurring events. Advance reservations for regular or reoccurring events or activities (e.g., civic group meetings) will be accepted for multiple dates within a calendar year as specified below. Once approved, such reservations must be resubmitted in January of each year. After reviewing each request, the city shall allocate space in as equitable a manner as possible based on the total requests received. Unless otherwise approved by the board of directors, use of the facilities by any particular event or activity sponsor shall be limited as follows:*

- a. *twelve (12) events per year of no more than one (1) day duration each event; or*
- b. *four (4) events per year of no more than three (3) days duration each event; or*
- c. *two (2) events per year of not more than five (5) days duration each event; or*
- d. *one (1) event per year of not more than seven (7) days duration.*

*In order to ensure equitable availability of depot meeting facilities, use by any person/group may be limited at the discretion of the facility manager. City-sponsored reoccurring events (e.g., Farmer's Market) are exempt from this policy.*

- (b) *Facility use fees and deposits.*

- (1) *Facility use fees. Event sponsors shall pay the facility use fees as established by Exhibit C hereto.*

- (2) *Non-profit rate. Non-profit organizations and government agencies shall pay one-half the established rate as indicated above. Non-profit status must be evidenced by IRS certification as a non-profit.*
- (3) *City use. City staff, boards, commissions or committees shall not be charged for city business related use during normal business hours (8:00 a.m. -- 5:00 p.m., Monday -- Friday, excluding holidays). Use by city staff, boards, commissions or committees for city-related activities after hours shall be paid by the user department at the non-profit rate. Provided, however, that the clean-up fee or security deposit shall not be required for any city related use.*
- (4) *Fee payment. Fees and deposits are due at the time of reservation and must be received by the facility manager at least seven (7) business days prior to the event. Until the facility use agreement is executed and the event fee and deposit are received by the facility manager, the reservation is not confirmed and cannot be held.*
- (5) *Refund of deposit. Refunds of deposits in full will be made only in the following situations:*
  - a. *Upon satisfactory inspection of the area used by city staff 48 hours after the event. If the facility requires any clean up by city crews whatsoever, the deposit will be forfeited.*
  - b. *Upon notification, in writing, of cancellation by the sponsoring organization no less than seven (7) calendar days prior to the scheduled event.*
  - c. *Upon cancellation due to inclement weather or other "acts of God."*
- (6) *Fee waiver. The fees as established herein may not be waived by any city staff member including but not limited to the facility manager and city manager. Fees may only be waived by the board of directors.*
- (c) *Concessions. Concession booths or trailers may be used in conjunction with an event upon approval by the facility manager. Concessions may only be operated by the event sponsor or a third party approved by the event sponsor. The city reserves the right to operate, by franchise or otherwise, concession booths or trailers. Concessions booths or trailers shall pay a use fee of \$20.00 per day per trailer or booth. All concession booths or trailers shall comply with the applicable regulations of the Arkansas State Board of Health and must have the appropriate state license. No short-term concessions may be operated in the depot.*

- (d) *Alcoholic beverages. The use or sale of alcoholic beverages of any type is prohibited except as provided hereinafter. The city manager may permit the sale or use of beer or wine on a case-by-case basis under such guidelines as the city manager may prescribe. 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.*
- (e) *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 Hot Springs Police Department not less than fifteen (15) business days prior to the event. Whenever the sale or consumption of alcoholic beverages (beer or wine) has been approved, the security personnel must be certified law enforcement officers.*
- (f) *Sanitation. The event sponsor shall provide, at the sponsor's expense, such additional 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.*
- (g) *General use policies. The following general policies shall apply to the use of the facilities.*
- (1) *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.*
  - (2) *Breakage. Breakage or damage of any facility amenities must be paid by the event sponsor at replacement cost.*
  - (3) *Closing hours. All functions must conclude no later than 12:00 midnight, unless otherwise permitted. Meetings and programs in the depot must be held during such hours as may be established by the facility manager.*
  - (4) *Behavior. No intoxicants, narcotics, or alcoholic beverages, nor any person(s) under the influence of same shall be permitted on the premises; neither shall profane language, gambling, quarreling or fighting be tolerated except as permitted pursuant to paragraph (d).*

- (5) *Liability insurance. The event sponsor is responsible for providing event insurance including, but not limited to, public liability insurance and shall be responsible for complying with all federal, state, and local laws including, but not limited to, compliance with applicable public health laws and regulations. Nothing contained herein shall have any effect upon the immunity granted to the city under existing case law and Arkansas Code Annotated 21-9-301, which is hereby reserved by the city without diminution.*
- (6) *Admission fees. Gate or admission fees charged to event participants by any sponsor must be approved by the facility manager. The city shall receive five percent (5%) of all such gate or admission fees.*
- (7) *Electrical facilities. Under no circumstances shall any reserving party make any structural or electrical alterations to the facilities. No special wiring shall be permitted which exceeds the established voltage. Any such special wiring needs must be accomplished by a licensed electrical contractor and all costs thereof paid by the event sponsor or reserving party. The conventional electrical outlets are available for use at the designated level of capacity. The use of adapters for accommodating feeder extensions is prohibited. Event sponsors must contact the facility manager for information concerning special wiring needs.*
- (8) *Local laws. The event sponsor agrees to abide by all city regulations and local ordinances regarding use of public property. Failure to comply with these policies and procedures may result in denial of further use of the facilities.*
- (9) *Equipment storage. Storage of any kind of equipment or materials belonging to individuals or groups in the facilities is prohibited except when under the direct care and custody of the event sponsor.*
- (10) *City personnel. Request for services of city personnel to assist with events must be secured by the event sponsor through the facility manager not less than seven (7) days prior to the event. Such services will be accomplished if resources and time constraints permit and will be of a limited nature when and if provided.*
- (11) *Facility conditions. Reservations entitle users to existing areas in an "as is" condition.*
- (12) *Sales. The depot public meeting room and pre-function area may not be used for the sale of goods or merchandise, or for any pecuniary purpose.*

- (13) *Smoking prohibited. Smoking is not permitted in the Depot.*
- (14) *Food and drink. Food or drink is allowed in the Depot only with the approval of the facility manager.*
- (15) *City staff. The city reserves the right to have a member of its staff present at any scheduled event.*
- (16) *Maximum capacity. Event attendance is limited to the number allowed under the fire prevention code. Maximum attendance for the depot large meeting room is sixty-seven (67).*
- (17) *Furniture. No physical changes are allowed except for the rearrangement of furniture in the depot meeting rooms. Furniture must be returned to its initial configurations after the meeting is over.*
- (18) *Traffic Safety & Ancillary Equipment. Traffic safety equipment (i.e., cones and barricades) shall be placed at such locations as directed by the police department. Event sponsors 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.*
- (19) *Additional policies. Additional policies and procedures may be imposed as deemed necessary by the city manager or board of directors.*
- (h) *Orange Street closing. The facility manager is hereby authorized, upon request by an event sponsor, to close that portion of Orange Street as well as all driveways within the Plaza area to protect event attendees and pedestrians. Provided, however, that access for transit and emergency vehicles shall be provided at all times and no event activities, parking or staging shall be permitted on Orange Street or the transit bus lane within the plaza area.*
- (i) *Exchange Street Entertainment District. The facility manager is hereby authorized, upon request by an event sponsor, to close that portion of Exchange Street within the Exchange Street Entertainment District if the closure is requested and approved in association with an event in the Parking Plaza. Access for transit and emergency vehicles shall be provided at all times. In addition, when considering a application for an event within the Parking Plaza requiring the closure of Exchange Street, notice of the application shall be provided by the facility manager to all current residents and business within the District not less than 3 days prior to the event. Any closure of Exchange Street or use of the District not associated with an event in the Parking Plaza shall be considered pursuant to the city's Hot Springs Parade and Special Events Ordinance.*

- (j) *Non-discrimination. The facilities will be available to anyone regardless of the content of their meeting 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 anyone or group using the facilities. The city reserves the right to request a statement or outline of event programs.*
- (k) *Appeals. An organization denied the use of the facilities may appeal to the city manager for reconsideration by submitting a written appeal 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 of the request. The decision of the city manager may be further appealed to the board of directors.*

### **13-4-2.3. Public parking regulations.**

*The following regulations shall govern public parking within the facilities.*

- (a) *Public restrictions. Only automobiles shall be permitted to park within the designated public parking areas of each facility. Public parking (metered or un-metered) shall be limited to ten hours in any given “civil” day. Overnight camping or similar activity is expressly prohibited. Oversized vehicles must park within the spaces allocated for such vehicles within the Transportation Plaza.*
- (b) *Parking rates and times. The first two floors of the parking plaza and the open lot at 126 Exchange Street are hereby designated as “metered” parking with an eight (8) hour maximum time limit. The rates and times for such metered spaces shall be as established by ordinance for metered parking within the city. The remaining spaces within the parking plaza and spaces in the transportation plaza shall be “free of charge” and available to the general public on a first-come, first-served basis subject to the provisions of this policy.*

*Provided, further, that the city manager is hereby authorized to establish a pre-paid program allowing parking at metered spaces within the parking plaza by means of a parking permit. The fee for said permit shall be \$20.00 per month to be paid in not less than semi-annual installments, subject to such rules and regulations as established by the city manager. Improper display or use of an expired permit shall be considered as a violation of Ordinance No. 5284 (overtime parking). (Res. No. 6674, §1, 9-4-2007)*

*Cross reference-§4-6-16, Penalty and procedure for violation of overtime parking; §10-7-2, Parking meter rates and times.*

- (c) *Parking area and restroom hours. The public parking areas of the parking plaza and transportation plaza shall be open and available to the general public at all times except for such times as the facility may be reserved in accordance with this policy. Provided, however, the public restroom facilities and the second and third floors of the parking plaza shall be closed and locked each day from 10:00 p.m. until 6:00 a.m. the following day. The city manager may, however, authorize a later closing time on a case-by-case basis for otherwise approved special events or activities at the parking plaza.*

**13-4-2.4. Policy waiver.**

*The board of directors reserves the right to waive any provisions of this policy in unusual or unique circumstances when strict adherence would not be in the best interest of the public generally.*

**13-4-2.5. Coordination.**

*This policy shall be used in conjunction with such other special event ordinances and regulations as may now or hereafter be adopted by the board of directors.*

**13-4-2.6. Exhibits.**

*The following are exhibits hereto:*

- Exhibit A -- Transportation Depot site plan depicting areas available for short and long term use.*
- Exhibit B -- Transportation Plaza site plan depicting areas available for daily rental; and*
- Exhibit C -- Transportation Center and Exchange Street Parking Plaza Fees.*

*Editor's note - The Transportation Depot and Plaza site plans are on file in the Office of the City Clerk.*

*(Res. No. 6525, §1, 3-5-07)*

*Editor's note - §13-4-2 was adopted by Resolution, but included in the Code of Ordinances due to its permanent nature.*

**EXHIBIT C**  
**TRANSPORTATION CENTER & DOWNTOWN PARKING PLAZA FEES**

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**TRANSPORTATION PLAZA**

<b>AREA</b>	<b>REGULAR RATE</b>	<b>NON-PROFIT RATE</b>
A. Plaza	\$ 100.00	\$ 50.00
B. Open Parking Area	\$ 100.00	\$ 50.00
C. Community Green	\$ 200.00	\$ 100.00
D. Bus Parking Area	\$ 100.00	\$ 50.00
E. Greenway (south)	\$ 50.00	\$ 25.00
F. Greenway (north)	\$ 50.00	\$ 25.00
Total Plaza (areas A-F)	\$ 400.00	\$ 200.00
Additional fee for access to Depot restrooms during non- business hours	\$ 150.00	\$ 75.00

**Security Deposit.** The Sponsor of an event or activity in the plaza area shall post a refundable security/clean-up deposit of \$250.00 or an amount equal to one day's fee, whichever is lowest.

**TRANSPORTATION DEPOT HOURLY RATE**

<b>AREA</b>	<b>BUSINESS HOURS</b>		<b>AFTER-BUSINESS HOURS</b>	
	<i>Regular Rate</i>	<i>Non-Profit Rate</i>	<i>Regular Rate</i>	<i>Non-Profit Rate</i>
A. Large Meeting Room	\$ 30.00	\$ 15.00	\$ 40.00	\$ 20.00
B. Small Meeting Room	\$ 20.00	\$ 10.00	\$ 30.00	\$ 15.00
C. Pre-Function	n/a	n/a	n/a	n/a
D. Open Display Area	\$ 20.00	\$ 10.00	\$ 30.00	\$ 15.00
E. Pavilion	\$ 10.00	\$ 5.00	\$ 20.00	\$ 10.00
Total Depot (areas A-E)	\$ 50.00	\$ 25.00	\$ 60.00	\$ 30.00

*The minimum rental shall be one hour; fees shall be calculated to the nearest quarter hour thereafter. Time required by an event sponsor for event set-up shall be included as billable time.*

**Depot Cleaning Fee.** An additional fee of \$30.00 shall be paid for all events inside the Depot that will have food or drinks served during the event.

**PARKING PLAZA EVENT DAILY RATES**

<b>AREA</b>	<b>REGULAR RATE</b>	<b>NON-PROFIT RATE</b>
Community Event Area	\$ 200.00	\$ 100.00
Top Level	\$ 200.00	\$ 100.00
Both Areas	\$ 300.00	\$ 150.00

**Security Deposit.** The Sponsor of an event or activity in the parking deck shall post a refundable security/clean-up deposit of \$250.00.