

# **TITLE 3**

## **MISCELLANEOUS PROVISIONS**

### CHAPTER.

1. PAWNBROKERS.
2. FILMING REGULATIONS.
3. CITY MARKETPLACE.

## CHAPTER 1

### PAWNBROKERS

#### **3-1-1. Reports; required; information concerning pledger; description of article pledged.**

All pawnbrokers and keepers of second-hand stores doing business in the city are required to furnish to the chief of police daily reports at his office, showing fully the name, age, sex, color, residence and general description of each person who shall have pawned, pledged or sold any article during the preceding day, together with a full description of the article pawned, pledged or sold, including the number of each article bearing a number, and in cases of watches both the number of the case and the number on the works. (Code 1907, § 391)

#### **3-1-2. Same-Duplicate to be maintained for purpose of inspection.**

In addition to furnishing to the chief of police daily reports as required by section 3-1-1 of this chapter, all pawnbrokers and keepers of second-hand stores in this city are hereby required to keep duplicates of such reports, which shall at all times be subject to the inspection of the mayor or any member of the police force, the municipal judge and city attorney. (Code 1907, § 392)

#### **3-1-3. Minors pawning merchandise.**

It shall be unlawful for any pawnbroker or keeper of any second-hand store, his agent or employee, to accept any pawn or pledge, or buy from any minor, or to knowingly advance any money or other thing of value upon the property of a minor. (Code 1907, § 393)

#### **3-1-4. Penalty.**

The penalty for violation of this ordinance shall, upon conviction in the Hot Springs Municipal Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors. (Ord. No. 4932, § 6, 12-18-00)

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## CHAPTER 2

### FILMING REGULATIONS

#### 3-2-1. Hot Springs filming regulations.

Filming regulations for the city of Hot Springs are hereby adopted as follows.

##### 3-2-1.1. Short title.

This ordinance shall be known as the Hot Springs film ordinance.

##### 3-2-1.2. Purpose and intent.

It is the purpose of this ordinance to provide rules governing the issuance of permits for filming activities on location within the city of Hot Springs. The intent of this ordinance is to ensure that photographers and motion picture, television, commercial and non-theatrical filming companies will be encouraged to use locations for filming activities within the city so long as those activities are consistent with the public safety and the protection of property.

##### 3-2-1.3. Definitions.

For the purposes of this ordinance, certain words and terms used herein shall be interpreted as defined below. Words in a plural number include the singular number; words in the singular number include the plural number; and the word *shall* when used in this ordinance is always mandatory.

- (b) *Applicant* - the person, organization, association or other entity applying for a permit to film in the city.
- (b) *City* - The municipal corporation known as the city of Hot Springs, Arkansas, and any designated agent authorized to act on behalf of the city. The words "the city" or "this city" shall be construed as if the word "of Hot Springs" followed it, and shall extend to and include its officers, agents and employees, including, but not limited to, the Hot Springs Advertising and Promotion Commission and its officers, agents and employees.
- (c) *Filming Activity* - the staging, shooting, filming, videotaping, photographing, or other similar process conducted for the making of still photographs, motion pictures, television programs, commercial and non-theatrical film productions.
- (d) *Film Permit Office* - the office designated by the Hot Springs Advertising and Promotion Commission to coordinate filming and issue film permits in and for the city of Hot Springs.

- (e) *Film Permit* - written authorization from the city's representative designated by the board of directors to conduct the filming activity described in the permit.
- (f) *News Purposes* - a filming activity conducted for the purpose of reporting on persons, events, or scenes which are in the news for newspapers, television news, and other news media.
- (g) *Permittee* - the person, organization, corporation, association or other entity issued a film permit under this ordinance.
- (h) *Public Street* - any street or road maintained by the city and located within the city limits.
- (i) *Still Photography* - all activity attendant to staging or shooting commercial still photographs.
- (j) *Studio* - a fixed place of business where filming activities are regularly conducted upon the premises.

#### **3-2-1.4. Permit - Required.**

It is unlawful to conduct a filming activity within the city without a film permit from the film permit office. A permit issued by the film permit office authorizes filming within the corporate limits of Hot Springs, but does not authorize use or occupancy of property not owned, leased or controlled by the city without written consent of the property owner and/or lessee. The permit must be in the possession of the permittee at all times while conducting filming activities in the city. In addition to the permit required by this ordinance, permittee must obtain any and all other permits required from other agencies such as the National Park Service.

#### **3-2-1.5. Permit exceptions.**

A film permit shall not be required for any of the following activities, provided that the activity will not require the closure of a public street, or substantially impede vehicular traffic thereon:

- (a) Filming activities conducted for news purposes.
- (b) Filming activities conducted at studios.
- (c) Filming activities conducted for use in a criminal investigation or civil or criminal court proceeding.
- (d) Non-commercial filming activities conducted solely for private or family use.
- (e) Filming activities conducted by or for the city.

- (f) Still photography not related to the making of motion pictures, television programs, commercial and non-theatrical film productions. (Ord. No. 4946, § 1, 2-5-01)

### **3-2-1.6. Deadline for filming applications.**

Applications for a film permit must be filed with the film permit office a minimum of two (2) business days in advance of the date the film activity is to begin, except than an application for a film permit which authorizes street closures, stunts, or pyrotechnics must be filed a minimum of five (5) business days in advance of the first day of filming.

No late applications will be processed by the city unless the film permit office determines that special circumstances beyond the control of the applicant precluded its timely submittal and that sufficient time remains for city staff to process and investigate the application and for staff to prepare for the filming activity.

### **3-2-1.7. Application form.**

The permit application shall be on a form furnished by the film permit office signed by the applicant or agent thereof and approved by the authorized city designee.

### **3-2-1.8. Permit approval/denial.**

The film permit office shall approve, conditionally approve, or deny the application within two (2) business days of receipt of the application unless the proposed filming activity requires extensive review by other city departments due to fire or traffic safety. The film permit shall be approved by the film permit office unless the film permit office determines from consideration of the application or other pertinent information, that any of the following conditions exist and cannot be corrected through the imposition of conditions on the permit:

- (a) The filming activity will substantially disrupt the use of a street at a time when it is usually subject to high traffic volumes, or will interfere with the operation of emergency vehicles in the proposed permit area, or where the activity is substantially incompatible with nearby residential uses.
- (b) The location of the filming activity will substantially interfere with street maintenance work, or activities carried out pursuant to a previously authorized excavation permit.
- (c) The proposed permit location will substantially interfere with other previously authorized activities, contractual obligations, or safety of the public or persons participating in the filming activity while within the city.
- (d) The proposed permit location is on city property and the filming activity will substantially interfere with municipal functions or the scheduled maintenance of city buildings or grounds.

- (e) The filming activity creates a substantial risk of injury to persons or damage to property.
- (f) The applicant has failed to complete the application after a determination by the film permit office that the application is incomplete, or the information contained in the application is found to be false in any material detail.
- (g) The filming activity would violate federal, state, or local law including licensing or permit requirements.
- (h) The permit applicant has a demonstrated record of non-compliance with permit conditions.

**3-2-1.9. Permit conditions.**

The film permit office may condition the issuance of a film permit by imposing reasonable requirements concerning the time, place, manner and duration of filming activities. These conditions shall be listed on the film permit. Such conditions may include, but need not be limited to the following:

- (a) Requirements for the presence of city employees at the applicant's expense when required for the particular filming activity.
- (b) Requirements concerning posting of no parking signs, placement of traffic control devices, and employment of traffic and crowd control monitors at the applicant's expense.
- (c) Requirements concerning posting of the outer boundaries of the filming activity and providing advance notice to affected property owners and businesses.
- (d) Requirements concerning the cleanup and restoration of public streets and city property employed in the filming activity.
- (e) Restrictions concerning the use of city employees, services, vehicles and equipment in the filming activity.
- (f) Requirements that the applicant pay all fees, and obtain all permits and licenses required for the filming activity under local, state and federal law.
- (g) Restrictions on the use of firearms, explosions, and other noise-creating or hazardous devices which disturb the peace.
- (h) Restrictions on the use of stunts involving pyrotechnics, open flame, vehicle crashes or other hazardous materials.
- (i) Requirements concerning coverup of police, fire and other official uniforms worn by actors, when the actors are not on camera.

- (j) Restrictions concerning the use of city logos, insignias, badges or decals for filming purposes.
- (k) Restrictions on the daily hours the filming activity may be conducted within the city.
- (l) Requirements concerning the city's receipt of proper acknowledgment for any assistance provided in making feature, television or commercial productions.
- (m) Requirements concerning affirmative action and non-discriminatory practices for employment.
- (n) Liability insurance and agreements indemnifying and hold harmless the city, its officers and employees.

**3-2-1.10. Fees.**

Fees for city services and use of city property shall be established by resolution of the board of directors. The applicant shall also pay all costs incurred by the city in providing city employees to assist during filming activity.

**3-2-1.11. Change of filming activity date.**

Upon reasonable notice by the permittee in advance of the filming activity, the film permit office may change the date for which the film permit has been issued without requiring a new application or permit.

**3-2-1.12. Liability and indemnification.**

(a) The applicant for a film permit shall procure and maintain for the duration of the film activity insurance in the forms, types, and amounts prescribed by the film permit office.

(b) Prior to the issuance of the film permit, the permit applicant must agree in writing to comply with this ordinance, any conditions of the permit, and other applicable regulations that apply to the film activity.

**3-2-1.13. Duties of permittee.**

The permittee, and all agents, employees, and contractors of the permittee within the city, shall comply with the following requirements:

- (a) The permittee shall comply in writing with this ordinance, any conditions of the permit, and other applicable local, state, or federal regulations that apply to the film activity.

- (b) The permittee shall conduct no filming activity within the city not authorized by the filming permit.
- (c) The permittee shall comply with instructions made by the local, state and federal enforcement officer(s) assigned to provide law enforcement services at the filming activity site.
- (d) The permittee shall comply with instructions made by city employees assigned to regulate the filming activity site.
- (e) The permittee shall clean and restore all city-owned property utilized during the filming activity to the same condition as existed prior to the filming activity, unless otherwise stipulated by the film permit office.

**3-2-1.14. Street closures.**

The applicant for a film permit may request that the city authorize a temporary street closure for the film permit application. The public works director or his designee, in consultation with the police department, is hereby authorized to approve the closure of streets for the safety and protection of persons who are to use that portion of the street and the general public during the temporary closures.

**3-2-1.15. Pyrotechnics.**

In addition to the film permit, the applicant must obtain a fire permit from the Hot Springs fire department to film any special effect or stunt requiring the use of pyrotechnics or any hazardous material, including but not limited to fireworks, open flames or explosives.

**3-2-1.16. Permit revocation or suspension.**

(a) *Permit revocation.* The film permit office may revoke the film permit if the permittee, or any agents, employees or contractors of the permittee fail to comply with the requirements set forth in this ordinance, if the permittee, or any agents, employees or contractors of the permittee violate any conditions of the permit, or if the film permit office determines after the permit is issued that the permit application was false in any material detail.

- (1) Notice of the ground for revocation of the film permit shall be provided in writing by the film permit office to the permit applicant or person in charge at the location of the filming activity.
- (2) Appeals of the permit revocation shall be heard as provided in subsection 17 hereof.

(b) *Permit suspension.* The Hot Springs police department may temporarily suspend the film permit when the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the police department.

- (1) The ground for the permit suspension shall be provided in writing by the film permit office to the permittee within one (1) business day of the suspension.
- (2) Appeals of the permit suspension shall be heard in the manner specified in subsection 3-2-1.17 hereof.

### **3-2-1.17. Appeals.**

A permit applicant or permittee may appeal the denial, revocation or suspension of a permit, permit condition, insurance requirement, fee requirement, or the film permit office's decision not to waive a deadline set forth in this ordinance. Such appeal shall be filed with the city manager's office no later than five (5) business days after the date of the written notice of the decision. Failure to file a timely appeal shall result in a waiver to the right to appeal. The appeal shall be heard by the city manager or his/her designee.

The city manager or his/her designee shall hold a hearing no later than five (5) business days after the filing of the appeal, and shall render his/her decision not later than two (2) business days after the appeal hearing. The decision of the city manager may be appealed to the board of directors at its next meeting. The decision of the board shall be final.

### **3-2-1.18. Penalty.**

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

### **3-2-1.19. Severability.**

If any section, subsection, sentence, clause, phrase or word of this policy is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Hot Springs board of directors hereby declares it would have passed and adopted this policy and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared invalid or unconstitutional.

(Ord. No. 4930, § 1,2, 12-18-00)

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## CHAPTER 3

### CITY MARKETPLACE

#### **3-3-1. City marketplace - Establishing.**

(a) A marketplace is hereby established within the city of Hot Springs, which shall be known as the Historic Downtown Farmers' Market. The market location, times and dates of operation, types of items to be sold, basic marketplace regulations, allocation of vendor space, and vendor fees shall be determined by the city manager in consultation with an ad hoc committee.

(b) The city manager is hereby authorized to create and appoint a "farmers' market ad hoc" committee. The committee shall be of such number, terms of office and by-laws as determined by the city manager. The committee shall assist the city manager in formulating rules and regulations as necessary for the operation of the marketplace.

(Ord. No. 5551, §§1,2, 3-19-07)

**Cross reference-** §13-4-5.1, Farmers' Market multi-use pavilion.