

MARKET PAVILION LEASE USE POLICY

HISTORIC DOWNTOWN FRIENDS OF THE FARMERS MARKET

Policy purpose.

This policy establishes the conditions and regulations for short-term use by individuals, groups and organizations for the Market Pavilion. Such use shall be incidental to all permanent or long-term uses. In this policy, the Market Pavilion means the open-air structure and grounds located at 121 Orange Street in Hot Springs, Arkansas.

Community activities and short term uses.

Short-term uses of a community nature shall be permitted within the Market Pavilion and grounds provided such activities do not unduly restrict or conflict with the farmers' market-related activities and will be reserved on a first come, first serve basis. FOFM reserves the right to refuse any event for use of the Market Pavilion. 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 Market Pavilion 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 Pavilion Use Agreement and paying the appropriate fees. Payment of fees must be made in advance to the Market Pavilion Manager, either by mail at PO Box 23162; Hot Springs, Arkansas 71903 or in person as arranged by phone. FOFM reserves the right to reassign uses at any time. Historic Downtown Hot Springs Farmers' Market and FOFM-sponsored events have priority over all other reservations. All reservations are subject to cancellation if FOFM requires use of the facilities. In such cases, the Pavilion Manager will notify the reserving party as soon as possible. Pavilion use will not be allowed during Farmers' Market hours, which are currently Tuesdays, Thursdays and Saturdays from 5:00 am to 11:00 am from May through October annually. Multi-day events will have to be coordinated with the Farmers' Market times as well.

(2) *Reoccurring events.* Advance reservations for regular or reoccurring events or activities (e.g., farmers market, civic group meetings, etc.) 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, FOFM 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 Pavilion Manager.

(3) Facility Use Fees and Deposits.

a. *Facility Use Fees.* Event sponsors shall pay the facility use fees as established by Exhibit A hereto.

b. *Non-Profit Rate.* Non-profit organizations and government agencies shall pay one-half the regular rate as indicated in Exhibit A. Non-profit status must be evidenced by IRS certification accompanying application.

- c. *City Use.* Use by City of Hot Springs staff, boards, commissions or committees for City related activities shall be paid by the user department at the non-profit rate.
- d. *Fee Payment.* Fees and deposits are due at the time of reservation and must be received by the Market Pavilion Manager at least seven (7) business days prior to the event. Until the Pavilion Use Agreement is executed and the event fee and deposit are received by the Market Pavilion Manager, the reservation is not confirmed and cannot be held.
- e. *Refund of deposit.* Refunds of Pavilion deposits in full will be made only in the following situations:
1. Upon satisfactory inspection of the area used by FOFM 48 hours after the event. If the facility requires any clean up whatsoever, all or a portion of the deposit will be forfeited.
 2. Upon notification, in writing, of cancellation by the sponsoring organization no less than seven (7) calendar days prior to the scheduled event.
 3. Upon cancellation due to inclement weather or other Acts of God.
 4. *Fee Waiver.* The fees as established herein may not be waived by any FOFM member including but not limited to the Pavilion Manager and FOFM Board Members.
- f. *Concessions.* Concession booths or trailers may be used within the Pavilion area upon approval by the pavilion manager. Concessions may only be approved by the event sponsor. The Board 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.
- g. *Alcoholic Beverages.* All wine or beer sales or use must be conducted in accordance with the rules and regulations and under proper **displayed** permit of the Arkansas Alcoholic Beverage Control Division of the Department of Finance and Administration.
- h. *Security.* Each event sponsor shall be responsible for providing, at their expense, such security personnel as may be required by the Hot Springs Police. In this regard, the event sponsor may be required to submit a security plan to the Hot Springs Police Department not less than five (5) 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. All events with 50 or more guests where alcoholic beverages are served will be required to have one off-duty deputized security person on the premises for the duration of the event, paid for and provided by the event sponsor.
- i. *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, by calling (501) 321-6911. The Market Pavilion does not house a dumpster. No glass, glitter, confetti, balloons or duct tapes are allowed in the Pavilion at any time.

(4) *General Use Policies.* The following general policies shall apply to use of the pavilion.

- a. *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.
- b. *Breakage.* Breakage or damage of any pavilion amenities must be paid by the event sponsor at replacement cost.
- c. *Closing Hours.* All functions within the pavilion shall close not later than 12:00 midnight (for single-day functions), unless otherwise permitted. Meetings and programs in the pavilion that must be held during such hours may be established by the Pavilion Manager. Entrance and exit gates will not be locked overnight during multi-day events unless specifically arranged with the Pavilion Manager.
- d. *Behavior.* No intoxicants, narcotics or any person under the influence of same shall be permitted on the premises; neither shall profane language, gambling, quarreling, or fighting be tolerated.
- e. *Liability Insurance.* Event insurance is required and is the responsibility of the event sponsor. No event insurance is provided by the FOFM Board or Market Pavilion. Please ask the Market Pavilion Manager for the minimum dollar amount required for your event.
- f. *Admission Fees.* Gate or admission fees charged to event participants by any sponsor must be approved by the Pavilion Manager. FOFM shall receive five percent (5%) of all such gate or admission fees.
- g. *Driving/Parking.* Driving is not permitted on the sod areas of the Pavilion grounds under any circumstances. Parking is permitted on the "grass-crete" parking areas which are evident by the concrete parking strips. If an event requires additional parking, FOFM suggests that event sponsors consider renting the Transportation Depot open parking area and/or bus parking area by calling (501) 321-2006.
- h. *Gate Usage.* The gates located at the North and South entrances to the Farmers Market Pavilion must be left open during all events. If the event sponsor wishes to prevent vehicles from entering the pavilion grounds during an event, the sponsor may provide cones or other barricades to place at either entrance to block vehicular traffic while allowing foot traffic.

(5) *Electrical Facilities.* Under no circumstances shall any reserving party make any structural or electrical alterations to center facilities. No special wiring shall be permitted which exceeds the established voltage.

- 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 Pavilion Manager for information concerning special wiring needs.
- Parties needing more than 100 amps electricity will be charged a \$50 electrical charge to use additional electrical distribution. Event sponsors are responsible for electrician fees if necessary.

(6) *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.

(7) *Equipment Storage.* Storage of any kind of equipment or materials belonging to individuals or groups in center facilities is prohibited except when under the direct care and custody of the event sponsor.

(8) *Facility Conditions.* Reservations entitle users to existing areas in an as-is condition.

(9) *Smoking Prohibited.* Smoking is not permitted in the Pavilion or on the pavilion grounds.

(10) *FOFM Board.* The FOFM reserves the right to have a representative or representatives present at any scheduled event.

(11) *Additional Policies.* Additional policies and procedures may be imposed as deemed necessary by the FOFM Board of Directors.

(12) *Traffic Circulation.* Circulation within the Pavilion Grounds is one way from the north entrance at Orange Street. Circulation must be open on both Broadway and Orange Streets at all times.

(13) *Non-Discrimination.* The Pavilion 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 FOFM Board of the beliefs, positions or actions of anyone or group using the facilities. The Board reserves the right to request a statement or outline of event programs.

(14) *Appeals.* An organization denied the use of the center facilities may appeal to the FOFM Board 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 Board will issue a decision within thirty (30) days of the request.

Policy waiver.

The FOFM 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.

Exhibit A
Market Pavilion Rental Fees

Regular Rate	Non-Profit Rate
\$200.00/Day	\$100.00/Day
<i>Security/Clean-up Deposit - \$200.00</i>	