

ORDINANCE #1978

AN ORDINANCE REGULATING SPECIAL EVENTS

WHEREAS, the City of Eureka Springs is host to many special events throughout the year; and

WHEREAS, there is one characteristic that all special events have in common: They all impact the operations of the City to one degree or another. When a Special Event occurs, it is the City that takes center stage, regardless of who actually organizes and promotes the event. When there are problems, it is the City that is looked to for resolution. Whether it involves a banner, parade, festival, concert, street fair or any other similar event, it is necessary and desirable for the City to have sufficient advance notice of what it will be expected to do to maintain order and to reduce if not eliminate potential problems; and

WHEREAS, it is in the best interests of the citizens of Eureka Springs that the City be able to recover all or any part of the added costs incurred by the provision of additional or extraordinary support services; and

WHEREAS, the City should have a comprehensive procedure which (1) provides it with the ability to monitor Special Events to make sure that any city department that may be affected has the opportunity to review and comment and (2) provides it with the opportunity to review plans for Special Events to make sure that they are in compliance with the Municipal Code; and

WHEREAS, it is desirable to have the oversight for special events consolidated in the Office of the Mayor.

NOW, THEREFORE, BE IT HEREBY ORDAINED:

Section 1. Chapter 18 of the Eureka Springs Municipal Code is hereby amended by the addition of Article XI to be entitled Special Events.

Section 2. **Definitions:**

(1) A Special Event is any proposed activity that is open to the general public and includes one or more of the following:

- a. The use of a public street, right-of-way, sidewalk or parking lot;
- b. The installation of a banner within the public right-of-way; or
- c. Outdoor entertainment.

Section 3. **Permit:** It shall be unlawful for any person or entity to organize, advertise, conduct, maintain, or sell or furnish tickets for a Special Event within the boundaries of the City of Eureka Springs until a written Special Event Permit has been obtained from the Office of the Mayor and signed by the Mayor or the City Clerk.

Section 4. **Permit Application:**

(1) An application shall be made on a form as prescribed by the Office of the Mayor.

- (2) For a Special Event with a proposed duration of not more than one day, the application must be submitted not less than 15 days before the date on which the Special Event is to take place.
- (3) For a Special Event with a proposed duration of more than one day, the application must be submitted not less than 90 days before the date on which the Special Event is to begin.
- (4) The applicant is required to comply with any and all conditions set forth in the application and as required by the Office of the Mayor and by the Eureka Springs Municipal Code.

Section 5. Processing of Application:

- (1) For a Special Event with duration of not more than one day, the Office of the Mayor shall approve or deny the application by not later than the end of the third business day following the date on which the application is submitted.
- (2) For a Special Event with a duration of more than one day, the Office of the Mayor shall approve or deny the application by not later than the end of the tenth business day following the date on which the application is submitted.
- (3) Before the Office of the Mayor may issue a permit for a Special Event, the application shall be reviewed and signed by all city department directors or their designee. This is to include the Fire Marshall and the County Health Official shall be notified when applicable.

Section 6. Denial of Application for Permit:

- (1) The Office of the Mayor may deny an application for good cause. The denial shall be in writing and shall state the reason or reasons therefore.
- (2) All denials can be appealed by filing a written notice for review by the City Council within (5) days of denial with the Office of the Mayor. Council will hear the appeal within (30) thirty days of the date when appeal has been filed with the city.

Section 7. Revocation of Permit: The Office of the Mayor shall have the power to revoke a permit where the applicant fails to comply with any conditions required for operation of a Special Event, ordinances of the City of Eureka Springs, laws of the State of Arkansas, or otherwise places persons or property in jeopardy of serious harm or injury.

Section 8. Fees: The fees established herein are designed to offset the City's administrative processing costs:

Special Event with duration of one day:	\$25.00
Special Event with a duration of more than one day	\$50.00

Section 9. Violations: Events that are subject to this ordinance and are being held without having obtained a permit as provided by this ordinance are prohibited. Further, for events that have been permitted, should the applicant, his/her agents or employees violate the terms of the agreement by which the

permit is granted or any ordinance of the City of Eureka Springs, or knowingly allow the agreement or those laws to be violated, such violation shall constitute a violation of this ordinance. Any violation shall be punished as provided by law. The City of Eureka Springs also retains any and all civil remedies that may be available to it.

Section 10. **Conflicts:** All ordinances or Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. **Severability:** In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a Court of Law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provision of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED and APPROVED this 10th day of January, 2005.

APPROVED:

Kathy Harrison, Mayor

ATTEST:

Mary Jean Sell, City Clerk