

# APPLICATION FOR PERMIT TO USE CITY FACILITIES



## Section 1. Applicant And Event Information

Please Check Type of Permit:  Public Assembly  Special Event

1. Event Organizer/Agency \_\_\_\_\_
2. Event Organizer/Agency Address \_\_\_\_\_  
\_\_\_\_\_
3. Phone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_
4. Email: \_\_\_\_\_
5. Website: \_\_\_\_\_
6. Organizer's Designated Representative (must sign this Application)  
\_\_\_\_\_
7. Event Promoter (if different from above group) \_\_\_\_\_
8. Phone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_
9. Area or Facility Requested (*Name of Park and specific area within that Park*)  
\_\_\_\_\_
10. Name of Event \_\_\_\_\_
11. Type of Event \_\_\_\_\_
12. Event Date(s) \_\_\_\_\_
13. Event Schedule (date and time)  
Set up \_\_\_\_\_  
Event Hours \_\_\_\_\_  
Departure \_\_\_\_\_
14. Anticipated Attendance \_\_\_\_\_
15. Event Details

Tents Erected?	Yes	No	If yes, how many _____
Park Roads Closed?	Yes	No	
Fund-raising Event?	Yes	No	If yes, beneficiary _____
Sound Amplification?	Yes	No	
Food/Beverage/Merchandise Sold?	Yes	No	
Alcohol Sold?	Yes	No	If yes, a copy of the ABC permit must be submitted before your event.
Stage Erected?	Yes	No	
Walk/Run?	Yes	No	Will a participant fee be charged? _____
Entrance Fee?	Yes	No	If yes, how much _____
16. Equipment expected to be used by the Applicant/Sponsor \_\_\_\_\_  
\_\_\_\_\_

17. Electrical Requirements (number of circuits and amps) \_\_\_\_\_

18. Explain the program or event in detail, including location in the park. Explain in detail all aspects of the event. Include information about entertainment, concessions, publicity, setup and strike-down dates, security, trash removal, and other important details relating to the planning of the event. If event is Public Assembly and will include a march, please include a detailed description of the proposed route of the march (with assembling, starting, and ending points) and the proposed starting and ending times for the march. Use separate sheet if necessary.

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**Diagram:**



## **Section II. Application Instructions and Terms and Conditions For Park Facilities Use**

### ***Application Deadlines for Public Assembly or Special Event.***

#### ***Public Assembly:***

1. The Application for a Permit must be submitted to the Parks and Recreation Department at least five (5) business days prior to the proposed date and time of the Public Assembly. However, the Parks and Recreation Department will accept Applications less than five (5) days prior to the proposed date and time of the Public Assembly, provided, however, that the proposed Public Assembly is a spontaneously planned event in response to a recent occurrence (e.g., a march or rally that is timed to coincide with a recent or future political or other announcement, decision, determination, or declaration by a local, state, or federal official).
2. Where (1) the Applicant has requested the Parks and Recreation Department to provide special or technical services for purposed of assisting in the production or staging of the Public Assembly, (2) the Applicant has requested or requires the rental and use of Parks and Recreation Department owned equipment or facilities for the production or staging of the Public Assembly, or (3) the Applicant intends to erect fixed structures upon City Property, e.g., sound stage or canopies, the Application for a Permit must be submitted to the Parks and Recreation Department at least forty-five (45) days prior to the proposed date and time of the Public Assembly. Absent extraordinary circumstances, the Parks and Recreation Department will not accept Applications meeting the criteria of this subsection beyond this forty-five (45) day deadline.
3. An Application shall be deemed submitted on the date it is received by the Parks and Recreation Department or, if received on a holiday, after normal business hours, or on a day City offices are otherwise closed, on the next business day.

#### ***Special Event:***

1. The Application for a Permit must be submitted to the Parks and Recreation Department at least forty-five (45) days prior to the proposed date and time of the Special Event. Absent extraordinary circumstances, the Parks and recreation Department will not accept Applications meeting the criteria of this subsection beyond this forty-five (45) day deadline.
2. An Application shall be deemed submitted on the date it is received by the Parks and Recreation Department or, if received on a holiday, after normal business hours, or on a day City offices are otherwise closed, on the next business day.

#### ***Deposits for Public Assembly or Special Event:***

Prior to issuance of a Permit, a Deposit in the amount of \$500 shall be required to cover costs of any damage to the facility such as restoration, rehabilitation, and cleanup of the area used, as well as other costs resulting from the Public Assembly or Special Event. It is the Applicant's responsibility to return the property to the condition it was in prior to the event. The Applicant agrees to reimburse the City for clean up and restoration that exceeds \$500.

#### ***Order of Processing:***

The Parks and Recreation Department will process Applications for a Permit in the order that they are received. The Parks and Recreation Department will allocate the use of a particular City Property or a part thereof among competing Applicants in the order of receipt of fully executed Applications together with the required application fee. The Parks and Recreation

Department will have priority use of the requested City Property where the proposed Public Assembly or Special Event conflicts or interferes with a previously scheduled event or with an annual or otherwise regularly-held event or ceremony that is sponsored by or on behalf of the Parks and Recreation Department.

### ***Action of Application: Amendment or Revision of Applications***

1. In the case of Applications submitted for Public Assembly under the deadline set forth in section II (Application Deadlines for Public Assembly or Special Event)(1.) above, the Director of the Parks and Recreation Department or his or her designee will grant or deny the Application within two (2) business days after receipt of the Application.
2. In the case of Applications submitted under the deadline set forth in section II (Application Deadlines for Public Assembly or Special Event) (2.) above, the Director of the Parks and Recreation Department or his or her designee will grant or deny the Application within thirty (30) days of receipt of the Application.
3. Any amendment or revision of an Application for a Permit for either a Public Assembly or Special Event will for purposes of determining the priority of the Application, relate back to the original filing thereof; but the time within which the Parks and Recreation Department will grant or deny the Application for a Permit will be computed from the date of amendment or revision.

### ***Permit Restrictions and Permissions***

1. The Park and Recreation Department may place reasonable restrictions on the conduct of a Public Assembly or Special Event, which restrictions may consider the customary use and nature of the City Property, recreational use policies, the size and location of the City Property, and the degree to which the Public Assembly or Special Event might interfere with the customary uses and adopted recreational use policies for the City Property.
2. Applicants of Permitted Public Assemblies or Special Events have authorization from the Parks and Recreation Department to select food or merchandise vendors that comply with applicable public health codes and City business regulations to provide goods and services at the permitted Public Assembly or Special Event. The Applicant may prohibit food and merchandise vendors at their discretion within the permitted area during the duration of the Permit.
3. Applicants of Permitted Public Assemblies or Special Events may allow the solicitation of signatures for petitions, gifts, money or for goods or services within the Permitted area during the duration of the Permit.

### ***Compliance with Applicable Law***

1. A Permittee must comply with all applicable provisions of The City of Fort Smith Municipal Code and all City ordinances, including those provisions concerning food and noise levels. A Permittee must obtain, in advance of a Public Assembly or Special Event, separate permits for certain activities that are accessory to a Public Assembly or Special Event, including, but not limited to, vending of food and goods, special parking facilities, hanging banners, setting up tents, use of fireworks, and serving alcoholic beverages.
2. Failure to obtain any such permits may be a basis for revocation of a Permit.
3. The issuance of a Permit will not supersede a requirement for the Applicant to obtain any other permits required by law.

### ***Insurance***

1. The Applicant shall procure and maintain a general liability insurance policy of at least \$300,000 at all times during the Applicant's use of City Property and shall name "The City of Fort Smith" as an additional insured thereunder.
2. The Applicant shall provide the Parks and Recreation Department with a certificate of insurance from the insurer evidencing such coverage prior to the Applicant's use of the City Property, and within the time prescribed by the Parks and Recreation Department. The certificate shall also provide that the insurer shall give the Parks and Recreation Department reasonable advance notice of insurer's intent to cancel the insurance coverage provided.

### ***Indemnity Agreement***

Upon submission of an Application and the issuance of a Permit, each Applicant shall be deemed to have agreed to defend, indemnify and hold harmless the City, its elected and appointed officials, agents, and employees, from and against any and all claims against the City, its elected and appointed officials, agents, and employees, and for all damage or losses to City-owned buildings, structures, or other property, which arise from the acts or omissions of the Applicant or persons within or under the direct control of supervision of the Applicant (e.g., employees).

### ***Reimbursement of City Equipment and Facilities Costs***

1. Each Public Assembly or Special Event Sponsor shall pay any applicable rental fees in advance of the Public Assembly or Special Event, for any and all equipment and facilities to be provided by the Parks and Recreation Department for use in connection with the production or staging of the Public Assembly or Special Event. A schedule of such equipment and facility rental fees shall be provided to an Applicant upon request.
2. Following the conclusion of a Public Assembly or Special Event, the Public Assembly or Special Event Sponsor shall pay the Parks and/or Recreation Department for the repair and/or replacement costs (as determined by the Parks and Recreation Department in its sole discretion) of equipment and/or facilities not returned or returning in an unacceptable condition (reasonable wear and tear excepted).

### ***Reimbursement of City Personnel Costs***

Each Public Assembly or Special Event Sponsor shall reimburse the Parks and Recreation Department an amount equal to all applicable personnel costs for services that are specifically requested from the Parks and Recreation Department for the purpose of staging and conducting the Public Assembly or Special Event.

### ***Copyright Fees***

Lessee warrants that all copyrighted materials to be performed or played under this agreement, whether live or recorded, have been duly licensed or authorized by the copyright owners or their representatives and the Lessee agrees to be responsible for all license and royalty fees incurred by reason of the performance or playing of same and to indemnify and hold the City of Fort Smith and its Directors, officers, and employees harmless from any and all claims, losses, or expenses, including reasonable attorneys' fees, incurred with regard thereto.

### **Section III. Additional Terms and Conditions for Park Facility Use**

1. Any changes to the Event description submitted with this Permit application must be submitted in writing to the Park Office. Any aspect of the Event not fully described in the Permit Application or an addendum submitted in accordance with this paragraph will not be covered by the permit or allowed in Park Facilities.
2. All events held on Fort Smith Parks property must fit within the following guidelines:
  - a) The proposed activity or use of the Park must not unreasonably interfere with or detract from the general public's enjoyment of the Park.
  - b) The proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
3. Prior to but not earlier than six hours before each Event, the permit holder must perform an inspection of all Parks Facilities to be used and must report in writing to the Parks Department the presence of any damage or trash on the premises. All damage evident or trash remaining on the premises after the Event and not previously and specifically reported to the Parks and Recreation Department as required in the preceding sentence will be considered to have resulted from the Event and must be rectified at the sole expense of the permit holder. Larger events may require that a representative of the Parks Department inspect the Park facilities with the event organizer. This will be determined by the Recreation Supervisor.
4. The Department of Parks and Recreation reserves the right to require permit holders to provide, at their expense, as many off-duty Fort Smith Policemen and Emergency Medical Technicians as the Department deems necessary to assure the safety of the public and Park Facilities. A minimum of one (1) Police Officer must be hired at all times to insure the best interest of the Department is adhered to at all times. Arrangements for Police officers will be made through the Fort Smith Police Department.
5. Driving and parking are strictly prohibited from all turf areas.
6. Alcoholic beverages are not allowed in Park Facilities unless special permit is obtained.
7. All signage, advertising, publicity, exhibits or displays to be used must have the prior approval of the Parks Department. Absolutely no banners or flags of any kind are to be flown from Parks Facilities flagpoles.
8. All Events must end not later than 10:00 p.m. unless otherwise permitted by Parks Department.
9. Appropriate park personnel and members of the Parks Department must be provided access to Events upon request in order to monitor Event activities and ensure compliance with ordinances, rules and regulations.
10. Parks Department has the authority to revoke a permit upon finding a violation of any rules or ordinances as set forth in Chapter 18, article III, of the Fort Smith Municipal Code, section 18-81 subsection (7) b. (1.-18). In the event of noncompliance with any provision of these terms and conditions, the Parks and Recreation Department may, in its sole discretion, ban any event sponsor or professional event organizer, promoter or the like from further sponsorship or promotion of any Event in Parks Facilities for a period of two years.

11. The Parks Department will determine the need for portable toilets. The expense will be borne by the applicant.
12. The applicant is responsible for the collection and removal of all trash and litter from the park. Recyclable items (cardboard, cans, etc.) must be placed in separate cans from regular trash. The Parks & Recreation department recycles and encourages all users of its facilities to recycle.
13. By submitting a Permit Application, the event organizer agrees to the following additional terms:
  - a) The event organizer assumes all risk and responsibility for any dangerous or defective conditions on the grounds of Parks Facilities, whether known or unknown;
  - b) The event organizer agrees to restore Parks' Facilities to the condition prior to the Event;
  - c) This document sets forth the entire agreement of the parties;
  - d) A financial statement of the Event proceeds must be mailed within 30 days of Event to the Recreation Supervisor. Deposit will not be refunded until this is received.
  - e) The individual executing this document on behalf of the event organizer affirms that he is authorized to do so;
  - f) No modification of this document shall be valid unless in writing and signed by the Parks Department;
  - g) The Applicant and Public Assembly or Special Event Sponsor will comply with all governmental rules and regulations applicable to the Public Assembly or Special Event; and
  - h) Arkansas law shall govern any dispute arising from this document.

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Organization

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Authorized Signature

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Date

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Title

Submit completed Application to:

Mail: Fort Smith Parks & Recreation  
 Attn: Recreation Supervisor  
 3301 South M Street  
 Fort Smith Arkansas 72903

Fax: 479-784-2480

Email: joberste@fortsmithar.gov

**For complete information see the Fort Smith Municipal Code Section 18-66, 18-77, and Section 18-81, Article III**

The Fort Smith Parks and Recreation does not discriminate on the basis of age, race, sex, color, religion, national origin or disability in admission to, access to, or operations of its programs, services, or activities. The department does not discriminate in its hiring or employment practices.