

**Final Amendment to
ORDINANCE 2023-10**

FILED

2023 JUN 27 PM 5: 12

**BE IT ENACTED BY THE QUORUM
COURT OF CONWAY COUNTY,
STATE OF ARKANSAS, AN
ORDINANCE TO BE ENTITLED:**

**CONWAY COUNTY, AR
COUNTY & PROBATE CLERK
KATHY KORDSMEIER**

**AN ORDINANCE ESTABLISHING A TEMPORARY USE PERMIT PROCESS AND REQUIREMENTS;
ESTABLISHING A PERMIT FEE FOR THE 2024 SOLAR ECLIPSE:**

ARTICLE 1. Purpose and Intent:

Time for the 2024 Solar Eclipse Event: March 27, 2023, to April 30, 2024.

A temporary use permit allows for short-term activities or events to which the public may be invited (with or without charge) and which are conducted on private property.

These may be single day events or multi-day events (with or without camping)

ARTICLE 2. Definitions:

- a. "Solid Waste" Any garbage, refuse, rubbish, or other discarded materials, that may be in solid, liquid, or gaseous form
- b. "Village" Any group of ten or more temporary campsites, located on private or public land in areas not already permitted for camping.
- c. "County Special Use Permit Committee" a seven-member committee established by the County Judge, to ensure that the requirements set forth by the Special Use Permit Ordinance are met. Members of the Special Use Permit committee will include a representative from Emergency Management/911, Conway County Law Enforcement, Conway County Fire Department, and others as determined by the County Judge.
- d. "Campsite" is defined as a minimum 1000-square foot area, occupied by no more than one vehicle and up to 8 people. A minimum area of 125 square foot per person is required for any sites larger than 1000-square feet. A camper and its tow vehicle may be counted as one vehicle.
- e. "Day Use Permit" Any areas used for viewing the eclipse only. No overnight camping.

ARTICLE 3. Permit Requirements:

- a. Completed permit packet must be returned to the committee with all required attachments.
- b. If operator is not the owner, a signed and notarized letter from the owner giving permission must be included in the application.
- c. The name of the site as well as the physical address shall be posted at each entrance to the site.
- d. Detailed map of the location showing; first aid stations, ingress and egress routes, location of campsites, toilet facilities, and trash receptacles or dumpsters must be included.

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- e. All permit applications shall be submitted for approval no less than 90 days prior to the event.

ARTICLE 4. Reviewing Body:

- a. Once all requirements of the ordinance have been met, the Special Use Permit Ordinance committee will review and approve or disapprove each application.
- b. The Special Use Permit Ordinance Committee may issue a variance, by majority vote, in certain circumstances.
- c. Within the city limits of Morrilton, the Planning and Zoning Committee, as well as the City Inspector will approve or disapprove each application.

ARTICLE 5. Permitted Operator:

- a. The operator may be the property owner or Lessee (with signed agreement on file from the owner)

ARTICLE 6. Locations Permitted:

- a. No encampments shall be permitted in any FEMA designated floodway or special flood hazard areas, without meeting the Conway County Flood Damage Prevention Ordinance 2019-8.
- b. Day Use sites may be located within a Special Flood Hazard area, they may not be located within a regulatory floodway or other areas prone to flash flooding.

ARTICLE 7. Permitted Operations:

- a. Vendors may be allowed to sell items within the "villages". It is the organizers responsibility to ensure that all regulations governing the sale of such products within the state are followed. It is also to the organizers responsibility to ensure that all state and local sale taxes are properly collected and reported. Any food vendors, food trucks, etc. must be properly licensed through the State of Arkansas.
- b. Selling of alcohol will not be permitted within the villages.
- c. Live music may be allowed with in the "villages" as long as the events do not violate quite hours, as defined in Article 10.

ARTICLE 8. Maximum Duration:

- a. Organizers may allow visitors to occupy the site no more than fourteen days prior to and five days following the event.
- b. Organizers may begin setting up the site three weeks prior to the event. The site must be return to its pre-event condition within one week of the close of the event.

ARTICLE 9. Emergency Vehicle Access:

- a. Sites must allow for the accessibility of fire apparatus and EMS vehicles throughout the location.
- b. In areas where terrain does not permit the movement of the larger vehicles, other means, ie. Side by sides, must be provided to transport the EMS crews to patients or to move patients to an area where EMS vehicles have access.

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- c. No blocking of public roadways or right of ways.

ARTICLE 10. Noise:

- a. Quiet hours are from 10:00pm to 7:00am

ARTICLE 11. Sanitation:

- a. The operator of the event is responsible for properly disposing of all waste and garbage throughout the term of the event, and immediately upon conclusion of the event, the area must be returned to a clean condition.
- b. A minimum of two portable toilets per 100 expected visitors must be provided at each location.
- c. Portable toilets must be cleaned and emptied at least daily
- d. In sites that permit RV parking, dumping of waste will only be allowed at properly permitted sites.

ARTICLE 12. Lighting:

- a. Lighting from the event should not adversely affect those around them.

ARTICLE 13. Special Use Permit Committee Review:

To approve or conditionally approve a temporary use permit, all the following findings shall be made:

- a. Proper maps and diagrams must submit, detailing the location and layout of the event.
- b. Determination that the event site is not located within a floodway or other areas prone to flash flooding.
- c. First aid stations have been identified and staff trained
- d. Helicopter landing locations have been identified
- e. Security plans must be submitted and approved by the Chief official, or their designee, in charge of law enforcement for the jurisdiction.
- f. Each location must provide security, at the cost of the organizer. Security staff must meet the requirements of AR Code 17-40-301. Pursuant to A.C.A., it is unlawful to perform any security function requiring a license, credential or commission until said security license, credential or commission has been issued to the applicant by the Arkansas State Police. Exceptions may be made to those providing security on their own property.
- g. Signed approval from the Fire Chief of the jurisdiction, acknowledging they have seen and reviewed the proposed plans, must accompany the application.
- h. The temporary use will not adversely affect the adjacent uses, buildings, or structures (with or without mitigation); and
- i. The nature of the proposed temporary use is not detrimental to the public health, safety or welfare of the community.

ARTICLE 14. Legal Agreement:

- a. The operator must complete the temporary use or day use permit application and agree to all the requirements listed. Refusal to agree to any of the listed requirements may be

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grounds for denying the permit.

- b. Any individual or organization not complying with the agreement will be held responsible for any cost of cleanup.

ARTICLE 15. Proof of Insurance:

The event organizer shall include with their permit application, a copy of their liability insurance for the property being used.

ARTICLE 16. Performance Guarantee:

In addition to a \$150.00 permit fee, applicants will be required to pay a \$1,000.00 deposit, to be refunded at the close of the event, when the site has been returned to pre-event condition. These fees may be waived for certain non-profits with approval from the Planning Committee.

ARTICLE 17. Penalty for non-compliance:

The Special Use Permit Committee shall enforce the provisions of this ordinance and is authorized to:

- a. Issue cease and desist orders on non-compliant sites or events
- b. Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than \$500 per day for each violation; in addition, the defendant is subject to payment of all associated court cost and cost involved in the case.

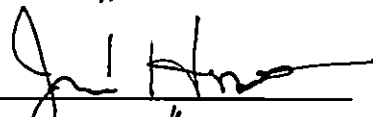
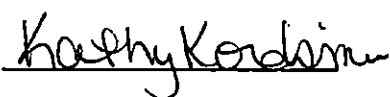
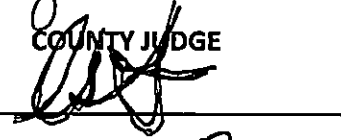
Article 18. Severability

If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance.

Article 19. Emergency Clause

It is hereby found and declared by Conway County that a need for a Special Use Permit and Day Use Permit to help regulate Solar Eclipse Event within the county; make local emergency response organizations aware of the location, layout, and expected size; to allow for pre-planning emergency response to said locations in order to effectively provide emergency response and care; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

DATE 6-26-2024 APPROVED 
 COUNTY JUDGE
 ATTEST:  SPONSOR: 
 COUNTY CLERK J.P. DIST 3

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