

Regular City Council Meeting
October 12, 2026

ORDINANCE NO. 2026- 11

**AN ORDINANCE OF THE
CITY OF FAIRFIELD BAY, ARKANSAS,
ESTABLISHING FEE FOR USE OF STAGE
IN MUNICIPAL PARKING LOT;
ESTABLISHING DEPOSIT REQUIREMENT FOR
USE OF STAGE, PARKING LOT, AND FACILITIES;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, The City of Fairfield Bay has recently finished construction of a stage ("the Stage"), as well as other facilities, in the municipal parking lot at Dave Creek Parkway and Lost Creek Parkway; and

WHEREAS, The City Council seeks to establish a minimal usage fee for the Stage, as well as establishing a deposit requirement for use of the stage, the associated public facilities, and the surrounding parking lot;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that:

1. **Findings and Conclusions:** The City Council for the City of Fairfield Bay, Arkansas, hereby finds and concludes that the City's Stage is a significant addition to the City of Fairfield Bay. The Stage will require maintenance and upkeep, as well as periodic updates. The associated public facilities constructed in the municipal parking lot, and the parking lot itself, require cleaning, maintenance, and other upkeep. The City Council finds that a usage fee for the Stage is a minimal requirement to help the City meet its obligations for maintenance of the Stage, and cleaning and maintenance of the associated public facilities, including the parking lot itself. The City Council further concludes that a deposit should be required by those persons using the Stage, to help ensure that those using the Stage finish use of the Stage, the parking lot, and the associated public facilities by cleaning the area, disposing of trash, and maintaining the usefulness of the parking lot when the Stage is not in use. Further, the City Council concludes that fees for use of the Stage, and any deposit for use of the stage, should be maintained by the Recorder-Treasurer in a designated sub-account in the City's general accounts, to be dedicated to cleaning,

maintenance, upkeep and operation of the Stage, the associated public facilities, and the municipal parking lot.

2. **FEE ESTABLISHED** for use of Stage: The City's Usage Fee for a one-time use of the Stage shall be fifty dollars (\$50.00), for a single use (not to exceed four (4) hours without prior written authorization). The Usage Fee is not refundable. No person, group, association or organization shall use the Stage located in the municipal parking lot on Lost Creek Parkway (near the intersection of Dave Creek Parkway) unless said person, group, association or organization shall have obtained a reservation and paid the fifty-dollar (\$50.00) fee, for the use thereof, through the City Recorder-Treasurer. Use of the Stage shall be first for any city-sponsored event (including the City's Advertising and Promotion Commission); "first-come, first serve" based upon reservations (effective when payment received); and then only as available so as not to conflict with other city events, or municipal uses of the parking lot.
3. **DEPOSIT FEE ESTABLISHED** for cleanup of parking area, public facilities, and Stage: The City's Deposit Fee for use of the Stage and associated public facilities, including the parking lot, shall be \$150.00, for a single use. No person, group, association or organization shall use the Stage located in the municipal parking lot on Lost Creek Parkway (near the intersection of Dave Creek Parkway) unless said person, group, association or organization shall have ALSO paid the one-hundred fifty-dollar (\$150.00) Deposit Fee, for the use thereof, through the City Recorder-Treasurer, at the time of paying the Usage Fee, above. The person, group, association, or organization shall be responsible for cleaning up after the event, identifying to City any damage done (or other repairs needed), and leaving the Stage and associated public facilities in the same state in which those facilities were provided to them. The Deposit is refundable after the event, provided that the entity (or person) using the Stage (and associated facilities) returns those facilities to the same state the facilities were in before the use (i.e., clean, orderly, neat, and sanitary), the City has the opportunity to inspect the area, and, after review, approves the refund of the deposit. Refund of the deposit shall be in the City's discretion. City reserves the right to apply the Deposit Fee for any damage, repairs, upkeep, and other expenditures that may be necessary in the City's sole discretion, without prejudice to City's right to pursue lawful remedies, in its discretion.
4. **Authorization:** The City of Fairfield Bay hereby authorizes the Recorder-Treasurer to establish a sub-account in the City's General Fund for the Usage Fees, and the Deposit Fees, set forth herein. Funds collected for Usage and Deposit Fees shall be used by the City to maintain the Stage, the parking lot, and the associated public facilities, as well as associated costs and expenses. The Recorder-Treasurer shall follow all requirements and recommendations of the Arkansas Legislative Auditor

concerning these processes. Further, in its discretion, the City may take appropriate actions, as necessary, to create an application for reservations, coordinate with other uses of the parking facilities, including use as a Temporary Entertainment District, which includes using appropriate signage, maps (if necessary), and pavement markings (temporary or permanent, as needed).

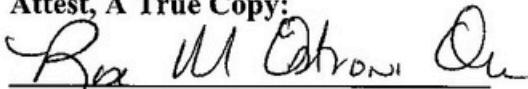
5. **NOT TO BE CODIFIED IN THE MUNICIPAL CODE:** This authorization, and this Ordinance, shall not be codified in the Municipal Code for the City of Fairfield Bay. The Recorder-Treasurer shall report annually to the City Council Budget Committee (or any successor committee, if any), during the budget process, whether there are any issues, concerns, or adjustments needed to this authorization.
6. **NOT TO BE CODIFIED: EMERGENCY CLAUSE:** Because of the potential danger to public peace, health, safety, and welfare that may result from any delay in establishing a fee for use of the Stage, and requiring a deposit to help ensure clean-up and maintenance, AN EMERGENCY IS HEREBY DECLARED TO EXIST, and this Ordinance being necessary for the peace, health, safety, and general welfare of the City and its Citizens, **IT SHALL BE IN FULL FORCE AND EFFECT immediately upon and after its passage.**
7. **NOT TO BE CODIFIED: SEVERABILITY CLAUSE:** If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

PASSED, ORDAINED, AND APPROVED by the City Council for the City of Fairfield Bay, Arkansas, on this 12 day of October, 2026.



Honorable Seth J. Connell, Mayor
City of Fairfield Bay, Arkansas

Attest, A True Copy:



Honorable Rose M. Ostronic Owen,
Recorder-Treasurer

Prepared by: A.J. Kelly,
Kelly Law Firm, PLC
Rev2: 10/11/26