

ORDINANCE NO. 1709-A

AN ORDINANCE PROVIDING FOR CREATION OF A GROUP TOUR FRANCHISE

WHEREAS, it has been determined by the City Council of the City of Eureka Springs, Arkansas, that in order to provide for the orderly conduct of group tour operators within the City utilizing equipment owned by the City, and therefore promoting the public safety and general welfare of the residents of the City, that a group tour franchise be created,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS:

Section 1. Title 4 Amended.

Title 4 of the Eureka Springs, Arkansas Municipal Code is hereby amended by the addition thereto of new chapter, Chapter 4.54, to become effective March 1, 1997, to read as follows:

Chapter 4.54
GROUP TOUR FRANCHISE

Sections:

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4.54.01 Definitions.

- a. "Person": person, partnership, or corporation.
- b. "The City": City of Eureka Springs, Arkansas
- c. "The Historic Loop": formerly US 62B, now marked by street signs as The Historic Loop, as bounded by the intersections of Spring Street at Main Street and Kingshighway at US 62 West at the Eureka Springs Public High School.
- d. "Group Tour Franchise": An agreement, as set forth in this Chapter, between the City and any person who uses City Transit vehicles for the purpose of engaging in sightseeing for hire along the Historic Loop.
- e. "Group Tour Franchisee": A Person holding a Group Tour Franchise.
- f. "Streets and public ways": all streets and highways under the exclusive jurisdiction of the City of Eureka Springs.
- g. "Customers": passengers who have paid the Group Tour Franchisee for sightseeing services.
- h. "Group Tour Guide": Any person with a current Group Tour Guide Certificate as set forth in this Chapter.
- i. "Group Tour Guide Certificate": A non-transferable certificate with a unique number that is issued by the City to certify persons who have attended a tour guide seminar sponsored by the City.

4.54.02 Grant of Authority. No person shall engage in or carry on the business of group tours over or upon the streets and public ways of the Historic Loop of the City utilizing City Transit vehicles without first procuring from the City Council a franchise authorizing such business and

operation. Such franchise shall be non-transferable, and no Person may be the sole holder of more than one franchise.

4.54.03 Number of Franchises. Due to the limited number of City Transit vehicles, the number of Group Tour Franchises shall be no more than four.

4.54.04 Duration of Group Tour Franchise. The rights, privileges and authority hereby granted to each applicant shall exist and continue for a period of five (5) years unless revoked by the City Council.

4.54.05 Compliance Required. The Group Tour Franchisee shall at all times during the exercise of this franchise be subject to all lawful exercise of the police power by the City. Further, any Group Tour Franchisee shall be bound to such reasonable regulations as the City or State of Arkansas may hereafter provide. Failure to comply with any or all terms of this ordinance may result in the revocation of the franchise.

4.54.06 Amendments to Group Tour Franchise. For any amendment(s) to the Group Tour Franchise a public notice shall be given, and a public hearing set with notice of such hearing sent to each Franchisee.

4.54.07 Application and Fee. Before any person shall engage in or carry on the business of group tours, such person shall pay an application fee of five hundred (\$500.00) dollars and file with the City Clerk an application that sets forth the following information, to wit:

- a. Trade name of the person; if a partnership, its name and the names of all partners, or if a corporation, its name and the names of all directors.
- b. A statement that the person will comply with all rules of operation as set out in this ordinance and with all regulations that the City may hereafter provide.
- c. A statement that the person or that person's agent will instruct customers about pertinent safety precautions.
- d. Designate person(s) to receive notice from the City.
- e. A certificate of insurance indicating franchisee has applicable insurance in the same amount as is required by the State of Arkansas.
- f. An occupation license issued by the City.

4.54.08 Renewal of Franchise. A franchisee must make a request to renew six (6) months ahead of the expiration of Franchise date. Thereafter, upon compliance with the requirements of Article 4.54.07, a renewal franchise shall be granted by the City for the term specified in Article 4.54.04.

4.54.09 Rules of Operation

- a. Hours of operation of vehicles shall be as prescribed by the City Transit Department.
- b. All group tours conducted by Group Tour Franchisees must be accompanied by a Group Tour Guide certified by the City as set forth in this Chapter.
- c. In case of an accident, the Group Tour Franchisee, or an agent of the Group Tour Franchisee, must submit to the City Clerk by the close of the next City business day a written report about the accident, including the names of the involved party or parties, where and when the accident occurred, injuries, if any, and property damage, if any.

4.54.10 Fee For Use. For the privilege of using the streets and highways of the City and to help defray the costs of monitoring this ordinance and the use of city-owned vehicles, each Group Tour Franchisee shall pay a fee for utilizing City Transit vehicles as prescribed by the City Transit Department. The sum is due and payable on the 20th day of each month for the preceding month. Forms will be provided by the City Clerk. The above charges shall be in addition to any and all occupation taxes, privilege taxes and license fees, of whatever kind or nature (except general ad valorem taxes) now in effect.

4.54.11 Revocation. After written notice, the City shall have the right to rescind and/or revoke the rights herein granted upon any violation by the Group Tour Franchisee of any of the obligations and requirements contained herein or the cessation of operations by the Group Tour

Franchisee.

a. Such notice shall specify the reason or reasons why the rights are being rescinded or revoked and, if not protested by the franchisee in writing and filed with the City Clerk within fifteen days of receipt of the notice, the Group Tour Franchisee shall curtail operations as directed.

b. If the Group Tour Franchisee protests the rescission or revocation within the time frame listed above, such protest shall immediately stay the cessation of operations, and the matter will be placed on the agenda of the City Council at its next regular meeting to hear any evidence, testimony or information the Group Tour Franchisee may deem pertinent to the matter; and the City Council may affirm or reverse the decision to revoke or rescind the Group Tour Franchisee.

4.54.12 Group Tour Guide. All Tour Guide applicants shall attend a seminar as required and presented by the City Transit Department.

4.54.13 Repeal. All Ordinances or Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS 9th DAY OF July, 1996.

APPROVED:

ATTEST:

Barbara A. O'Harris
Barbara A. O'Harris, Mayor

Mary Ann Lee
Mary Ann Lee, Clerk/Treasurer