

ORDINANCE NO. 1784-A

AN ORDINANCE AMENDING CHAPTER 4.52
OF THE EUREKA SPRINGS MUNICIPAL CODE
REGARDING MOPEDS

WHEREAS, the City Council of Eureka Springs has determined that inasmuch as there are no Moped Franchises in existence, that the Code should be amended as set out below.

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

Section 1. That Section 4.52.01 of the Eureka Springs Municipal Code is amended by deleting the last sentence and inserting the following sentences in its place:

A franchise cannot be transferred or leased to another person or entity unless approved by the City Council. Before approval, the new franchisee must submit all of the information required by Section 4.52.05 for council consideration.

Section 2. That Section 4.52.03 of the Eureka Springs Municipal Code is amended to read as follows:

The rights, privileges and authority hereby granted to each applicant shall exist and continue for a period of four (4) years.

Section 3. That Section 4.52.04 of the Eureka Springs Municipal Code is amended to read as follows:

The Franchisee shall, at all times during the exercise of this franchise, be subject to all lawful exercise of the police power by the City. The City may, at any time during the duration of the franchise, enact such measures and/or regulations as it deems necessary in order to insure safety of its citizens and visitors and the Franchisee agrees to comply with all such measures and/or regulations.

Section 4. That subsection E of 4.52.07 of the Eureka Springs Municipal Code is amended to read as follows:

E. Nor more than one person per vehicle will be allowed unless the vehicle is designed by the manufacturer to be ridden by more than one person.

Section 5. That subsection H of 4.52.05 of the Eureka Springs Municipal Code is deleted.

Section 6. That Section 4.52.07 of the Eureka Springs Municipal Code is amended by the addition of a new subsection, I., which will read as follows:

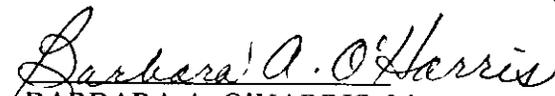
I. That the rental agreement between the franchisee and the vehicle operator shall include a provision that the vehicle operator will abide with the provisions of this section.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

Section 8. If any part of this Ordinance is held to be unenforceable for any reason whatsoever by a court of competent jurisdiction, such holding shall not affect the remaining parts thereof, which shall remain in full force and effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS THIS 12th DAY OF May, 1998.

APPROVED:


BARBARA A. O'HARRIS, Mayor

ATTEST:


MARY ANN LEE, Clerk