

ORDINANCE No. 2149

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE CITY OF EUREKA SPRINGS
MUNICIPAL CODE**

WHEREAS, the City of Eureka Springs (“the City”) currently recognizes the need to further protect parking for the disabled within Eureka Springs; and

WHEREAS, the City Council believes that Chapter 8 of the Municipal Code needs changes to more effectively deal with this issue

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

Section 1. That section 8.40.03 Parking for the disabled is hereby amended to read as follows:

- A. It is unlawful for any vehicle to be parked in an area designated for the exclusive use of any person with a disability, unless the vehicle displays a special license plate, a special certificate, or an official designation. It also unlawful for any vehicle to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not a person with a disability while not being used for the actual transporting of a person with a disability.
- B. Any person violating provisions of this section shall be guilty of a misdemeanor.
- C. Any person convicted of violating the provisions of this subsection shall be fined in an amount not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500) for the first offense and not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for the second and subsequent offenses, plus applicable towing, impoundment, and related fees as well as court costs.
- D. Any of the following designations that are displayed on each parking space for persons with disabilities and visible to the driver’s eye level shall be enforced as provided under this subchapter and are regulatory in nature: (a) A sign that displays the blue and white international symbol of access accompanied by one (1) or more of the following phrases or a sign that states any of the following: (i) “Disabled Parking”; (ii) “Van Accessible”; (iii) “Handicapped Parking”; (iv) “Reserved for Handicapped”; (v) “Reserved Parking” with the blue and white international symbol of access; or (vi) “Permit Required – Towing Enforced”; or (b) A sign that is compliant with R7-8, R7-8a, or R7-8b of the Manual on Uniform Traffic Control Devices promulgated by the Federal Highway Administration of the United States Department of Transportation. (2) Corresponding pavement markings of the blue and white international symbol of access are preferred but not required for enforcement of this subchapter.
- E. Enforcement:
 - a.) Any law enforcement or parking enforcement official in the City of Eureka Springs may enter upon any public parking space, public parking lot or public parking facility in the City for the purpose of enforcing all codes with respect to accessible parking for a person with a disability.
 - b.) Any law enforcement or parking enforcement official in the City of Eureka Springs may

enter upon the parking space, parking lot or parking facility of any private agency in the City for the purpose of enforcing all codes with respect to accessible parking for a person with a disability.

Section 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. That in the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of the Ordinance, Code, code section or chapter as a whole, or any part or provision other than the part so decided to be invalid or unconstitutional, and the remaining provisions of the Ordinance, Code, code section or chapter shall remain in effect.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS 27th DAY OF FEBRUARY, 2012.

APPROVED:



Morris Pate, Mayor

ATTEST:



Ann Armstrong, City Clerk/Treasurer

Aldermen voting "Aye" – Ken Pownall, James DeVito, Dean Kirkpatrick, and Parker Raphael.
Absent: Butch Berry and Lany Ballance