

**ORDINANCE NO. 2155 (failed on third reading)**

**AN ORDINANCE REGULATING OPERATION AND RATES WITH REGARD TO CERTAIN FOR-HIRE VEHICLES**

**WHEREAS**, the City Council of the City of Eureka Springs, Arkansas, has made a comprehensive study and review of the current operation of businesses providing for-hire passenger transportation within the City of Eureka Springs, Arkansas; and

**WHEREAS**, the Council believes that increased regulation of the industry is necessary to avoid infringements of the rights and/or privileges extended under the City's granting of a Taxicab Franchise with a Certificate of Public Convenience and Necessity.

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

**Section 1.** This Ordinance shall apply to all businesses operating limousines for hire as defined herein, within the Corporate City Limits of Eureka Springs, Arkansas, within a radius of five (5) miles beyond the Corporate City Limits, or occasional trips of ten (10) miles beyond such limits,

**Section 2.** Definitions: As used in this Ordinance the following terms shall be construed to mean as follows:

**Limousine:** A luxury passenger automobile, bearing a current license as required by the State of Arkansas, seating eight (8) or more passengers; which is available for hire to transport passengers

**For hire:** The offering of or providing transportation for monetary remuneration to a passenger or passengers

**Section 3.** Minimum Fares: All limousines operating within Eureka Springs, Arkansas, shall charge the following non-prorated minimum fares:

Limousines shall be rented at not less than seventy-five dollars (\$75) per hour with a two (2) hour minimum. Rentals in excess of two (2) hours shall be at a rate of not less than sixty dollars (\$60) an hour.

**Section 4.** Fare revisions: Limousine fares may be revised from time to time by resolution of the City Council after a public hearing. Fare shall permit a fair, just and reasonable return to the limousine owners while providing a clear distinction between taxicab fares and limousine rates. No resolution establishing limousine fares shall become effective until expiration of thirty (30) days from the date of its passage and approval, during which time any limousine owner may seek judicial review thereof.

**Section 5.** Limousines shall be operated in a manner which provides exclusive, luxury service to the patrons.

**Section 6.** Business license and fees: Each individual, corporation, or other entity operating one or more limousines within the Corporate City Limits shall obtain a City business license before beginning operation or continuing operation after the effective date of this Ordinance.

The City Clerk of Eureka Springs, Arkansas, shall issue a City business license entitled Limousine Business License upon completion by the requester of the appropriate application and payment of a fee of fifty dollar (\$50).

**Section 7. Penalties:** It is hereby declared a misdemeanor for any person, corporation, or other entity to operate a for-hire passenger vehicle business within the Corporate City Limits of Eureka Springs, Arkansas, that does not comply with this Ordinance and/or other applicable City law. This Ordinance shall not apply to City transit services, group tour franchises, animal drawn vehicle franchises, and taxicab franchises operating with Certificates of Public Convenience and Necessity. Each day of operation shall constitute a separate offense punishable by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) and applicable court costs.

**Section 8. Repeal Clause:** All Ordinances, 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, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

**APPROVED:**

**ATTEST:**

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Morris Pate, Mayor

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Ann Armstrong, City Clerk/Treasurer