

ORDINANCE NO. 2178

AN ORDINANCE AMENDING CHAPTER 4.44 OUTDOOR SALES OF THE EUREKA SPRINGS MUNICIPAL CODE

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has made a comprehensive study and review of the Planning Commission's recommendations and

WHEREAS, the Council believes that it is in the best interest of the City and its Citizens;

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

Section 1. That the "Purpose" section of Ordinance 1020 as previously passed and approved is hereby readopted and the code service is directed to add it to the codification of this ordinance as if set out herein word for word.

Section 2. That the definition of "Outdoor rummage sales, sidewalk sales, yard sales, porch sales, outdoor auctions and garage sales" is hereby amended as follows: by adding a comma between commercial and social and by removing the phrase "which are of a duration of not more than three (3) consecutive calendar days."

Section 3. That Subsection 4.44.02 B is hereby amended by adding the following sentence: "Each person obtaining such a permit shall forward a copy of said permit to the police department within 24 hours of its issuance."

Section 4. That Subsection 4.44.02 D is hereby amended to read as follows: "No person or organization shall hold such sale regulated under this article, at one specific address, more than three (3) times in a calendar year. A person or organization with a legitimate need to have one additional outdoor sale per year may apply to the Planning Commission for a permit to hold said additional sale. Said application shall be heard at the next regularly scheduled planning commission meeting and a permit shall be issued on a showing of good cause by the applicant.

Section 5. That the following limitations shall be added to Subsection 4.44.03:

1. That the actual sale times are limited to beginning no earlier than 7 a.m. on each permitted sale date and ending no later than 7 p.m. on each permitted sale date
2. That the set-up and removal times of items for sale shall be no earlier than noon the day before the permitted sale date and no later than noon the day after the last permitted sale date.

Section 6. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

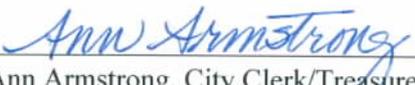
Section 7. In the event that any section, subsection, paragraph, subdivision, clause, phrase or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance, code section or chapter as a whole, or any part or provision

other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance, Code, code section or chapter shall remain in effect.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS THE 8th DAY OF APRIL, 2013.

APPROVED:

ATTEST:


Ann Armstrong, City Clerk/Treasurer


Morris Pate, Mayor

All voted "Aye" – Dee Purkeypile, Joyce Zeller, David Mitchell, Terry McClung, James DeVito, and Mickey Schneider