ORDINANCE NO. 2184

AN ORDINANCE PROHIBITING WEEKLY RENTALS OF PROPERTY LOCATED WITHIN ANY RESIDENTIAL ZONE

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has reviewed weekly rentals and other short term rentals within the Residential Zones R-1, R-2 and R-3: and,

WHEREAS, it has been determined that it is in the best interests of the City to maintain as stable and consistent a population within these zones as is possible; and,

WHEREAS, limiting short term rentals will help assist in maintaining stability and consistency of population in residential areas

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

SECTION 1. That henceforth it shall be a misdemeanor to rent property as a dwelling within any Residential Zone within the City of Eureka Springs, punishable by a fine of up to $500.00 per violation, for a period of thirty days or less. Each day of any rental of thirty days or less shall be considered a separate offense.

SECTION 2. That this Ordinance shall not amend the conditional uses permitted in R-1, R-2, and R-3

SECTION 3. Legal Non-conforming Uses Existing on the Effective Date of this Ordinance: All legally operating Rental Businesses renting dwellings in R-1, R-2 or R-3 for thirty or less days as of the effective date shall be considered as legal non-conforming uses in accordance with the Eureka Springs Municipal Code. Those businesses are listed in Appendix "D" attached to this Ordinance. No additions may be made to this list after the effective date of this Ordinance. They are required to continually operate in accordance with all applicable Codes of the City and shall be limited to only the use which has been in operation since before the effective date of this Ordinance. Continual operation shall be defined for purposes of this Ordinance as being open and in business, showing revenue, and paying all appropriate fees and taxes with no lapse of operation of greater than 180 consecutive days. No expansion of the structure or use shall be allowed for any legal non-conforming use under this Ordinance. Any issuance of any building permit for repair, remodeling, or upkeep for any legal non-conforming property under this Ordinance with an estimated value of more than one-fourth of the total property value shall terminate the legal non-conforming status of the property. That the legal non-conforming property status under this Ordinance shall terminate upon any transferal of ownership of the subject property, be that transfer by sale, gift, inheritance or other operation of law.

SECTION 4. Severability Clause: 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.

SECTION 5. 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 THE 8th DAY OF JULY, 2013.

ATTEST:

Ann Armstrong
City Clerk/Treasurer

APPROVED:

Morris Pate
Mayor

Aldermen voting "Aye" – Terry McClung, Joyce Zeller, James DeVito, and David Mitchell
Alderman voting "No" – Mickey Schneider