

ORDINANCE NO.1818

**AN ORDINANCE AMENDING CHAPTER 7.28 "SIGNS"
OF THE EUREKA SPRINGS MUNICIPAL CODE TO PROHIBIT
OUTDOOR PRICE SIGNS AT LODGING FACILITIES**

WHEREAS, the City of Eureka Springs depends heavily on tourism, virtually its only industry, and the health of that industry is of primary concern to the City, and

WHEREAS, consultants hired by the City have stressed "that hotel/motel price wars hurt the entire tourism structure, and action should be taken immediately to protect the tourism industry that is so vital to the Eureka Springs economy," and

WHEREAS, the lodging sector strongly favors, as verified through signed petition, the prohibiting of outdoor price signs to end price wars, and

WHEREAS, the Carroll County Chancery Court has indicated in a prior case involving this subject that regulation of commercial speech, and specifically outdoor advertising of prices, is a valid exercise of police power of a municipality, when such regulation promotes the general economic welfare of the community, and

WHEREAS, economic studies have indicated that the general welfare of the City of Eureka Springs stands to benefit substantially if outdoor price signs are prohibited in the lodging sector, and

WHEREAS, the Planning Commission of the City of Eureka Springs, for all the reasons detailed above, recommends to the City Council that this be done, to advance the tourism economy which is in the best interest of the citizens of the City of Eureka Springs by narrowly tailoring the regulation of outdoor advertising to specifically address this economic detriment, while allowing alternative means of communication.

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

Section One. Section 7.28.02-A To Be Amended

Section 7.28.02-A, "Definitions" of the Eureka Springs Municipal Code is hereby amended to alphabetically add the following definition:

RATE OR PRICE SIGN. An Outdoor Sign, or any sign placed within a business window, door, or open store front which can be read from outside the structure, which contains language and/or figures thereon advertising the rates or prices for rooms in Lodging Facilities.

Section Two. Section 7.28.04 To Be Amended

Section 7.28.04, "Prohibited Signs," Paragraph C. of the Eureka Springs Municipal Code is hereby amended by replacing it with the following paragraph:

- A. No person shall erect or maintain, for value or profit, any Rate or Price Sign which states the charge for daily or weekly rental of short-term lodging, including without limitation hotel and motel rooms, and any other Lodging Facility leased or rented, for a term of less than ten (10) days.

Section 7.28.04, "Prohibited Signs" of the Eureka Springs Municipal Code is further amended by deleting Paragraphs D. through G., all relating to the regulation of the advertising of rates posted on Outdoor Signs at Lodging Facilities.

Section Three: Section 7.28.08 To Be Amended

Section 7.28.08, "Enforcement," Paragraph C. of the Eureka Springs Municipal Code is hereby amended by replacing it with the following paragraph:

- B. In addition to the enforcement remedies set forth in paragraphs A. and B. of this Section 7.28.08, the City shall be entitled to immediate injunctive relief from a court of proper jurisdiction for any violation of Section 7.28.04, Paragraphs B. and C. specifically, and any other violation of the provisions of Chapter 7.28, Signs.

Section Four: Repeal Clause

If this Ordinance is in conflict with any other Ordinance or Resolution of the City of Eureka Springs, Arkansas, then such other Ordinance is hereby repealed to the extent of such conflict.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS ___DAY OF _____, 1999.

APPROVED:

Beau Zar Satori, Mayor

ATTEST:

Mary Ann Lee, City Clerk