

ORDINANCE NO. 1843

**AN ORDINANCE AMENDING EUREKA SPRINGS MUNICIPAL
CODE CHAPTER 18, ARTICLE VII, PERFORMING
MUSICIANS AND ARTISTS; SECTION 18-276,
TO REGULATE THE PERFORMANCE AND SALE
OF ART ON PUBLIC PROPERTY**

WHEREAS, the City Council of Eureka Springs wishes to encourage the arts and to allow use of public property for the production and performance of art in a manner that does not disrupt the use and enjoyment of public property by the general public; and

WHEREAS, art in its many forms constitutes speech, subject to constitutional protection; and

WHEREAS, the City Council wishes to ensure that the use of public property for the production and performance of art does not adversely affect the public health and safety, impair the use and enjoyment of adjacent private property, or interfere with vehicular and pedestrian traffic; and

WHEREAS, some regulation and management of the production and performance of art on public property is required to ensure that those activities do not devolve into peddling, disrupt the use and enjoyment of public property by the general public, adversely affect the public health and safety, impair the use and enjoyment of adjacent private property, or interfere with vehicular and pedestrian traffic; NOW, THEREFORE

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

1. That Chapter 18, Article VII, Section 18-276, "Privileges", subsection (a) is amended to read as follows:
 - (a) Musicians and/or artists shall not perform in city parks or the Trolley Depot when to do so will detract from or be in conflict with auditory functions, parades, or other events scheduled by the City or any of its departments, contractors, or agents.

2. That Chapter 18, Article VII, Section 18-276, "Privileges", subsection (b) is amended to read as follows:
 - (b) The Parks and Recreation commission and the Transit Department reserve the right to cancel same day privileges of any artist or musician who is determined to have committed a code violation or violation of any criminal statute during performance on public property.

3. That Chapter 18, Article VII, Section 18-276, "Privileges", subsection (e) is amended to read as follows:
 - (e) Musicians' and artists' on-site setups shall be limited to sixteen (16) square feet, two chairs, one easel and art supplies. Artists and musicians may not use park benches or public planters, statuary, or retaining walls as a part of their setups or performance.

4. That Chapter 18, Article VII, Section 18-276, "Privileges", is amended to add the following subsections to read as follows:
 - (h) Persons actually performing music, visual arts, drama or other art forms on public property may receive payments or contributions from bystanders or the general public; PROVIDED HOWEVER, that all merchandise or services sold on said public property are actually generated at the site where they are sold.
 - (i) Artists performing in Basin Spring Park shall do so only on the lower level against the stone retaining wall that runs from the North to the South side of the park below the bandshell. Musicians who have not been scheduled by the City or any of its departments, contractors, or agents shall perform only on the South side of Basin Spring Park and against said retaining wall.
 - (j) Signs identifying the artist or musician and the general nature of the art or service being performed on site are prohibited under other provisions of the municipal code.
 - (k) Unless part of a City-sponsored event, any single musician or any group of musicians playing together shall not perform longer than two (2) hours at any particular location on any day.
 - (l) Artists and musicians may be banned from performing on public property for a period of one year upon conviction of three code violations or criminal violations committed during performance on public property.

5. That all ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

6. That each of the provisions of this ordinance are severable and the decision of any court having jurisdiction as to the validity of any provision shall not effect the remaining provisions.

7. That this ordinance shall go into and be of full effect thirty (30) days after its passage.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA
SPRINGS, ARKANSAS, THIS _____ DAY OF _____, 2000.**

APPROVED:

BEAU ZAR SATORI, Mayor

ATTEST:

MARY ANN LEE, City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Eureka Springs, Arkansas (the City), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. 1843, adopted at a regular session of the City Council of the City, held at the regular meeting place of the City Council at 7:00 p.m. on the ____ day of _____, 2000, and that said Ordinance is of record in Ordinance Record Book No. _____ of the City, now in my possession.

GIVEN under my hand and seal this ____ day of _____, 2000.

City Clerk

(SEAL)