

ORDINANCE NO. 1952

AN ORDINANCE AMENDING SECTION 18-276 OF THE MUNICIPAL CODE  
REGARDING THE PERFORMANCE AND SALE OF ART  
ON PUBLIC PROPERTY

WHEREAS, the City Council of Eureka Springs previously passed an ordinance that encouraged the arts and 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, the City now desires to amend that section to ensure that the needs of the artist and the City are properly balanced.

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

SECTION 1: That subsection (b) of Section 18-276 of the Eureka Springs Municipal Code is amended to read as follows:

(b) The City reserves 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. For purposes of enforcement, the following officials have the authority to cancel same day privileges: Special events director, director of parks, or representative of mayor's office.

SECTION 2: That the second sentence in subsection (e) of Section 18-276 of the Eureka Springs Municipal Code is amended to read as follows.

Artists and musicians may not use public planters, statutory, or retaining walls as a part of their setups or performance.

SECTION 3. That subsection (h) of Section 18-276 of the Eureka Springs Municipal Code is amended 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 and during city-sponsored festivals and/or events, *memorabilia may* be sold.

SECTION 4. That subsection O) of Section 18-276 of the Eureka Springs Municipal Code is amended to read as follows:

(j) Signs identifying the artist or musician and the general nature of the art or service being performed on site and less 8 square feet are permitted only while the artist is performing; and comply with subsection (e) above.

---

SECTION 5. That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

PASSED AND APPROVED BY THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS, THIS 26th DAY OF April, 2004.

APPROVED:

*[Handwritten signature]*

KATHY I...

SON

ATTEST:

*Mary Jean Sell*  
MARY JEAN SELL, Clerk