

(2)

ORDINANCE NO. 1005

AN ORDINANCE AMENDING ORDINANCES 761, 910, 920, 949, 967 AND 985, PROVIDING UNIFORM PENALTIES AND FINES IMPOSED FOR ILLEGAL PARKING OF VEHICLES IN AREAS SPECIFIED BY SAID ORDINANCES AND TEMPORARILY SPECIFIED BY THE CHIEF OF POLICE, AUTHORIZING THE ESTABLISHMENT OF TEMPORARY PROHIBITED PARKING AREAS AND THE CAUSATION OF THE REMOVAL AND TOWING AWAY OF VEHICLES ILLEGALLY STOPPED, STANDING OR PARKED, IN ANY PROHIBITED AREA, BY THE CHIEF OF POLICE, AND PROVIDING UNIFORM PENALTIES AND FINES IMPOSED FOR ILLEGAL STOPPING, STANDING OR PARKING VEHICLES IN VIOLATION OF ARK. STAT. ANN. SECTION 75-649 (1957 REPL.).

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

SECTION 1. From and after the effective date of this Ordinance, the registered owners and/or operators of all vehicles as defined by Ark. Stat. Ann. Section 75-102 (a)(1957 Repl.), who shall park such vehicles in any area specified by Ordinances of the City of Eureka Springs, Arkansas, as being an area where such parking is expressly prohibited, or in any area where parking is temporarily prohibited, as hereinafter provided for, shall be subject to a penalty, voluntarily paid for such illegal parking, in the sum of Five and no/100 Dollars (\$5.00), or, upon conviction in the Municipal Court of Eureka Springs, Arkansas, shall be subject to a fine of not less than Five and no/100 Dollars (\$5.00) and not more than Twenty-five and no/100 Dollars (\$25.00), plus court costs.

SECTION 2. From and after the effective date of this Ordinance, the registered owners and/or operators of all vehicles, as heretofore defined, who shall stop, stand or park such vehicles within fifteen (15) feet of any fire hydrant or in any other area specified by Ark. Stat. Ann. Section 75-649 (1957 Repl.) of the State of Arkansas, as being an area where such stopping, standing or parking is expressly prohibited, shall be subject to a penalty, voluntarily paid for such illegal stopping, standing or parking, in the sum of Ten and no/100 Dollars (\$10.00), or, upon conviction thereof in the Municipal Court of Eureka Springs, Arkansas, shall be subject to a fine of not less than Ten Dollars and no/100 Dollars (\$10.00) and not more than Fifty and no/100 Dollars (\$50.00), plus court costs.

SECTION 3. The Chief of Police of the City of Eureka Springs, Arkansas, is hereby expressly authorized to establish, from time to time, solely in the interests of the public health, safety and welfare and the orderly flow of vehicular and pedestrian traffic, specific areas where parking of vehicles, as heretofore defined, shall be temporarily prohibited, PROVIDED that it shall be the duty of the Chief of Police to conspicuously mark and designate each such area where vehicular parking is temporarily prohibited and to remove such markings, signs and other appropriate designations when each period of temporary

prohibition has ended.

SECTION 4. The Chief of Police of the City of Eureka Springs, Arkansas, is hereby expressly authorized to cause any vehicle illegally stopped, standing or parked, as provided for by Sections 1, 2 and 3 of this Ordinance, to be removed and towed away from such prohibited area, with the customary and reasonable costs of such removal, towing away, and, if applicable, storage of such vehicle to be fully paid by the registered owner and/or operator thereof prior to recovery thereof, in addition to any applicable penalties or fines which may be imposed under the provisions of this Ordinance.

SECTION 5. All parts of Ordinances and Resolutions in conflict with this Ordinance are hereby repealed.

SECTION 6. All provisions of this Ordinance are hereby declared to be severable, and in the event any provisions hereof shall be held invalid or to be inapplicable to persons or circumstances, such holding shall not affect the remainder of the provisions of this Ordinance.

SECTION 7. EMERGENCY DECLARED. It has been found, and is hereby declared, that the City of Eureka Springs, Arkansas is in immediate need of the enforcement and effect of this Ordinance, that the same is necessary for the preservation of the public health, safety and welfare, and that an emergency exists, whereby this Ordinance shall be in full force and effect after its passage, approval and publication as required by law.

PASSED AND ORDAINED, WITH SECTION 7 BEING PASSED SEPARATELY, BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 21ST DAY OF AUGUST, 1976.

APPROVED:

  
\_\_\_\_\_  
PRESIDENT PRO TEMPORE

ATTEST:

  
\_\_\_\_\_  
JUNE I. MONGRAVIE, CITY CLERK

(SEAL)