

ORDINANCE NO. 1043

AN ORDINANCE PRESCRIBING ONE-WAY VEHICULAR TRAFFIC ON PINE STREET FROM ITS INTERSECTION WITH PROSPECT AVENUE TO ITS INTERSECTION WITH SPRING STREET, ALL AS SHOWN ON THE RILEY AND ARMSTRONG PLAT OF THE CITY OF EUREKA SPRINGS, ARKANSAS, WITH VEHICULAR TRAFFIC TO FLOW ONLY IN AN EASTERLY OR SOUTHEASTERLY DIRECTION, AS THE CASE MAY BE, ON PINE STREET TWELVE (12) MONTHS EACH YEAR, SEVEN (7) DAYS EACH WEEK AND TWENTY-FOUR (24) HOURS EACH DAY.

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, by a majority vote of its members, did, on August 8, 1978, refer this Ordinance to the people for adoption or rejection, to be had at a special election held for that purpose, among other purposes, on Tuesday, September 12, 1978, under the supervision and management of the Carroll County Board of Election Commissioners, said referral being made pursuant to Act 218 of 1963, Sections 1 and 3, Acts of Arkansas, as construed by the Supreme Court of Arkansas in the case of Cowling v. City of Foreman, 238 Ark. 677, 384 S.W.2d 251 (1964); and

WHEREAS, Public Notice of said special election was duly published in the Eureka Springs Times - Echo on August 10, 1978; and

WHEREAS, copies of the full text of this Ordinance were available for inspection and copying by any person from August 10, 1978, through and including September 12, 1978, in the Office of the City Clerk-Treasurer, City of Eureka Springs, Arkansas, 44 South Main Street, Eureka Springs, Arkansas, between the hours of 9:00 o'clock a.m. and 12:00 o'clock noon, and from 1:00 o'clock p.m. until 5:00 o'clock p.m., Mondays through Fridays, legal holidays excepted, all as provided in said Public Notice; and

WHEREAS, a majority of the qualified electors of the City of Eureka Springs, Arkansas, did, on Tuesday, September 12, 1978, vote to adopt this Ordinance:

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

SECTION 1. ONE-WAY VEHICULAR TRAFFIC.

From and after the effective date of this Ordinance, it shall be unlawful for any vehicle, motorized or unmotorized, to be driven or otherwise operated at any time on Pine Street in any direction other than in an easterly direction or southeasterly direction, as the case may be, and Pine Street shall, by virtue of this Ordinance, be deemed to be a one-way street in an easterly or southeasterly direction, as the case may be, from its intersection with Prospect Avenue to its intersection with Spring Street, all as shown on the Riley and Armstrong Plat of the City of Eureka Springs, Arkansas. Any person violating this Ordinance shall, upon conviction thereof in the Municipal Court of Eureka Springs, be deemed guilty of a Class "C" Misdemeanor and shall be fined in a sum not exceeding One Hundred and No/100 Dollars (\$100.00) nor less than Twenty-Five and No/100 Dollars (\$25.00).

SECTION 2. EFFECTIVE DATE.

This Ordinance shall be in full force and effect on the thirty-first (31st) day next after its publication according to law.

SECTION 3. SEVERABILITY.

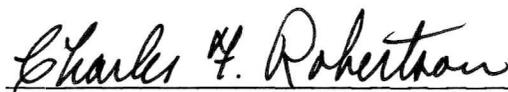
Each word, phrase, sentence and section of this Ordinance is severable from each and every other word, phrase, sentence and section hereof. If any part of this Ordinance shall be held to be unconstitutional and/or unenforceable for any reason whatsoever by a court of competent jurisdiction, such holding shall not render the remaining parts hereof ineffective, and the same shall continue to be in full force and effect.

SECTION 4. REPEAL.

All Minute Orders, Resolutions and Ordinances, and parts thereof, in conflict with this Ordinance are hereby repealed.

ADOPTED AND ORDAINED BY THE QUALIFIED ELECTORS OF THE
CITY OF EUREKA SPRINGS, ARKANSAS, ON THE 12TH DAY OF SEPTEMBER, 1978.

APPROVED:



CHARLES F. ROBERTSON, MAYOR

ATTEST:


JUNE I. MONCRAVIE, CITY CLERK-TREASURER

(SEAL OF THE CITY)