

ORDINANCE NO. 1140

AN ORDINANCE AMENDING SECTION 4.16.05,
EUREKA SPRINGS MUNICIPAL CODE AND PROHIBITING
PEDDLING WITHIN THE CORPORATE LIMITS OF THE CITY

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

Section 1. Section 4.16.05, Eureka Springs Municipal Code, amended.

Section 4.16.05, Eureka Springs Municipal Code, is hereby amended
to read in its entirety as follows:

4.16.05 Peddling

(a) Definitions

(1) Peddling. The act of engaging in any trade, business, profession, vocation, or occupation from a motor vehicle, tent, open-air stand, area or table, trailer, or other transient or portable structure, vehicle or device, and offering for sale or selling any merchandise, goods, or any article, thing, or item of value, or offering or providing any services whatsoever for fees or remuneration.

(2) Peddler. Each natural person, whether as an individual or as a representative or employee of a partnership, firm, company or corporation, engaging in the act of peddling, as defined above.

(b) Prohibitions and penalties

(1) Peddling, as defined in this section, is prohibited within the corporate limits of the city and is hereby declared to be a misdemeanor punishable as provided herein.

(2) Any person convicted of engaging in the act of peddling, or of violating any provision of this section, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed Two Hundred Fifty Dollars (\$250.00) for the first offense and a sum not to exceed Five Hundred Dollars (\$500.00) for a second or any subsequent offense.

(c) Exemptions

(1) Nothing in this section shall be construed to apply to the fund-raising activities of any civic, charitable, benevolent, educational, political, religious, social, fraternal, literary,

or cultural organization provided that such organization, club, association or corporation is non-profit in nature and is recognized as such under applicable State and/or federal laws.

(2) Nothing in this section shall be construed to apply to the sale of fruits, vegetables or other farm products within the city, as described in Arkansas Statutes § 19-3301.

(3) Nothing in this section shall be construed to apply to "home solicitation sales", as the term is defined in Arkansas Statutes § 70-915.

(4) No person or organization exempted under this subsection shall be required to obtain an occupational license under this chapter, provided the person or organization registers with the city's Clerk-Treasurer, prior to commencing the exempted activities and states in writing on a prescribed form their name, address and telephone number, or that of an authorized representative; the nature and duration of the planned activity; and, if applicable, the names of each individual who will be engaged in the exempted activity.

(5) Any person who may otherwise be exempted from the payment of an occupation tax or procurement of an occupational license, by operation of State or federal law, shall, nonetheless, prior to engaging in the exempted activity, register with the city's Clerk/Treasurer in the manner prescribed in subsection 4.

Section 2. Repeal of inconsistent laws.

Any ordinance, or part of any ordinance, in conflict with the provisions of this ordinance is hereby repealed.

Section 3. Severability.

Should any part of this ordinance be declared to be unenforceable by a court of competent jurisdiction, then the various parts of this ordinance shall be considered severable and the

remaining parts shall be in full force and effect and remain unaffected by such holding.

PASSED AND ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EUREKA SPRINGS, ARKANSAS THIS
22 DAY OF Dec, 1981.

APPROVED:

Marcile Davis
MARCILE DAVIS, Mayor

ATTEST:

Truie Walsh
TRUIE WALSH, Clerk Treasurer