

ORDINANCE NO. 1257

AN ORDINANCE TO AMEND TITLE 8 VEHICLES AND TRAFFIC OF THE EUREKA SPRINGS MUNICIPAL CODE BY SUBSTITUTING NEW LANGUAGE FOR CHAPTER 8.16 PARKING; TO REGULATE PARKING IN THE CITY OF EUREKA SPRINGS, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

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

SECTION 1: That Title 8 Vehicles and Traffic, Chapter 8.16 Parking of the Eureka Springs Municipal Code is hereby amended by substituting the following new language:

CHAPTER 8.16  
PARKING

Section 8.16.01 Definitions

- a. Loading Zone--Any parking space or area which is now or may hereafter be designated by signs, painted curbs or other conspicuous designation as an area for parking only when loading or unloading cargo.
- b. Motor Vehicle--Any vehicle which is self-propelled and any vehicle propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- c. No Parking Zone--Any parking space or area which is now or may hereafter be designated by signs, red painted curbs or other conspicuous designation as an area in which no parking is allowed.
- d. Operator--Any person who drives or is in actual physical control of a motor vehicle upon a street or highway.
- e. Owner--Any person who holds the legal title to a vehicle, or in the event a vehicle is the subject of any agreement for the conditional sale of lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee, or mortgagor shall be deemed the owner for the purposes of this Chapter.
- f. Vehicle--Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

Section 8.16.02 Illegal Parking

- a. Specific areas in which parking is illegal

Any person who shall stop, stand or park his vehicle in such a manner as to block: 1) a driveway, 2) sidewalk, 3) fire station, 4) fire hydrant or in any other manner be in violation of Arkansas Statutes Annotated Section 75-649, shall be guilty of a violation of this subsection and shall, upon conviction, be fined: an amount not less than \$10.00 nor more than \$50.00 plus court costs for 1) & 2) offenses listed above; and no less than \$50 nor more than \$100.00 plus court costs for 3) and 4) offenses listed above. Any person who violates this subsection may post a cash bond in the amount of no less than \$25.00 or more than \$50.00 for blocking a fire station or fire hydrant or \$10.00 for any other violation of this subsection in lieu of court appearance.

b. Blocking Traffic Lane

Any person who stops, stands or parks any vehicle in a regular lane of traffic upon any street in the City of Eureka Springs, Arkansas, in such a manner as may disrupt, obstruct or impede the free passage of other vehicles shall be guilty of a violation of this subsection, unless

such stopping, standing or parking is necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic control device.

c. Unauthorized parking in an area designated for the Physically Handicapped

Any person who stops, stands or parks his vehicle in any parking space or area, state or local, public or private, conspicuously designated and marked as reserved for physically handicapped persons shall be guilty of a violation of this subsection and shall, upon conviction, be fined not less than \$25.00 nor more than \$50.00 plus court costs. any person violating this subsection may post a cash bond in the amount of \$25.00 in lieu of court appearance. The provisions of this subsection shall not apply if the vehicle displays the "Disabled Veteran license plate or the International Symbol of Access Decal."

d. Parking in a No Parking Zone

Any person who stops, stands or parks in an area which is or may hereafter be designated as a No Parking Zone shall be guilty of a violation of this subsection.

8.16.03 Improper Parkinga. Parking for an excessive time in a Loading Zone.

Any person who stops, stands or parks his vehicle in an area which is or may hereafter be designated a Loading Zone for more than 15 minutes shall be guilty of a violation of this subsection.

b. Parking on an Expired Meter; Failure to pay Lot Box.

Any person who stops, stands or parks his vehicle in an area governed by parking meters or lot boxes and shall allow the meter to expire or fail to pay the lot box, shall be guilty of a violation of this subsection and, shall, upon conviction, be fined not less than \$3.00 nor more than \$15.00 plus court costs. Any person violating this subsection may post a cash bond in the amount of \$3.00 in lieu of court appearance.

c. Unauthorized Parking in a Reserved Parking Space.

Any person who shall stop, stand or park his vehicle in a space designated as a reserved parking space without proper authorization shall be guilty of a violation of this subsection.

d. Parking for an excessive time at the Post Office

Any person who stops, stands or parks his vehicle at the Eureka Springs Post Office for more than 10 minutes shall be guilty of a violation of this subsection.

e. Careless Parking

Any person who shall stop, stand or park his vehicle in such a manner that it crosses the designated markings for a parking space shall be guilty of a violation of this subsection.

8.16.04 Other Offensesa. Sleeping or Habitation in Motor Vehicles Prohibited.

Any person who uses for habitation or sleeps in any motor vehicle, whether on a temporary or permanent basis, while the vehicle is parked or stopped on any public street, alley or other public property within the City of Eureka Springs shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$40.00 nor more than \$100.00 plus court costs. Each day of habitation therein shall constitute a separate offense. Any person violating this subsection may post a cash bond of \$40.00 in lieu of court appearance.

b. Motor Vehicle Noise

Any person who shall leave any motor vehicle parked or standing with the ignition, electrical, generating, air conditioning, heating or other system running in the City of Eureka Springs, for more than 10 minutes shall be guilty of a misdemeanor and shall be fined not less than \$25.00 nor more than \$75.00 plus court costs. Any person violating this section may post a cash bond of \$25.00 in lieu of court appearance.

c. Tampering with Parking Designations or Signs Prohibited

Any person who shall move, remove, alter, destroy, damage, vandalize or in any way tamper with any parking sign, painted curb, road striping or other conspicuous parking designation without authorization shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than \$75.00 nor more than \$250.00 plus court costs. Any person violating this subsection may post a cash bond in the amount of \$75.00 in lieu of court appearance.

8.16.05 Penalties

Unless otherwise specified hereinabove, any person violating any subsection of this Chapter shall, upon conviction, be fined not less than \$10.00 nor more than \$50.00. Any person violating any provision of this Chapter may post a cash bond of \$10.00 in lieu of court appearance, except where otherwise specified hereinabove.

8.16.06 Duties of the Eureka Springs Police Departmenta. Vehicle Removal

The Eureka Springs Police Department is hereby authorized to cause any vehicle parked in violation of this Chapter to be removed or towed from the area in which it is parked. The reasonable costs of such towing, removal and storage of such vehicle must be fully paid by the owner or operator thereof prior to his recovery of the vehicle, as must any fines or penalties which may be assessed.

b. Authority to designate Temporary No Parking Zones

The Chief of Police of the City of Eureka Springs is hereby authorized to designate specific areas in which the parking of vehicles shall be temporarily prohibited; to conspicuously mark each such temporary No Parking Zone; and to remove such markings when each period of temporary prohibition has ended. In deciding in which areas parking shall be temporarily prohibited, the Chief of Police shall be guided by the interests of public health, safety and welfare as well as the orderly flow of vehicular and pedestrian traffic.

SECTION 2: All ordinances and parts of ordinances in conflict herewith are repealed; however, nothing in this ordinance shall be deemed to alter any presently existing parking designation in the City of Eureka Springs.

SECTION 3: The congested traffic conditions and limited parking space in the City of Eureka Springs have impeded the flow of traffic, resulting in hazardous driving conditions. An emergency is therefore declared and this ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage.

PASSED AND ORDAINED this 10th day of June, 1986.

APPROVED:

ATTEST:

Donald L. Thurman  
DONALD L. THURMAN, Mayor

Juanita Barner  
Juanita Barner, Deputy City Clerk

