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AN ORDINANCE REGULATING THE USE OF MO-PEDS,
THREE-WHEELED VEHICLES AND OTHER SIMILAR VEHICLES

WHEREAS, it is an inherent right of the residents of a community to invoke such considerations as the populace may deem to compose to maintain, return or recover a real or perceived quality of life affecting or indicating protectively the appreciation the residents of a community have for their sense of place, and

WHEREAS, unusual in general to other communities the abundant amount of visitors, at a ratio in excess of seven hundred to one to the resident populace, requires of the community such ordinances that will generally call for the safety and protection of the visitors while appreciating the community of Eureka Springs, and in regards to the sheer mass of potential inundation the community could suffer from sheer number the certifying of basic day to day order, and

WHEREAS, the residential areas of a community have a separate, different and distinct quality as indicated by the nature of resident zoning laws as opposed to commercial zoned areas which arbitrarily take into protective considerations the maintenance of a non-commercial private and personal and individual resident sanctuary and may need specific ordinances to supplement the protective residential zoning distinction and

WHEREAS, the unrestricted use of mo-peds, three-wheeled vehicles and other similar vehicles on the streets of Eureka Springs has caused a greivous inconvenience to the safety and well-being of the populace of Eureka Springs, its visitors and is perceived as a devaluation of the quality of life by the populace, and

WHEREAS, the intent of this ordinance is to regulate the use of those type vehicles to insure the safety and general welfare of the citizens of Eureka Springs and protect a quality of experience within the community of Eureka Springs by limiting the situations where and how mo-peds, three-wheeled vehicles and other similar vehicles are to be operated or not operated in 1989 and calling for their complete prohibition as of January 1, 1990, within the corporate limits of Eureka Springs, and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs, Arkansas:

Section 1: That Title 8 of the Eureka Springs Municipal Code is hereby amended by adding a chapter to be numbered 8.30, which said chapter reads as follows:

Chapter 8.30 Mo-peds, Three-wheeled vehicles and similar vehicles

Sections:

- 8.30.01 Definitions
- 8.30.02 Areas of operation
- 8.30.03 Operation on public streets and highways
- 8.30.04 Penalty

8.30.01 Definitions

As used in this chapter, unless the context other requires:

- (1) Mo-ped vehicle shall mean any vehicle with an automatic transmission and a motor which does not displace in excess of fifty (50) centimeters.
- (2) Three-wheeled vehicle shall mean any vehicle having three wheels, an automatic transmission and a motor which does not displace in excess of fifty (50) centimeters.
- (3) Other similar vehicle means any vehicle, mini-car or other type vehicle which has an automatic transmission and a motor which does not displace in excess of fifty (50) centimeters.
- (4) "Public streets and highways" means all streets and highways under the jurisdiction of the City of Eureka Springs.

8.30.02 Areas of Operation

(a) It shall be unlawful for any person to operate a mo-ped, three-wheeled vehicle or other similar vehicle upon the public streets and highways of this city, except under the following conditions and circumstances:

(1) During 1989, a mo-ped, three-wheeled vehicle or other similar vehicle may be operated only on the following streets and highways: U.S. Highway 62, U. S. Highway 62 (Business) and Arkansas Highway 23.

8.30.03 Operation on Public Streets and Highways

(1) All persons operating a mo-ped vehicle, a three wheeled vehicle or other similar vehicle must have a valid driver's license.

(2) When two (2) or more mo-peds, three wheeled vehicles or other similar vehicles are operating together on a public street or highway as permitted in limited circumstances in this chapter, the vehicles shall be operated in single file except while overtaking another vehicle. The operator of a mo-ped, three wheeled vehicle or other similar vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left until safely clear of the overtaken vehicle. Nothing in this subsection shall be construed to prohibit an operator from overtaking and passing upon the right another vehicle which is making or about to make a left turn if the overtaking and passing is accomplished in accordance with Arkansas law.

(3) No more than one person can be on a mo-ped, three wheeled vehicle or other similar vehicle at anytime while it is being operated on the streets and highways of Eureka Springs.

(4) All persons operating a mo-ped, a three-wheeled vehicle or other similar vehicle will wear a safety helmet.

8.30.04 Penalty

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each violation.

Section 2: Emergency Declared

It is hereby found by the City Council of the City of Eureka Springs, Arkansas, that an emergency is declared to exist, and is necessary to insure the safety and general welfare of the citizens of Eureka Springs and visiting tourists by regulating the use of mo-ped, three-wheeled vehicles and other similar vehicles on the streets and highways of the City of Eureka Springs.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EUREKA SPRINGS, ARKANSAS THIS _____ DAY OF _____, 1989.

APPROVED:

RICHARD L. SCHOENINGER
Mayor

ATTEST:

NITA BARNER
City Clerk