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ORDINANCE NO. 1472 (Amended)

AN ORDINANCE AMENDING TITLE 14 OF THE MUNICIPAL CODE
REGARDING BED & BREAKFAST AND TOURIST HOMES

WHEREAS, the Eureka Springs Planning Commission, after holding a public hearing as required by State Law and City Ordinance, has recommended that Title 14 of the Municipal Code be amended in regards to Bed & Breakfast and Tourist Homes.

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

Section 1. That the definition of "Bed & Breakfast House" contained in Section 2 of Chapter 14 of the Municipal Code be amended to read as follows:

Bed & Breakfast House. A dwelling or area containing one or more structures occupied by the owner, where, for compensation, lodging and meals are provided; and the owner thereof intends that the same tenant occupy the lodging for less than thirty days.

Section 2. That the definition of "Tourist Home" contained in Section 2 of Chapter 14 of the Municipal Code be amended to read as follows:

Tourist Home. A dwelling in which sleeping accommodations are provided for and offered to transient guests.

Section 3. That Section 3-9 of Chapter 14 of the Municipal Code be amended by adding footnote 3 above the parking group notation in the Table of Permitted Uses:

3/ Off-street parking must be on property of the Bed & Breakfast or Tourist Home, or be on an adjacent, contiguous lot owned by the same owners. Parking must be easily accessible.

Section 4. That Paragraph 7 of Section 8-2.3 of Chapter 14 of the Municipal Code be amended by the addition of the following sentence at the end thereof:

In the case of conditional use permits in residential zone, approval should be expressed, by letter or in person, by a consensus of those neighbor-owners responding (a no opinion is not to be considered either approval or disapproval); particular consideration is given to adjacent property owners.

Section 5. That Section 8-1.1 of Chapter 14 of the Municipal Code is amended by the addition of a new paragraph to be inserted at the end thereof:

When a residential building is to be modified/renovated for purpose of usage as a Bed & Breakfast or Tourist Home, all new wiring and all plumbing must conform to Chapters 11.20 and 11.08 of the Municipal Code and be in accordance with the requirements for commercial buildings. Existing, unchanged wiring and/or existing plumbing may be retained, if in the judgment of the Building Inspector, it is safe for the use intended.

Section 6. That Section 5 of Chapter 14 is amended by the addition of a new subsection, 5-18, thereto:

5-18 Bed & Breakfast and Tourist Homes: In addition to the requirements set out in (1) the footnote to the table of permitted uses (Section 3-8), (2) Sub-paragraph 7 of Section 8-2.3, and (3) Section 8-1.1, all in Chapter 14, all Bed & Breakfast and Tourist Homes shall be inspected annually by the Fire Chief and/or Building Inspector and, if deemed appropriate by the City, officials of the State Health Department. If said inspection reveals a violation(s) of any of the foregoing regulations, the owner/operator shall be notified of said violation(s) and if the same are not remedied within 30 days, said violations will be subject to the penalties as set out in Section 8-3 herein.

Section 7. All ordinances and parts in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. If any part of this ordinance is held to be unenforceable for any reason by a court of competent jurisdiction, such holding shall not affect the remaining parts of this ordinance, which shall remain in full force and effect.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EUREKA SPRINGS, ARKANSAS THIS 10th DAY OF March, 1992.

APPROVAL:

Randy Wolf
RANDY WOLFINBARGER, Mayor

ATTEST:

Joanita Barner
City Clerk/Treasurer