

Tabled

ORDINANCE NO. 1473

AN ORDINANCE ADDING A SUBSECTION TO SECTION 3 OF CHAPTER 14 TO THE MUNICIPAL CODE REGARDING EXTERIOR DISPLAY OF MERCHANDISE

WHEREAS, the Eureka Springs Planning Commission, after holding a public hearing as required by State Law and City Ordinance, has recommended that a sub-section be added to the zoning ordinance regarding exterior display of merchandise.

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

Section 1. That Section 3 of Chapter 14 of the Eureka Springs Municipal Code is amended by adding a sub-section, Sub-section 3-6.1, thereto, and which reads as follows:

3-6.1 Exterior Display of Merchandise Prohibited in Part of Historic District: Display of any type of merchandise for examination for possible sale on the side walks, exterior of buildings, porches, ledges, ceiling supports, utility poles or any other fixed objects is hereby declared to constitute a nuisance, and the same shall be strictly prohibited within the Historic District, excluding that area immediately adjacent to U. S. Highway 62 and excepting therefrom newspaper sales racks and merchandise displayed at permitted garage sales. All violators will be subject to the fines and penalties set out in Section 8-3, herein.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. 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 ____ DAY OF _____, 1992

APPROVED:

ATTEST:

RANDY WOLFINBARGER, Mayor

JUANITA S. BARNER, Clerk

March 23, 1992

Mayor Randy Wolfinbarger and Council Members:

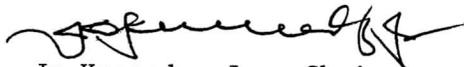
It is the recommendation of the Planning Commission/Board of Zoning Adjustment that proposed Ordinance 1473 regarding the display of merchandise on sidewalks be rescinded.

A public hearing on the proposal was held Thursday, March 12, 1992, as part of the Planning Commission's regular meeting. Eleven persons, some downtown business owners, some residents, spoke against the proposal as to regulatory, to restrictive and discriminatory against downtown property owners.

There were no suggestions, other than enforce the ordinances we already have, for dealing with merchandise placed on the sidewalks.

The motion to rescind the proposed ordinance was passed by a vote of 4-0-2.

Sincerely,



Jo Kennedy, Jr., Chairman

Sent back
to Planning
Com for Public
Hearing