

ORDINANCE NO. 1474(AMENDED)

AN ORDINANCE ESTABLISHING CHAPTER 8.30, EUREKA SPRINGS
MUNICIPAL CODE, CREATING A PARKING AUTHORITY

WHEREAS, because vehicle parking for visitors is critical to the sustained growth of the City, the City Council has determined a Parking Authority should be established to address this need.

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

Section 1. That a new chapter, Chapter 8.30 to the Eureka Springs Municipal Code, is hereby established to read in its entirety as follows:

- Sections: 8.30.01 Parking Authority Established
8.30.02 Definition
8.30.03 Members
8.30.04 Personnel
8.30.05 Authority to Establish and Supervise Facilities-
Prohibitions
8.30.06 Authority to Contract
8.30.07 Planning, Designing and Locating Facilities
8.30.08 Acquisition of Property and Property Rights
8.30.09 Construction of Facilities
8.30.10 Records and Reporting

8.30.01 Parking Authority Established

(a) There is hereby established a Parking Authority in and for the City of Eureka Springs, Arkansas: hereinafter it shall be referred to as the "Parking Authority".

(b) The Parking Authority is established under the authority of Arkansas Statutes 14-304-103.

(c) The purpose of the Parking Authority is to establish public off-street automobile parking facilities.

8.30.02 Definition

As used in this chapter, unless the context otherwise requires, "public off-street automobile facilities" means accommodations provided by the public authority for the parking of automobiles off the street or

highway, and open to public use, with or without charge. Parking facilities may (1) consist of lots, garages, or other structures and accessories and be (2) surface facilities or facilities above or below the ground.

8.30.03 Members

(a) The Parking Authority shall consist of five members.

(b) The members shall be appointed by the mayor and approved by the Council, and they shall be qualified electors residing in the city. They cannot hold any elective office of the city, county or state.

(c) Members shall be appointed for periods of one (1), two (2), three (3), four (4) and five (5) years, respectively, so that the term of one (1) member shall expire each year after the creation of the authority.

(d) Upon the termination of office of each member, his/her successor shall be appointed for a term of five (5) years and shall serve until his/her successor shall have been appointed and qualified.

(e) The members of the authority shall receive no compensation for their services.

8.30.04 Personnel

The Parking Authority shall have the authority to employ such persons as it deems necessary in furtherance of its duties.

8.30.05 Authority to Establish and Supervise Facilities-Prohibitions

(a) The Parking Authority, acting alone or in cooperation with other parking authorities or with any federal or state agency, is authorized to:

(1) Plan, design, locate, finance, acquire and own property for, and construct, alter, enlarge, use, maintain, operate and lease off-street automobile parking facilities wherever and to the extent that the facilities are deemed necessary within its respective jurisdiction; and

(2) Supervise and control all other matters pertaining to the parking of vehicles in such facilities.

(b) However, the sale, storage, or dispensing of any product used in or for the servicing of motor vehicles shall not be permitted on or in connection with parking facilities.

8.30.06 Authority to Contract

(a) The Parking Authority is authorized to enter into contracts with any other public agency or with any private person or firm for the

operation, maintenance, and management of any one(1) or more off-street parking facilities established by the authority.

(b) Any contract shall be for such terms, not to exceed twenty (20) years, and may contain such provisions as shall be approved by the parking authority.

(c) The contract shall be an obligation only of the authority, payable solely from revenues derived from parking facilities under the jurisdiction of the authority, and shall not constitute an obligation of indebtedness of the City within the meaning of any constitutional or statutory limitations.

8.30.07 Planning, Designing and Locating Facilities

(a) The Parking Authority, after a thorough investigation of the parking problem within its jurisdiction, shall formulate for public presentation a master plan of automobile parking facilities as a guide for the further provision for parking facilities, properly integrated with present and proposed traffic facilities, subject to alteration as necessary. After a public hearing, the plan will be presented to the City Council for its comments and recommendations.

(b) A program of construction and method of financing shall likewise be formulated and presented to the City Council.

(c) The Parking Authority is authorized to so design and locate any off-street automobile parking facilities as to best serve the public purpose for which such facilities are intended.

(d) Such facilities may consist of:

- (1) Lots, improved or unimproved.
- (2) Single or multi-level garages; or
- (3) Other structures and accessories.

8.30.08 Acquisition of Property and Property Rights

For the purpose of this chapter, the Parking Authority is authorized to acquire private or public, real or personal property and property rights, above, at or below the surface of the earth necessary for off-street automobile parking facilities by purchase, gift, lease or otherwise.

8.30.09 Construction of Facilities

(a) The Parking Authority is authorized to construct or cause to be constructed public off-street automobile parking facilities above, at, or

below the surface of the earth including buildings, structures, equipment, entrances, exits, fencing, and all other accessories necessary or desirable for the safety or convenience of motorists using the facilities.

(b) The contracts for any of the above are to be awarded to the lowest responsible bidder in the same manner as contracts are authorized by law to be awarded in connection with highways or streets within the corporate limits of Eureka Springs.

8.30.10 Records and Reporting

The Parking Authority shall maintain proper accounting and financial records of all transactions and provide and file annual financial statements with the City Clerk.

Section 2. If any part of this ordinance is held to be enforceable 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.

Section 3. All ordinances and resolutions, and parts thereof, in conflict herewith, are hereby repealed to the extent of such conflict.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
EUREKA SPRINGS, ARKANSAS, THIS 24th DAY OF MARCH, 1992.

APPROVED:

ATTEST:



RANDY WOLFENBARGER, Mayor



Joanita S. Barber
City Clerk/Treasurer