

ORDINANCE NO 1475 (Amended)

AN ORDINANCE AMENDING TITLE 4 OF THE EUREKA  
SPRINGS MUNICIPAL CODE REGARDING MOPEDS

WHEREAS, there have been a number of accidents involving mopeds causing injury to its riders and complaints regarding mopeds operating over the streets of the City, the City Council of Eureka Springs has determined, after holding a public hearing, that additional, reasonable regulations are needed to insure not only the safety and welfare of moped riders but the safety and welfare of its citizens.

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

Section 1:

Section 4.52.05 of the Eureka Springs Municipal Code is amended by the addition of a subsection (h) at the end thereof:

h. A certificate of insurance indicating franchisee has liability insurance on its vehicles in the same amount as is required by the State on automobiles.

Section 4.52.07 (b) of the Eureka Springs Municipal Code is amended to read as follows:

b. All persons operating a vehicle must have a valid, current driver's license or motorcycle license.

Section 4.52.07 (d) of the Eureka Springs Municipal Code is amended to read as follows:

d. All vehicle operators shall wear DOT approved safety helmets.

Section 4.52.07 (e) of the Eureka Springs Municipal Code is amended to read as follows:

e. No more than one person per vehicle will be allowed.

Section 4.52.07 of the Eureka Springs Municipal Code is amended by adding the following subsection (h) thereto:

h. If a rental vehicle is involved in an accident, the franchisee must submit to the City Clerk, by the close of the next City business day, a written report covering the accident. This report will contain the names of the involved party or parties, where and when the accident occurred; injuries, if any, and property damage, if any.

Section 4.52.10 of the Eureka Springs Municipal Code is amended by adding the following sentence to the end thereof:

The City shall have the right to audit the books and operations of the franchisee to determine compliance with this ordinance.

Section 4.52.11 of the Eureka Springs Municipal Code is amended to read as follows:

4.52.11 Revocation. The City shall have the right to rescind and/or revoke the rights herein granted upon any substantial violation by the grantee of any of the obligation and requirements contained herein

after written notice by the City.

- a. Such notice shall specify the reason or reasons why the rights are being rescinded or revoked and, if not protested by the franchisee in writing and filed with the City Clerk within fifteen days of receipt of the notice, the franchisee shall curtail operations.
- b. If the franchisee protests the rescission or revocation within the the time frame listed above, it shall immediately stay the cessation of operations, and the matter will be placed on the agenda of the City Council at its next regular meeting to hear any evidence, testimony or information the franchisee may deem pertinent to the matter; and the City Council may affirm or reverse the decision to revoke or rescind the franchisee.

Section 2: All Ordinances and Resolutions and parts thereof, in conflict herewith, are hereby repealed to the extent of such conflict.

Section 3: If any part of the 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.

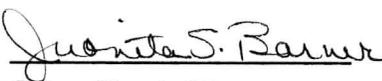
Section 4: Because of the reasons set out above, it is hereby found that an emergency exists; and this Ordinance shall take effect and be in full force from the date of its passage, approval and publication according to law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS 28<sup>th</sup> DAY OF April, 1992.

APPROVED:

ATTEST:

  
RANDY WOLFENBARGER, Mayor

  
City Clerk/Treasurer