

ORDINANCE NO. 1604 (AMENDED)

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.16, OCCUPATIONAL LICENSES, OF THE MUNICIPAL CODE

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has determined that performing/visual artists should be allowed to conduct business and to demonstrate their talents in public areas;

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

Section One: Section 4.16.07, Performing Musicians, To Be Amended

That Section 4.16.07 of the Municipal Code shall be amended to read:

4.16.07. Performing Musicians and Artists

(a) Any person performing as a musician or performing/visual artist on public property and receiving payment or contributions from bystanders or the general public shall first obtain a license from the office of the City Clerk/Treasurer.

(b) Upon application and payment of fees, the following licenses may be issued to musicians and artists for the privilege of performing on public property:

Class A, for one calendar year or the remaining portion of the year in which the license is issued and restricted to Basin Park or the East walkway of the Downtown Trolley Depot between 9 a.m. and 8 p.m. \$35.00

Class B, for 30 days from date of issuance and restricted to Basin Park or the East walkway of the Downtown Trolley Depot between 9 a.m. and 8 p.m. \$20.00

Class C, for one week and restricted to the Sweet Spring Park area between 9 a.m. and 8 p.m..... \$ 5.00

(c) Musicians and/or artists shall not perform in Basin Park or the Trolley Depot when these locations have been scheduled by the City for some auditory function, parade, or other event.

(d) The Parks and Recreation Commission and the Transit Department reserve the right to cancel license privileges at will upon consideration of the conduct of a musician or artist or in lieu of special arrangements made by the Parks and Recreation Commission or the Transit Department for use of the said public areas under their respective jurisdictions.

(e) Musicians and artists performing in the said public areas shall not block vehicular traffic, pedestrian traffic, or doorways as per fire safety codes.

(f) Musicians and artists shall comply with the Municipal Code, Section 4.16.04, pertaining to peddling with the exception of artists receiving remuneration for artwork completed on site.

(g) Artists' on-site setups shall be limited to the usage of two chairs, one easel, and art supplies.

(h) Musicians shall not play any drums or cymbals nor utilize any electrically powered amplification system.

(i) The number of licenses issued by the City Clerk/Treasurer for current use shall not be limited.

(j) Fees collected for said licenses shall be deposited in the Parks and Recreation Commission's account.

(k) The City Clerk/Treasurer shall issue an identification card at the time a musician or artist purchases a license. The card shall bear an expiration date, and it must be carried by the musician or artist on their person for license check upon demand.

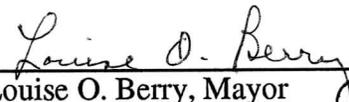
(l) Any person violating the terms of any provision of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of \$25.00 for each offense, payable to the Parks and Recreation Commission.

Section Two: Repeal Clause

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

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS 26th DAY OF July, 1994.

APPROVED:



Louise O. Berry, Mayor

ATTEST:



Juanita S. Barner, City Clerk