

ORDINANCE NO. 1626 -AMENDED

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.44, FLEA
MARKETS, OF THE MUNICIPAL CODE**

WHEREAS, As a result of public comments, the City Council desires to further clarify the definition of "Flea Market" and the duties of flea market operators; and

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

Section One: Section 4.44.02, Definition of "Flea Market," Amended

Section 4.44.02 shall be amended to read:

The term "Flea Market" is hereby defined as a private business enterprise which is open to the public year-round or seasonally; operated on private property and in the interior of a permanent building; managed by any person, partnership, firm, or corporation; and arranged to provide aisles for the public and spaces or stalls for rental or lease to other persons, partnerships, firms, or corporations desiring to display new and/or used merchandise for sale to the public.

Business enterprises subject to Chapter 4.16 and outdoor sales subject to Chapter 4.36 are excluded from this chapter.

**Section Two: Section 4.44.03, Duties of Operators of Flea Markets and Other
Regulations, Amended**

Section 4.44.03 shall be amended to read:

The operator of a flea market shall assure that the flea market conforms to the definition provided in Section 4.44.02; and each flea market shall conform to all City land-use regulations, zoning regulations, building codes, electrical codes, plumbing codes, gas codes, and fire codes. Effective date: January 1, 1995.

Section Three: 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All Ordinances or Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.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 27th DAY OF September, 1994.**

APPROVED:



Interim Mayor

ATTEST:



City Clerk/Treasurer