

1st / 4/11  
2nd / 4/25 - failed

ORDINANCE NO. 1652

AN ORDINANCE ESTABLISHING RESIDENTIAL  
PERMITTED-PARKING ZONES

WHEREAS, because parking is of major concern in the City, it has been determined that residential permitted-parking zones should be established in specified areas to help alleviate the problem.

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

SECTION 1: That <sup>Chap.</sup> 8 of the Eureka Springs Municipal Code is amended by the addition of a new chapter, Chapter 8.18 titled "Residential Permitted Parking Zones" which reads as follows:

8.18.01 Definitions -

A. Residence - Any single-family dwelling or any unit of a multi-family structure.

B. Residential Permitted-Parking Zone (Permitted Parking Zone) - A street or a portion thereof which, is designated by the City Council to be an area where parking is restricted by the City-issued permit.

C. Residential Permitted-Parking Permit (Permit) - Such decal, insignia or other device issued by the City of Eureka Springs which, when properly displayed, shall be evidence that the vehicle to which such permit is attached is authorized to park in a residential permitted-parking zone.

D. Permit Holder - In order to apply for and be issued a residential permitted-parking permit, an applicant must be (1) a resident in an area designated as a residential permitted-parking

zone and must be the owner or lessee of the vehicle or vehicles to be covered by any application for such a permit; or (2) such person or persons as described hereinafter in 8.18.05; or (3) both (1) and (2) herein.

8.18.02 Creation of <sup>4</sup> Residential Permitted-Parking Zones.

A. There are hereby created Residential Permitted-Parking Zones for the following areas:

1. That portion of Mountain Street that lies between Spring Street on the east and Eureka Street on the west;

2. That portion of Owen Street that lies between the intersection of Owen and Elk Streets on the east and White Street on the west;

3. All of Elk Street; and

4. That portion of Pine Street which lies between Spring Street on the east and Prospect Street on the west.

B. This Ordinance shall be effective until \_\_\_\_\_.

8.18.03 General Condition of Residential Permitted-Parking Zones.

A. Except as may be permitted under 8.18.05, no more than two (2) permits shall be issued for any residence.

B. Permits shall be valid for a period of one (1) year from the date of issuance and may be renewed annually subject to the provisions of this chapter.

C. A fee of ten (\$10.00) dollars shall be paid for each new or renewed permit.

D. Subject to the provisions of this chapter, a valid permit may be transferred from one vehicle to another for a fee of one

(\$1.00) dollar.

E. In the event that a permit holder shall no longer reside in a permitted-parking zone, said permit holder shall remove any parking permits from permit holder's vehicle or vehicles.

F. Except as provided hereinafter in 8.18.07, no vehicle shall be parking in a permitted-parking zone between the hours of 9:00 a.m. and 6:00 p.m. unless there is displayed in the lower left rear window of such vehicle a valid parking permit.

8.18.04 Issuance of Residential Permitted-Parking Zone Permits.

A. All permits shall be issued by the City Clerk or his or her designee.

B. Except as provided hereinafter in 8.18.05, prior to the issuance of a parking permit, an applicant for a permit shall complete such application as may be promulgated by the City Clerk, which application shall request the following:

1. Name and address of applicant, along with not less than two (2) forms of identification in support thereof. Examples of acceptable forms of identification are current utility bills, current rent receipts, valid arkansas driver's license or other state-issued identification or voter's registration certificate.

2. Make, model and license number of the vehicle or vehicles which the permit holder wishes to park in the permitted-parking zone, along with the current registration certificate for each vehicle showing the permit holder as the owner or lessor thereof.

3. The signature of the permit holder.

8.18.05 Permits for Commercial Activities in a Permitted-Parking Zone.

A. Except as provided in this section, no permits shall be issued in connection with a business operating in a permitted-parking zone:

1. The owner of any Bed and Breakfast/Tourist Lodging which is located in a permitted-parking zone and whose business appears on the City's list of grandfathered Bed and Breakfast/Tourist Lodgings shall be entitled to be issued one (1) permit for each unit of lodging for which off-street parking is not available;

2. The owner of an <sup>g</sup> Tourist Home located in a permitted-parking zone <sup>whose</sup> ~~who~~ business is operating pursuant to a conditional use permit issued by the City shall be entitled to be issued two (2) permits; and

3. The owner of a business located in a permitted-parking zone which is required, as of the effective date of this chapter, to obtain an annual business license from the City but is not operating under a conditional use permit shall be entitled to be issued not more than two (2) parking permits;

B. Permit Costs. The cost of each new and renewed permit under this section shall be ten (\$10.00) dollars and shall be renewable annually.

C. The City Clerk shall promulgate the forms for all permits issued under this section.

8.18.06 Signage. The City shall erect signs in all permitted-parking zones displaying the hours during which vehicles

*Delete  
A, B, C*

may be parked by permit only and giving notice that violators will be ticketed.

8.18.07 Exemptions.

There shall be exempt from this Chapter the following:

- A. City-owned vehicles being used for City business;
- B. Vehicles owned by utility companies, which such vehicles are being used for utility company business;
- C. Emergency vehicles;
- D. Delivery vehicles while the operators thereof are making deliveries in the permitted parking zone;
- E. Vehicles owned by the State or Federal Governments; and
- F. Vehicles being operated by a repairman, contractor or other tradesperson, provided that such person is then performing services at a location in the permitted-parking zone, and, such person's vehicle has prominently displayed thereon the name and address or telephone number of the business in which the person is engaged.

8.18.08 Penalties.

The violation fee for parking in a permitted-parking zone, except as permitted pursuant to this chapter, shall be twenty-five (\$25.00) dollars per ticketed offense.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed to the extent of said conflict.

SECTION 3. If this ordinance or any part thereof is found invalid for any reason by a court of competent jurisdiction, it shall not affect the remaining portions thereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA

SPRINGS, ARKANSAS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995.

APPROVED:

ATTEST:

\_\_\_\_\_  
BARBARA O'HARRIS

\_\_\_\_\_  
MARY ANN LEE, Clerk