

**ORDINANCE #1660 (AMENDED)**

**AN ORDINANCE AMENDING CHAPTER  
7.28 "SIGNS" OF THE  
EUREKA SPRINGS MUNICIPAL CODE**

WHEREAS, the City Council of Eureka Springs, Arkansas, has determined that it is in the best interest of the City to prevent businesses, particularly lodging facilities, from posting outdoor signs containing misleading information;

WHEREAS, the city Council of Eureka Springs, Arkansas has determined that it is in the best interest of the city to require lodging facilities in the city to disclose all relevant information on outdoor signs regarding the rates charged by such lodging facilities;

WHEREAS, the city council of Eureka Springs Arkansas , has determined that the tourism industry is a vital part of the economic welfare of the city of Eureka Springs , Arkansas, and that lodging facilities play a substantial role in the growth of the tourism industry;

WHEREAS, the City Council of Eureka Springs, Arkansas, has determined that misleading information on outdoor signs may have a material adverse impact on the potential growth of the tourism industry;

WHEREAS, the City Council of Eureka Springs, Arkansas, has determined that the failure of lodging facilities to disclose all relevant information on outdoor signs regarding the rates charged by lodging facilities may have a material adverse impact on the continued growth of the tourism industry ; and

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

Section One: Section 7.28.02A Amended

Section 7.28.02A " Definitions " of the Eureka Springs Municipal Code is amended by the addition of the following new paragraphs:

**LODGING FACILITY;** A Lodging Facility shall include any place of public accommodation providing bedrooms or sleeping quarters to the general public in exchange for consideration. A Lodging Facility shall include, but shall not be limited to, hotels, motels, inns, motor courts, motor inns, boarding houses, bed and breakfast establishments, lodges, road houses, taverns, auberges, hostels, boatels, caravansaries, tourists cabins, tourists camps, trailer camps, ' RV' or recreational vehicle parking areas, campgrounds, and any place of public accommodation reasonably thereto.

OPERATOR; An Operator shall mean a direct or indirect owner of a Lodging Facility, a manager of a Lodging Facility, a franchise or licensee of a Lodging Facility, or a person who directs or supervises the operation of a Lodging Facility. A n Operator may include any firm, corporation, partnership, joint enterprise, limited partnership, limited liability company, or any other organization.

OUTDOOR SIGN; An Outdoor Sign is any sign which may be seen from any public highway, roadway, or street regardless whether such sign is inside or outside of any building or structure. An Outdoor Sign may be either a Permanent Outdoor Sign or a Non- Permanent Outdoor Sign.

PERMANENT OUTDOOR SIGN; A Permanent Outdoor sign is an Outdoor Sign which , by its nature, cannot be removed or modified to conform with this ordinance without a substantial amount of time or without a substantial expenditure of consideration.

NON-PERMANENT OUTDOOR SIGN; A Non - Permanent Outdoor Sign is an Outdoor Sign which, by its nature, may be removed with only a minimal amount of time or a nominal expenditure of consideration.

#### Section Two : Section 7.28.04 Amended

Section 7.28.04. “ Prohibited Signs “ of the Eureka Springs Municipal Code is amended by the addition of the following subsections:

B. It shall be unlawful for any person (I) to erect, place, display, paint, maintain , or use any Outdoor Sign within the City which contains any untrue , misleading, or fraudulent information or (ii) to erect, place, display , paint, maintain, or use any Outdoor Sign within the City which fails to state all relevant information necessary to make any statements or representation on any such Outdoor Sign true, correct, and complete.

C. It shall be unlawful for any Lodging Facility or any Operator thereof, to erect place, paint, maintain, or use any Outdoor Sign within the City which includes any statement relating to the rates charged at any such Lodging Facility, unless such Outdoor Sign shall also include in letters and figures of the same size, prominence, typeface, and color the following information :

1. The number of rooms or units in the Lodging Facility and the rates charged for each.

2. The maximum number of persons permitted to stay in the rooms or units at the advertised rate.

3. The days and dates during which such rates are in effect.
4. The size of the bed in the rooms or units at the advertised rate;

D. It shall be unlawful for any Lodging Facility or any operator thereof to use abbreviations of words to comply with paragraph C of this section.

E. It shall be unlawful for any Lodging Facility or any operator thereof to do either of the following:

1. Maintain any Non-Permanent Outdoor Sign which advertises rates for rooms or units at any Lodging Facility for any period of time after all the rooms or units at any such advertised rates have been reserved, rented, let, or occupied, unless a "No Vacancy" sign shall be prominently displayed.

2. Maintain any Permanent Outdoor Sign not in conformity with this ordinance for a period of more than seven (7) years or for the operation of any Lodging Facility to recover its investment in any such Permanent Outdoor Sign.

F. If an Operator maintains an Outdoor Sign advertising rates for rooms or units after all such rooms or units shall have been reserved, rented, let, or occupied, the Operator shall, unless a "no" vacancy sign is prominently displayed, offer a comparable or better room or unit to any person seeking to reserve, rent, let, or occupy a room or unit at the rate advertised on such Outdoor Sign.

G. Each Lodging Facility in the City shall post a notice setting forth the substance of this Ordinance. The notice shall be of a size not less than eleven (11) inches by seventeen (17) inches. The typeface of the notice shall be of such a size to be clearly visible from a distance of six (6) feet. The notice shall be prominently displayed in all areas where persons seeking accommodations customarily enter and exit the Lodging Facility. The notice shall be in plain view and not obstructed, in whole or in part. The notice shall read as follows:

**NOTICE TO ALL PERSONS  
SEEKING ACCOMMODATIONS AT THIS LODGING FACILITY**

The City of Eureka Springs has enacted an ordinance to prevent all businesses, including lodging facilities, from posting outdoor signs with misleading information. This ordinance also requires all lodging facilities to disclose all relevant information when advertising rates for rooms. If a Lodging Facility maintains an outdoor sign advertising rates for rooms or units after all such rooms or units shall have been reserved, rented, let, or occupied, unless a "no vacancy" sign is prominently displayed, the Operator is obligated to offer a comparable or better room or unit to any person seeking to reserve, rent, or occupy a room or unit at the rate advertised on such Outdoor Sign.

If you feel that a business or Lodging Facility has violated this ordinance or would like additional information concerning this ordinance, please call (number to be provided by the Police Department).

**SECTION THREE: ENFORCEMENT**

Section 7.28.08.A "Enforcement" of the Eureka Springs Municipal Code is amended by the addition of the following paragraph:

Enforcement of Section 7.28.04, Paragraphs B through G, shall be the responsibility of the Eureka Springs Police Department. If the Police Department shall find, or shall be so advised by any citizen or public body of the City, that any LODGING FACILITY using an OUTDOOR SIGN is in violation of these provisions of this ordinance, the Police Department shall investigate the matter and shall take whatever steps deemed necessary.

**SECTION FOUR: REPEAL CLAUSE**

If this Ordinance is in conflict with any other ordinance or resolution of the City of Eureka Springs, Arkansas, then such other ordinance is hereby repealed to the extent of such conflict.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
EUREKA SPRINGS, ARKANSAS, ON THIS 13<sup>th</sup> DAY OF June ,  
1995.

APPROVED;

Barbara A. O'Harris, Mayor  
PRINT NAME TITLE

ATTEST;

Mary Ann Lee, Clerk  
Mary Ann Lee, City Clerk

