

ORDINANCE NO. 903

AN ORDINANCE REGULATING THE SIGHTSEEING TOUR BUSINESS; DECLARING ALL PERSONS, FIRMS OR CORPORATIONS ENGAGED IN THE SIGHTSEEING TOUR BUSINESS AS COMMON CARRIER AND FOR OTHER PURPOSES,

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

SECTION I: Definitions.

A. A sightseeing tour vehicle is defined as any motor driven vehicle having a seating capacity in excess of seven passengers and employed in transporting persons over regular routes having termini or upon regular schedule of operation and used for the purpose of sightseeing.

B. A sightseeing tour is defined as a circuitous journey or excursion in a sightseeing tour vehicle over a pre-established and regular route, with a fixed termini or upon a regular schedule of operation ~~between the hours of 6:00 A.M. and 6:00 P.M.~~ for the purpose of seeing objects or places of interest.

SECTION 2: That all persons, firms or corporations engaged in the sightseeing tour business within the city limits of Eureka Springs, Arkansas, or who solicit or accept sightseeing tour passengers in said City to points outside of said City are hereby declared common carriers engaged in the sightseeing tour business and are hereby required to comply with the terms and provisions of this Ordinance.

SECTION 3: That the operation of a sightseeing tour business in the City of Eureka Springs, Arkansas, is hereby declared to be a privilege and that no person, firm or corporation shall operate any sightseeing tour vehicle in said City unless and until each and every regulation and requirement as herein after set forth is fully complied with.

SECTION 4: Before any person, firm or corporation shall engage in the sightseeing tour business, as a common carrier, as herein provided, such person, firm or corporation shall pay an application fee of \$50.00 and file with the City Recorder or Mayor an application for a permit to operate a sightseeing tour business, verified by oath, that sets forth the following information, to-wit:

(A). That the seeker of said permit is able to comply with the Ordinances of the City of Eureka Springs, Arkansas, and the Laws of the State of Arkansas.

(B). That the seeker of said permit will carry liability insurance in a minimum amount of 10,000-20,000-50,000.

(C). Trade name of person, firm or corporation; if a partnership the names of all partners; if a corporation, the names of all the stockholders.

(D). A list of the vehicles or vehicle proposed to be used by the seeker of the permit, setting forth the year, model, motor, and serial number of each vehicle and the seating capacity of each; whether ownership of each vehicle is absolute or subject to the retention of lien, and the holder thereof.

(E). Set forth any and all facts covering the experience, qualifications, and financial responsibility of the seeker of said permit; the ability of the seeker to operate a sightseeing tour business; the proposed place of business or terminal of the seeker of the permit.

(F). A schedule of the proposed sightseeing tours, and the proposed rate of charges per person for each sightseeing tour; points of interest to be covered by each tour.

(G). Setting forth whether seeker, if permit is sought on one vehicle, proposes to drive same himself or employ a driver.

(H). Designate persons to receive any notice from said City.

SECTION 5: Upon the payment of said fee and the filing of an application for a permit to operate a sightseeing tour business, the Mayor shall within 5 days set a hearing date wherein said application shall be considered by the City Council. Said hearing shall be held within 15 days after the filing of said application. Notice of said hearing shall be given in writing to every other person, firm or corporation ~~engaged~~ who holds a sightseeing tour permit. Said notice to set forth the time and place of said hearing. All persons interested in or affected by such application, shall have the right either in person or by representatives to be present at all such hearings and to introduce evidence and to be heard either in support of or in opposition

to such application; that all applications shall be considered on merit and in the light of requirements as to the public convenience and necessity of the City, its inhabitants and visitors. The City Council may in its discretion grant or refuse to grant any such application for a sightseeing tour permit depending on the need or the lack of need for additional sightseeing tour business. In the event the said permit is denied, the City shall refund the \$50.00 application fee.

SECTION 6: In the event a sightseeing tour permit is granted, any proposed changes in the schedule of tours and/or rate of charges shall be first approved by the City Council.

SECTION 7: That any hotel or motel operating within the City of Eureka Springs, Arkansas, who desires to operate a free sightseeing tour vehicle for the sole benefit and convenience of its registered guests without extra charge, fee or extra compensation of any kind, type or nature, in addition to the regular daily room rate, may do so without a sightseeing tour permit and is exempt from the operation of this Ordinance.

SECTION 8: That any person, firm, or corporation who obtains a permit to operate a sightseeing tour business from the City of Eureka Springs, Arkansas, shall be and is hereby authorized to use said sightseeing vehicle or vehicles for the purpose of transporting passengers to and from points within the City of Eureka Springs, Arkansas, to the sight of the Christ of the Ozarks Statue, and/or the Great Passion Play, between the hours of 6:00 P.M. to midnight. The charge or rate for a roundtrip fare shall be 1.00 per adult and 50¢ per child (under twelve years of age). A printed rate card advertising said rates shall be posted in a conspicuous place inside the sightseeing tour vehicle. No other person, firm or corporation who does not hold a sightseeing tour permit shall transport passengers to or from the Christ of the Ozarks Statue and/or the Great Passion Play to and from points within the City of Eureka Springs, Arkansas, for compensation of any type or kind whatsoever.

SECTION 9: Should any phrase, sentence, paragraph, section or

portion of this Ordinance be declared void or invalid, it shall not affect the remaining portion thereof.

SECTION 10: Any person, firm or corporation that violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined \$25.00 for the first violation and \$50.00 for each repetition of such violation.

SECTION 11: That all ordinances, parts of ordinances, or resolutions in conflict with this Ordinance are hereby repealed.

SECTION 12: It is hereby ascertained and determined that an emergency exists and it is hereby declared and for the preservation of the public peace, health and safety, this Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED This 20th day of February, 1969.

CITY OF EUREKA SPRINGS, ARKANSAS

BY Charles B. Freeman, Mayor

ATTEST:

J. R. Woolery
City Recorder and Clerk

CERTIFICATE

STATE OF ARKANSAS §
COUNTY OF CARROLL § ss.
CITY OF EUREKA SPRINGS §

I, J. R. Woolery, the duly elected, appointed, and qualified City Recorder and Clerk in and for the City of Eureka Springs, Arkansas, do hereby certify that the above and foregoing instrument of writing is a true and correct copy of Ordinance No. _____ as the same appears in Ordinance Book _____ at Page _____ in my office at Eureka Springs, Arkansas.

Given under my hand and the seal of the City of Eureka Springs, Arkansas, this the _____ day of February, 1969.

J. R. Woolery