

ORDINANCE NO. 2227

**AN ORDINANCE AMENDING TITLE 4.48 SUBSECTIONS .01(A) AND .01(D)
OF THE EUREKA SPRINGS MUNICIPAL CODE TO CLARIFY PEDDLING**

WHEREAS, the City Council of the City of Eureka Springs desires to better codify its regulation of peddling within the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs that Chapter 4.48 of the Municipal Code be amended as follows:

Section 1. The following subsections shall be amended as follows:

4.48.01(A) shall be amended to read as follows:

A. The act of engaging in any trade, business, profession, vocation or occupation from a motor vehicle, tent, open-air stand, area or table, trailer or other transient or portable structure, vehicle or device, on the streets and public property, other than contiguous to the permanent place of business of the owner of the permanent business located thereon. Sale may only take place during the regular business hours of the permanent business to allow the public access to all facilities located within the permanent structure.

4.48.01(D) shall be amended to read as follows:

D. Sales of festival and/or event related items, including; but not limited to, food and/or souvenirs, at a city-sponsored event, from a tent or open air stand shall be allowable by permit from the Mayor's office, and CAPC or special events director. These sales may only take place in approved, designated areas, and must cease immediately with the conclusion of the festival or event.

Section 2. All provisions of the ordinances of the City of Eureka Springs in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Eureka Springs not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. Severability. Should any sentence, paragraph, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall

not affect the validity of the Eureka Springs Municipal Code as a whole.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EUREKA SPRINGS, ARKANSAS, ON THIS 27th DAY OF JULY, 2015**

APPROVED



Mayor Robert D. Berry

ATTEST:



City Clerk/Treasurer Ann Armstrong

There were seven votes:

David Mitchell, James DeVito and Terry McClung voted "Aye."

Joyce Zeller, Bob Thomas and Mickey Schneider voted "No."

Mayor Berry voted "Aye" to carry.