

ORDINANCE NO. 2228

AN ORDINANCE AMENDING TITLE 7.65 OF THE EUREKA SPRINGS MUNICIPAL CODE AND ITS ENABLING ORDINANCE TO CLARIFY PROTECTED CIVIL RIGHTS

WHEREAS, the City Council of the City of Eureka Springs desires to better codify its regulation of Civil Rights Protection within the City; and

WHEREAS, there has been recent legislation adopted by the State of Arkansas in the area of civil rights; and,

WHEREAS, the City wishes to promote the free exercise of commerce; and,

WHEREAS, certain protected classes of individuals have previously been recognized by both State and Federal law; and,

WHEREAS, the City can promote the free exercise of commerce by further regulating restraints of trade based on discrimination against individuals in these recognized protected classes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs that Chapter 7.65 of the Municipal Code be amended as follows:

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

7.65.01 shall be amended to read as follows:

7.65.01 Purpose The purpose of this chapter is to protect and safeguard the right and opportunity of all persons to be free from discrimination based on real or perceived race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, religion, sexual orientation, disability or veteran status. This chapter's purpose is also to promote the public health and welfare of all persons who live, work or visit in the City of Eureka Springs and to ensure that all persons within the City have equal access to employment, housing and public accommodations.

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

D "Discriminate, Discrimination or Discriminatory" means any act, policy or practice that has the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, ethnicity, national origin, age (if 18 years of age or older), gender, gender identity, gender expression, familial status, marital status, religion, sexual

orientation, disability or veteran status. This section shall not remove any disabilities created by local, state or federal law with regard to the consumption, purchase, possession or other use of alcoholic beverages by those persons under the age of 21 years.

7.65.04(A)(9) shall be amended to read as follows:

(9) For a real estate operator, a real estate broker, a real estate sales person, a financial institution, an employee of any of these or any other person, for the purposes of inducing a real estate transaction from which such person may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to the race, ethnicity, national origin, age, gender, gender identity, gender expression, familial status, marital status, religion, sexual orientation, disability or veteran status of the owners or occupants in the block, neighborhood or area in which the real property is located or to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools in the block, neighborhood or area in which the real property is located (“blockbusting”);

Section 2. That the enabling Ordinance for Title 7.65, (Ordinance No. 2223), is hereby amended to remove the term “socioeconomic background” from the first whereas clause.

Section 3. All provisions of the ordinances of the City of Eureka Springs in conflict with the provisions of this Ordinance 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 4. 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.

EMERGENCY CLAUSE

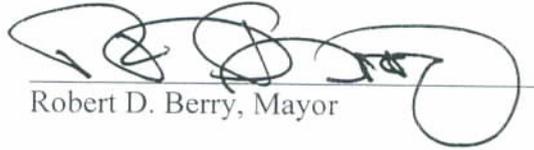
Section 5. That due to the fact that a large portion of the City of Eureka Springs economy is based on tourism that would be damaged by a restraint of free commerce caused by unlawful discrimination, and for the economic health, welfare and safety of the citizens of the City; an emergency is hereby declared to exist and this Ordinance shall take effect upon its passage by the Eureka Springs City Council and signing by the

Eureka Springs Mayor.

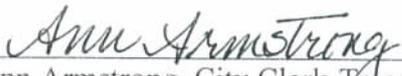
**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EUREKA SPRINGS, ARKANSAS, ON THIS 17th DAY OF JULY, 2015**

APPROVED

ATTEST



Robert D. Berry, Mayor


Ann Armstrong, City Clerk-Treasurer

All present voted "Aye" – Joyce Zeller, James DeVito, Bob Thomas, Mickey Schneider,
Terry McClung and David Mitchell