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FILE FOR RECORD

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JEANNE STEEN Clerk

ORDINANCE NO. 1329

By  D.C.

AN ORDINANCE ESTABLISHING HARRISON CITY CODE TITLE 4.40 TO REGULATE ALCOHOLIC BEVERAGES.

BE IT ORDAINED by the City Council of Harrison, Arkansas, that the following Code is adopted to establish Section .40 of Title 4 of the Harrison City Code to control the licensing, regulating, and taxing alcoholic beverages in the City of Harrison, and declaring an emergency, to-wit:

4.40.01 Applicability:

- (A) It is hereby declared that the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, serving, or dispensing, either at wholesale or retail, any controlled beverage, within the City of Harrison, is a privilege, and for the exercise of such privilege there are hereby imposed the regulations, requirements, restrictions, fees, and taxes as set forth in this chapter. General provisions shall apply to all licensees in addition to any specific provisions under individual headings for each type of permit.
- (B) Local Alcoholic Beverage Control (ABC) Board. A City ABC Board consisting of not less than 5 members shall be appointed by the Mayor and approved by the City Council. The Mayor may serve as one of the five ABC Board members, one member shall be the Chief of Police, and one member shall be from the City Council. This board shall administer and enforce all matters and issues concerning this Code. The Board shall establish its own policies and procedures for its functions and replacement of its members subject to City Council approval.

4.40.02 Definitions:

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and phrases not specifically defined in this chapter shall have the meanings assigned by Title Three of the Arkansas Code Annotated and/or the Arkansas Alcoholic Beverage Control Division Regulations.

Alcoholic beverages mean all intoxicating liquors of any sort, other than beer and wine.

Beer means any fermented liquor made from malt or any similar substance therefore and having alcohol content not in excess of 5% or less than one-half of 1% by weight.

City means the City of Harrison, Arkansas.

Controlled beverages means all beverages of any kind subject to regulation under any alcoholic beverage control law of the State of Arkansas and this chapter.

Hotel means every building or other structure commonly referred to as a hotel, motel, motor lodge, or by similar name, which is kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers or guests, whether transient, permanent, or residential, in which 10 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms with adequate and sanitary kitchen facilities, and a seating capacity for at least 10 persons, where meals are regularly served to such guests, such sleeping accommodations and dining room being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation.

Large attendance facility means a facility housing convention center activity, or tourism activity, or trade show and product display and related meeting activity, or any similar large meeting or attendance activity, and, either itself or through one or more independent contractors, complies with all of the following:

- (1) Actually serves full and complete meals and food on the premises;
- (2) Has one or more places for food service on premises with a seating capacity for not less than 200 people;
- (3) Employs a sufficient number and kind of employees to serve meals and food on the premises capable of handling at least 200 people; and
- (4) Serves controlled beverages on premises at one or more places only on days that meals and food are served at one or more places on premises.

Light wine means the fermented juices of grapes, berries, or fruits and any other mixture containing the fermented juice of grapes, berries, or fruits, having an alcoholic content between one-half of 1% and 5% alcohol by weight.

Malt beverage products means any liquor brewed from the fermented juices of grain having an alcoholic content of not less than 5% nor more than 21% by weight.

Malt liquor means liquor brewed from the fermented juices of grain.

Microbrewery-restaurant means any establishment in which beer, containing not in excess of 5% of alcohol by weight, and/or malt beverage products, containing not in excess of 21% of alcohol by weight, are both brewed and sold at retail in a restaurant setting under the same ownership and in the same building or attached buildings.

On-premises consumption means the sale of alcoholic beverages by the drink or in broken or unsealed containers for consumption on the premises where sold.

Permit means any authorization issued by the Alcoholic Beverage Control Division of the State of Arkansas and/or by the city pursuant to any Arkansas Alcoholic Beverage Control Division regulation and/or this Chapter of the *Code of Harrison* whether described as a permit, license, or otherwise.

Licensee means the person to whom a permit has been issued.

Person means any natural person, partnership, association, corporation, syndicate, or company.

Private club means a nonprofit corporation organized and existing under the laws of this state, no part of the net revenues of which shall inure directly or indirectly to the benefit of any of its members or any other individual, except for the payment of bona fide expenses of the club's operations, conducted for some common recreational, social, patriotic, political, national, benevolent, athletic, or other nonprofit object or purpose other than the consumption of alcoholic beverages. The nonprofit corporation shall have been in existence for a period of not less than one year before application for a permit. At the time of application for the permit, the nonprofit corporation must have not less than 100 members and, at the time of application, must own or lease, or be the holder of a buy-sell agreement or offer and acceptance, or have an option to lease a building, property, or space therein for the reasonable comfort and accommodation of its members and their families and guests, and restrict the use of club facilities to such persons.

Restaurant means any public place or private place kept, used, maintained, advertised and held out to the public or to a private or restricted membership as a place where complete meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining equipment and a seating capacity of at least 20 people and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests

or members. At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations and periods of redecorating. Further, on the day that alcoholic beverages are served to customers of the outlet, the outlet must also prepare and serve at least one complete meal for consumption on the premises.

Retailer means any person who holds a permit under any alcoholic beverage control law of the State of Arkansas to sell at retail controlled beverages to consumers only.

Spirituous means liquor distilled from the fermented juices of grains, fruits, or vegetables containing more than 21% alcohol by weight, or any other liquids containing more than 21% alcohol by weight.

State means the State of Arkansas.

Sunday sales means the sales of alcoholic beverages on Sunday shall be limited to those businesses within the city which possess a current and valid license for the sale of alcoholic beverages issued by the Alcoholic Beverage Control Division.

Vinous means the fermented juices of fruits containing more than 5% and not more than 21% alcohol by weight.

Wholesaler and distributor means any person who holds a permit under any alcoholic beverage control law of the State of Arkansas to purchase controlled beverages from a manufacturer or importer and to sell such controlled beverages to retailers only.

Wine means the fermented juices of fruits, berries, or grapes having an alcoholic content of more than 5% alcohol by weight.

4.40.03 License Required:

It shall be unlawful for any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing, either at wholesale or retail, any controlled beverage, within the city without a license issued by the city, or with an expired license. The provisions of this chapter shall not apply to the manufacture, sale, and distribution of wines or vinous liquors manufactured, sold, and distributed by residents of Arkansas.

4.40.04 Application for License:

(A) Application for a license required by this chapter shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state permit. No city license will be issued until applicant has received a state permit.

(B) It shall be unlawful for any person to make any false statement or representation in any application required by this chapter or to give any false answer to any question contained therein. Violations may result in suspension, revocation, or denial of license and prosecution of a city penalty.

(C) Licenses required by this chapter shall be issued in such a manner that they will run for such length of time as the state permit. Annual permit renewal fees shall be due and payable on June 30th of each year for the succeeding year beginning July 1st.

(D) The city will not issue or renew any license pursuant to this chapter until all outstanding state and city hotel, motel, and restaurant taxes and/or supplemental beverage taxes, if applicable, are paid.

(E) No license shall be granted to any person to engage in the sale of package liquor at retail, for consumption off the premises, for any business situated within 1000 feet of any church or school. The distance shall be measured from the nearest point of the church or school building to the nearest point of the building to be permitted.

(F) No license shall be granted to any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, either at wholesale or retail for consumption off premises, any controlled beverage, for any business situated within 300 feet of any church or school building. The distance shall be measured from the nearest point of the church or school building to the nearest point of the building to be permitted.

(G) All licenses issued by the city pursuant to this chapter shall be prominently displayed on the permitted premises by the licensee in the same manner as required by the state for state permits.

(H) When any state permit is revoked by the state or required to be returned to the state for any reason, the city license shall be returned to the city. The city will restore the license upon proof

that the state permit has been restored to the applicant, provided that no reclaimed license will be restored to an applicant until all outstanding state and city hotel, motel, and restaurant taxes and/or supplemental beverages taxes, if applicable, are paid.

(I) All fees, taxes, and penalties received by the city pursuant to this chapter shall be deposited to the credit of general fund revenues.

(J) Licenses shall not be transferable or assignable except as provided by A.C.A. '3-4-103A. The city shall have the right to inspect and examine the records of any licensee subject to any tax or license fee based on gross sales or receipts.

4.40.05 Prohibited Activities/Warning Notice:

(A) Any person to whom a controlled beverage permit has been issued shall comply with all laws and regulations of the State of Arkansas, the Alcoholic Beverage Control Division of the State of Arkansas, and the City of Harrison regarding the control and regulation of controlled beverages, including but not limited to the following:

(1) Purchase by or for minors, sale to minors, or handling by minors prohibited;

(a) It shall be unlawful for any person under the age of 21 years to have in his or her possession, to purchase or attempt to purchase, or otherwise obtain any controlled beverages.

(b) It shall be unlawful for any person to, knowingly or unknowingly, purchase on behalf of, furnish to, give away to, or otherwise dispose of to any person under the age of 21 years any controlled beverages; however, this provision shall not apply to the serving of such to members of one's family or to the use of wine in any religious ceremony or rite in any established church or religion.

(c) It shall be unlawful for any person engaged in the business of manufacturing, distributing or selling, at wholesale or retail, any controlled beverages to sell, offer for sale, or give away, under any conditions, any such controlled beverages to any person under the age of 21 years. The burden of determining the age of any person shall be upon the seller.

(d) It shall be unlawful for any wholesaler, retailer, or transporter of controlled beverages to allow any employee or other person under the age of 21 years of age to have anything whatsoever to do with the sale, transporting or handling of controlled beverages. However, with the written consent of a parent or guardian,

persons 18 years of age and older may be employed by licensed liquor and beer wholesalers and by licensed native wineries to handle controlled beverages at the place of business of the licensed wholesaler or wineries.

(2) A warning notice regarding the sale to, possession or purchase by, or furnishing to minors of controlled beverages shall be posted in a conspicuous place in public view in each place of business where controlled beverages are sold, served or dispensed, including all drive up windows. The warning notices shall be of the size, have the content, and be posted in the manner as prescribed by the Arkansas Alcoholic Beverage Control Division.

(3) No person who has received a license under any ordinance of the City of Harrison for the sale or dispensing of alcoholic beverages for on premises consumption including private club licenses shall suffer or permit any person to appear on the licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, nor suffer or permit any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.

(4) If any person engaged in the sale of controlled beverages in the city shall conduct his place of business in a manner as to constitute a nuisance, the local ABC Board or the City Council may revoke the license of such person to sell controlled beverages in the city.

(5) Any person violating any provision of this ordinance shall be subject to the general penalties as set out in the Code of Harrison, as well as the suspension or revocation of license.

4.40.06 Penalties/Suspension/Revocation:

(1) Furnishing To or Consumption by Minors:

(A) Any person convicted of knowingly or unknowingly selling, serving, giving, procuring or otherwise furnishing any controlled beverage to any person under 21 years of age shall be deemed guilty of a misdemeanor and shall be fined no more than \$1,000.00.

(B) Any person under the age of 21 years who has in his or her possession, purchases or attempts to purchase, or otherwise obtain any controlled beverage shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of no more than \$1,000.00.

(2) Operating Without a Current City License:

- (A) Beer and light wine.** Any person who sells, serves, barters, exchanges, or gives away beer or light wine without having a valid city license as provided by this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than \$1,000.00. Each day of such operation without a valid city license shall constitute a separate and distinct offense.
- (B) On-premises consumption, including private clubs.** Any person who sells, serves, barters, exchanges, or gives away controlled beverages, for on-premises consumption without having a valid city license as provided by this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined no more than \$1,000.00. Each day of such operation without a valid city license shall constitute a separate and distinct offense.
- (C) General.** Any person, except as provided in (A) and (B) above, who sells, serves, barters, exchanges, or gives away controlled beverages, without having a valid city license as provided in this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined no more than \$1,000.00. Each day of such operation without a valid city license shall constitute a separate and distinct offense.

(3) General Penalty: Except as set forth above, any person violating any provision of this code shall be subject to the general penalties as set out in of the Code of Harrison. The City ABC Board may suspend, for a period not to exceed six months, or revoke the license of any licensee violating this chapter after due notice to the licensee and an opportunity for the licensee to be heard. When any license is revoked, no new license shall be issued to the same person within one year of such revocation. Any person aggrieved by the City ABC Board may appeal to the Boone County Circuit Court by filing a Petition within 30 days of any final ruling of the City ABC Board.

4.40.07 TYPES OF PERMITS-FEES-SPECIFIC PROVISIONS-HOURS OF OPERATION:

Section 1. Wholesale:

(A) Wholesale liquor permit. Authorizes the purchase from licensed manufacturers or importers of spirituous and vinous beverages or malt liquor containing more than five percent alcohol by weight, and the sale of such beverages to persons holding a valid liquor off-premises permit or a hotel, motel or restaurant on-premises consumption permit.

(1) License fee. There is hereby levied an annual license fee of \$500.00 for each and every establishment engaged in storing, transporting and/or selling at wholesale any spirituous or vinous liquors within the city.

(2) Hours of operation. It shall be unlawful for any person to sell, offer for sale, or give away, at wholesale, any spirituous, vinous, or malt liquors before the hours of 6:00 a.m. and after the hour of 11:00 p.m. on weekdays, 12:00 midnight on Friday and Saturday, at any hour on Sunday, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the mayor's or City Council's capacity.

(B) Wholesale beer and wine license. Authorizes the purchase of beer, wine or malt liquor from a licensed manufacturer or importer and the sale of such beverages to retailers holding a valid license to sell beer, wine or malt liquor for consumption on or off the premises.

(1) License fee. There is hereby levied an annual license fee of \$125.00 for each and every wholesale dealer, broker or distributor of beer and wine.

(2) Hours of operation. The authorized hours of operation shall be the same as for wholesale liquor dealers in A-2 above.

(3) All wholesale dealers and distributors selling beer and wine to retail dealers within the city shall provide to the city's accounting division on, or before, June 30th of each year a report of said distributor's total sales of beer and wine for the previous calendar year to each retailer within the city. No wholesale beer and wine license will be renewed until such report has been received by the city.

Section 2 Retail:

(A) Retail liquor off-premises license. Authorizes the purchase of spirituous and vinous beverages from any person holding a valid wholesale liquor license and the sale of such beverages at retail to consumers for consumption off the premises; any holder of a liquor off-premises license may also purchase malt liquors containing more than five percent alcohol by weight from either persons holding a wholesale beer license or a wholesale liquor license, and sell such beverages to consumers for consumption off the premises described in the license. It

shall be unlawful for any person to accept retail orders for any spirituous, vinous, or malt liquors for delivery outside of the premises of the store operated by such person.

(1) *License fee.* There is hereby levied an annual license fee of \$250.00 for each and every retail liquor dealer engaged in the business of selling or dispensing, at retail any vinous, spirituous, or malt liquors for off-premises consumption.

(2) *Hours of operation.* It shall be unlawful for any person to sell or offer to sell any controlled beverages for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday and at any hour on Sunday, on Christmas Day, or during any 24-hour period designated an emergency by the Mayor or the City Council.

(B) *Retail beer and light wine off-premises license.* Authorizes the purchase of beer, wine, or malt liquor containing less than five percent alcohol by weight from wholesalers holding a valid license and the sale of such controlled beverages for consumption off the premises described in the license.

(1) *License fee.* For the privilege of selling beer and wine, at retail, for off premises consumption, there is hereby levied an annual license fee as follows:

(a) For a retailer whose annual gross sales of beer and/or wine do not exceed \$1,000.00, the license fee shall be \$15.00.

(b) For a retailer whose annual gross sales of beer and/or wine exceed \$1,000.00, the license fee shall be \$15.00 plus one-half cent for each dollar of gross sales in excess of \$1,000.00.

(c) The license fee for a new applicant with no sales history shall be \$40.00.

(d) For the purpose of renewing an existing license, annual sales shall be the actual gross sales for the previous calendar year. If the licensee has not been in operation for a full year at December 31st of the previous year, annual sales shall be determined by dividing the total actual sales by the number of months of operation and multiplying the result by 12.

(e) If a new license was issued between January 1st and June 30th, the first renewal rate (due on June 30th of the issue year) shall be \$40.00.

(2) *Hours of operation.* It shall be unlawful for any person to sell or offer to sell beer or wine for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday, at any hour on Sunday, on Christmas Day, or during any 24-hour period designated an emergency by the Mayor or City Council.

(C) Retail beer and wine on-premises license. Authorizes the purchase of beer, wine, or malt liquor containing less than five percent alcohol by weight from a wholesaler holding a valid license and the sale of such controlled beverages for consumption on or off the premises described in the license. *Retail beer and wine on-premises licenses shall only be issued to restaurants as defined above.*

(1) *License fee.* There is hereby levied an annual license fee of the same amounts and computed in the same manner as the annual fees for retail beer and wine off-premises in paragraphs above.

(2) *Hours of operation.* It shall be unlawful for any person to serve, sell, offer for sale, or give away for consumption on-premises any beer or wine between the hours of 1:00 a.m. and 7:00 a.m. on Monday through Saturday, on Sunday except during the hours of 10:00 a.m. until midnight, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the Mayor's or the City Council's capacity. Sunday sales may be made from 10:00 a.m. to 11:00 p.m.

(D) Private club license. Authorizes the purchase of any controlled beverages from persons holding an off-premises retail liquor or beer license who have been designated by the director of the State Alcoholic Beverage Control Board as a private club distributor, and authorizes the dispensing of such beverages for consumption on the premises of the private club to members and guests only of the private club. (Private clubs holding a retail beer on premises license may purchase beer, wine, or malt liquor containing not more than five percent alcohol by weight from holders of valid wholesale beer permits). *A Private club license shall only be issued to restaurants as defined above.*

(1) *License fee.* For the privilege of operating a private club within the city, there is hereby levied an annual license fee of \$250.00. For any new private club license issued between January 1st and July 1st, the fee shall be \$125.00.

(2) *Supplemental beverage tax.* In addition to the \$250.00 per year license fee, there is hereby imposed and levied a city supplemental tax of five percent upon the annual gross receipts which are derived by such private club from charges to the members and/or their guests for the following services:

(a) For the preparation and serving of mixed drinks, and

(b) For the cooling and serving of beer, wine, and wine.

The city's supplemental beverage tax is in addition to the state supplemental tax on private clubs and shall be paid to the appropriate city official, shall be due monthly at

the same time that the state supplemental tax is due and shall be accompanied by one copy of the state supplemental tax return. If any licensee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 22% of the tax due shall be due and payable in addition to the tax.

(3) *Hours of operation.* It shall be unlawful for the owner, operator, or any employee of a private club to serve or permit the consumption of any controlled beverages on the premises of said private club between the hours of 7:00 a.m. and 12:00 a.m. on Monday thru Saturday. Sunday sales shall be made between the hours of 10:00 a.m. and 11:00p.m.

(E) *On-premises consumption—Hotel, motel or restaurant license.* Authorizes the purchase of any controlled beverages from persons holding a valid wholesale license and the sale of such beverages for consumption on the premises of the restaurant described in the license or in-room hospitality units of the hotel or motel described in the license. (Persons holding an on-premises consumption hotel, motel, or restaurant license are not required to have a retail beer license).

(1) *License fee.* For the privilege of selling controlled beverages for on-premises consumption by hotels, motels, or restaurants, there are hereby levied annual license fees in the following applicable amounts:

(a) Hotel or motel having fewer than 100 rooms, \$250.00.

(b) Hotel or motel having 100 or more rooms, \$500.00.

(c) Restaurants having a seating capacity of less than 100 persons, \$250.00

(d) Restaurants having a seating capacity of 100 or more persons, \$500.00.

(e) Any new permit issued for on-premises consumption hotel, motel, or restaurant operations between January 1st and June 30th shall be at one-half the rates shown above.

(2) *Supplemental beverage tax.* In addition to the annual license fees for the sale of controlled beverages for on-premises consumption by hotels, motels, or restaurants, there is hereby levied a city supplemental beverage tax of ten percent upon the annual gross proceeds or gross receipts from the sale of alcoholic beverages pursuant to this subsection. Wine, beer, and malt liquors containing less than five percent alcohol by weight, shall not be subject to the supplemental beverage tax. The city's supplemental beverage tax is in addition to the state supplemental tax and shall be paid to the appropriate city official, shall be due monthly at the same time that the state supplemental tax is due, and payment shall be accompanied by one

copy of the state supplemental tax return. If any licensee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 22% of the tax due shall be due and payable in addition to the tax.

(3) *Hours of operation.* It shall be unlawful for any person holding an on-premises consumption hotel, motel or restaurant license to sell, offer for sale, serve, give away, or permit consumption of any controlled beverages between the hours of 12:00 a.m. (midnight) and 7:00 a.m. on Monday through Saturday, on Sunday except between the hours of 10:00 a.m. until midnight, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the Mayor's or the City Council's capacity.

(F) *Large attendance facility license.* Authorizes the sale of all types of controlled beverages by a facility which houses a convention center activity, or tourism activity where such establishment has a seating capacity of not less than 200 people and which serves controlled beverages only on the premises on days that meals and food are served at one or more places on the premises.

(1) *License fee.* There is hereby levied an annual license fee of \$500.00 for each and every large attendance facility within the city. For any new license issued between January 1st and June 30th, the license fee shall be one-half of the above amount.

(2) *Supplemental beverage tax.* Large attendance facilities shall be subject to the same supplemental beverage taxes, due dates, and penalties as on-premises consumption hotel, motel, or restaurant license in above paragraphs.

(3) *Hours of operation.* The hours of operation for large attendance facility licensee shall be the same as those allowed for on premises consumption hotel, motel, or restaurant license in above paragraphs.

(G) *Off-premises caterer license.* Authorizes the purchase of alcoholic beverages from a retailer to transport to a private function which is being catered by the license holder and to serve alcoholic beverages to attendees of the private function in conjunction with catered food.

(1) *License fee.* A license fee of \$250.00 is levied annually beginning on July 1, 2010.

For any new license issued between January 1st and June 30th (beginning in 2011), the license fee shall be half of the above amount.

(2) *Hours of operation.* The hours of operation for off-premises catering licensee shall be the same as those allowed for on-premises consumption hotel, motel, or restaurant licensees in above paragraphs.

(H) *Restaurant Beer and Wine License.* Authorizes a restaurant which has a valid state Restaurant Beer and Wine License to obtain a City of Harrison Restaurant Beer and Wine License for the retail sale of beer and wine pursuant to A.C.A. §3-9-301 and §3-4-1001, *et seq.*

(1) *License fee.* There is hereby levied an annual license fee beginning July 1, 2010, of the same amounts and computed in the same manner as the annual fees for retail beer and wine off-premises and on-premises license in paragraphs above.

(2) *Hours of operation.* It shall be unlawful for any restaurant to sell beer or wine through this license beyond the hours established for the *Retail beer and wine on-premises license* above.

(I) *Satellite catering permit to serve large meeting or attendance facility.* Caterers with on-premises consumption – hotel, motel and restaurant permits authorized by subsection (E) may cater alcoholic beverages in the large meeting and attendance facilities as defined paragraphs above.

(1) *License fee.* There is hereby levied an annual license fee for a satellite catering permit of \$250.00. For any new license issued between January 1st and June 30th, the license fee shall be half of the above amount.

(2) *Supplemental beverage tax.* Satellite catering activities will be subject to the same supplemental beverage taxes, due dates, and penalties as on-premises consumption hotel, motel, or restaurant licensees as in paragraphs above.

(3) *Hours of operation.* The hours of operation for any satellite catering licensee shall be the same as those allowed for on-premises consumption hotel, motel, or restaurant licensee as in paragraphs above.

Section 3 Manufacturing:

(A) *Liquor manufacturing license.* Authorizes the manufacture or distilling of spirituous or vinous liquors, and the sale to persons holding valid license to wholesale or import such liquors.

(1) *License fee.* For the manufacturing and sale of spirituous liquors, the annual license fee shall be \$500.00 for each and every manufacturing plant. For the manufacturing and sale of vinous liquors, the annual license fee shall be \$250.00 for each and every manufacturing plant.

(B) *Beer manufacturing license.* Authorizes the manufacture of beer containing not in excess of five percent alcohol by weight, and the sale of such beer to persons holding a valid license to wholesale or import such beer.

(1) *License fee.* For the manufacture and sale of beer, the annual license fee shall be \$250.00 for each and every manufacturing plant.

(C) *Rectifying license.* Authorizes the rectifying, purifying, mixing, blending, or flavoring of spirituous liquors or the bottling, warehousing, or other handling or distribution of rectified distilled spirits. Rectifiers may sell, deliver, or transport only to wholesalers holding a valid permit to wholesale, to other rectifiers, or for the purpose of export out of state.

(1) *License fee.* For the privilege of rectifying, blending, or flavoring spirituous liquors, there is hereby assessed an annual license fee of \$750.00 for each and every rectifying, blending, or flavoring plant.

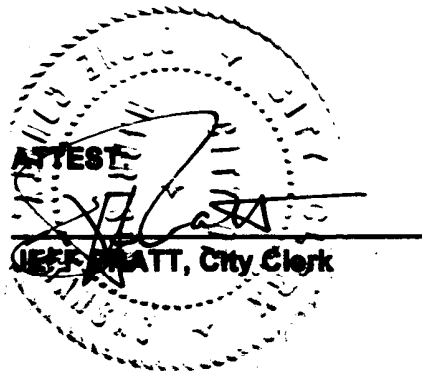
Severability

The provisions of this ordinance are deemed to be severable. A finding that any provision of this ordinance is invalid shall not affect the validity of the remaining provisions of this ordinance.

Emergency Clause

The Harrison City Council has determined that there is an immediate need to regulate the sale and manufacture of alcoholic beverages, in order to protect the public peace, health, and safety, and therefore an emergency is declared to exist and this ordinance shall be in full force and effect from and after its passage.

ADOPTED this 1st day of January, 2011.



JEFF CROCKETT, Mayor

ORDINANCE NO. 1335

**AN ORDINANCE AMENDING SECTION 4.40.07
DEALING WITH ALCOHOLIC BEVERAGES LICENSES**

BE IT ORDAINED by the City Council of the City of Harrison, Arkansas, that Code Section 4.40.07 “Alcoholic Beverages Retail Licenses” is amended as follows to-wit:

Amendment No. 1. Code Section 4.40.07 subpart 2 (B) “Beer and Wine Off Premises License”. Authorizes the purchase of beer, wine, or malt liquor containing less than five (5) percent alcohol by weight from licenses wholesalers for consumption off the premises described in the license.

(1) License Fee. For the privilege of selling beer and wine at retail, for off premises consumption, there is hereby levied an annual license fee as follows:

- A. For a retailer whose annual gross sales of beer, wine, and malt liquors do not exceed \$1,000, the license fee shall be \$15.00.
- B. For a retailer whose annual gross sales of beer, wine, and malt liquors exceed \$1,000, the license fee shall be \$15.00 (once annually) plus one-half cent (\$.005) for each dollar of gross sales in excess of \$1,000.
- C. (Omitted and deleted)
- D. (Omitted and deleted)
- E. (Omitted and deleted)

(2) Hours of Operation. It shall be unlawful for any person to sell or offer to sell beer or wine for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday, at any hour on Sunday, on Christmas Day, or during any 24-hour period designated an emergency by the Mayor or City Council.

Amendment No. 2. Code Section 4.40.07 is hereby amended to add subpart (J) providing for a “Festival” permit and establishing regulations for beer or wine sales at special events held in city recreation parks to-wit:

(J) "Festival" Permit. Authorizes the retail sale of beer or wine at special events, rallies, etc. held in city parks sponsored by a not-for-profit entity that holds a state permit.

- (1) Permit Fee. There is hereby levied a permit fee of \$20 per event for beer sales, \$25 per event for wine sales.
- (2) Supplemental Beverage Tax. In addition to the permit fee a city supplemental beverage tax of 1/2 of 1 percent (.005) of the gross sales is hereby levied. This supplemental tax shall be reported and paid within 30 days after the event.
- (3) Dates and Hours. Applications must be made for specific events with a maximum duration of five (5) consecutive days. Sales shall only be permitted between the hours of 12:00 noon to 10:00 p.m. No Sunday sales are permitted.
- (4) Applications. Only one (1) permit shall be permitted per event. The permittee must provide and pay for security as required and approved by the City Police Chief. Sales shall be confined to secured area designated by the Parks and Recreation Commission. Permittee must be responsible for clean-up and repairs. Permittee is subject to all requirements imposed by the Parks and Recreation Commission.

ALL OTHER PROVISIONS OF ORDINANCE NO. 1329 PREVIOUSLY ADOPTED ON JANUARY 1, 2011, SHALL CONTINUE IN FULL FORCE AND EFFECT.

EMERGENCY CLAUSE: The Harrison City Council has determined that there is an immediate need to regulate the sale and manufacture of alcoholic beverages, in order to protect the public peace, health, and safety, and therefore an emergency is declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED this **24th** day of **March, 2011**.

CITY OF HARRISON, ARKANSAS

BY:


JEFF CROCKETT, MAYOR

ATTEST:


JEFF PRATT, CITY CLERK