

ORDINANCE #1346

AN ORDINANCE TO PERMIT HOTELS,
MOTELS AND RESTAURANTS TO SELL
ALCOHOLIC BEVERAGES ON SUNDAYS IN
ACCORDANCE WITH THE PROVISIONS OF
ACT 766 OF 1987; PRESCRIBING OTHER
MATTERS RELATING THERETO; AND
DECLARING AN EMERGENCY

WHEREAS, Ordinance No. 1335 was duly passed and approved by the City Council of Eureka Springs, Arkansas, on February 21, 1989, that called for a special election to determine whether to permit the sale of alcoholic beverages by the drink on Sunday between the hours of 12:00 noon and 10:00 p.m. within the City of Eureka Springs, and

WHEREAS, at the special election held Tuesday, April 4, 1989, the citizens of the City of Eureka Springs approved the passage of such an ordinance by a vote of 392 in favor of such an ordinance, and 256 against passage of such an ordinance, and

WHEREAS, Act 766 of 1987, presently codified as Ark. Code Ann. Section 3-9-401 et seq (Supp. 1987) ("the Act"), authorizes hotels, motels and restaurants to obtain permits to sell alcoholic beverages on Sundays upon compliance with the terms and provisions of the Act; and

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

Section 1: Hotels, motels, and restaurants that possess a permit for on-premises consumption of alcoholic beverages, and that obtain a state license to do so, may sell alcoholic beverages for on-premises consumption on Sundays between the hours of 12:00 noon and 10:00 p.m.

Section 2: The privilege of selling alcoholic beverages for on-premises consumption within the corporate limits of the City of Eureka Springs shall be governed by the rules and regulations set forth in Act 766 of 1987 of the General Assembly of Arkansas, as may be amended, or as promulgated by the Arkansas Alcoholic Beverage Control Board, or its successor.

Section 3: Chapter 7.40.06 of the Municipal Code of Eureka Springs is amended to read as follows:

7.40.06 Hours of Sale; penalty. It shall be unlawful for any person to sell, offer for sale or give away at wholesale any spirituous, vinous, malt or other intoxicating alcoholic liquor before the hour of eight o'clock a.m. or after the hour of seven o'clock p.m.

It shall be unlawful for any person to sell, offer for sale or give away at retail any spirituous, vinous, malt or other intoxicating alcoholic liquor after the hour of two o'clock a.m. or before the hour of eight o'clock a.m.; except on Saturday when all sales shall cease by twelve o'clock midnight. It is specifically provided, however, that any hotel, motel or restaurant business establishment in the City of Eureka Springs permitted to sell alcoholic beverages for on-premises consumption in accordance with Arkansas laws may sell alcoholic beverages for on-premises consumption until 2:00 o'clock a.m. on Sunday and also on Sunday between the hours of 12:00 noon and 10.00 p.m. if said hotel, motel or restaurant obtains a state license.

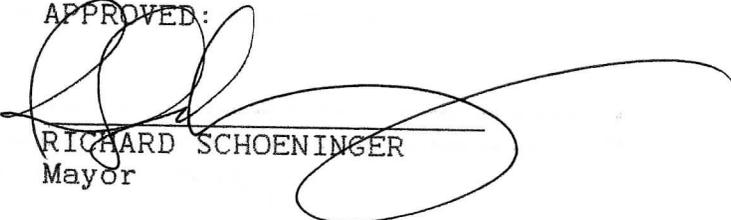
Any person who shall sell intoxicating liquor during polling hours when two (2) or more candidates are seeking the same office at any lawfully authorized election or between two o'clock a.m. and eight o'clock a.m. on weekdays and on Sundays when sales are not permitted shall be guilty of a misdemeanor and for the first offense be punishable by a fine of not less than One Hundred (\$100.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars and for the second or subsequent offenses he shall be guilty of a misdemeanor and be punishable by a fine of not less than Two Hundred Fifty (\$250.00) Dollars and not more than Five Hundred (\$500.00) Dollars or by imprisonment in the county jail for not less than ten (10) days or

more than six (6) months or being so fined and imprisoned in the discretion of the court or jury, and in addition to such fine or imprisonment shall be subject to revocation of his permit at the discretion of the city council.

Section 4: Emergency. The passage of Act 766 of 1987, and the approval of the issue of Sunday mixed drinks was based, in part, upon the desire that local hotels, motels and restaurants be better able to compete nationally for more convention revenues. The attraction of these conventions adds to the revenue base for the City which, in turn, makes it possible for the City to fund other vital public functions. Since it is important that the City be able to immediately compete with other cities for this additional business, and thereby gain these revenues to be used to promote the health, safety and welfare of the citizens, an emergency is declared to exist and this ordinance shall be in full force and affect from the date of its passage.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EUREKA SPRINGS, ARKANSAS, ON THIS 11 DAY OF APRIL, 1989.

APPROVED:


RICHARD SCHOENINGER
Mayor

ATTEST:


JUANITA S. BARNER
City Clerk