

ORDINANCE NO. 909

AN ORDINANCE TO TAX, REGULATE, AND CONTROL THE SALE OF ALCOHOLIC BEVERAGES, BEER AND WINE BY HOTELS AND RESTAURANTS.

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

SECTION I. DEFINITION OF A RESTAURANT. For the purposes of this ordinance, a restaurant is defined as any public 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 served and where complete meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining equipment and a seating capacity of at least fifty (50) 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 six (6) days a week, with the exception of holidays, vacations and periods of redecorating.

SECTION 2. DEFINITION OF A HOTEL. For the purpose of this ordinance, a hotel is defined as every building or other structure commonly referred to as a hotel, motel, motor hotel, 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 fifty (50) 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 of at least fifty (50), 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.

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SECTION 3: SALE OF ALCOHOLIC BEVERAGES, BEER, AND WINE BY RESTAURANTS AND HOTELS DECLARED LEGAL. Hereafter, it is determined and declared that the sale of alcoholic beverages, preparation, mixing and serving of mixed drinks, beer, and wine for the consumption only on the premises of a restaurant or hotel as defined by Section 1 and Section 2 hereof by the customers, guests or patrons of such restaurant or hotel, and the making of a charge therefore, shall not be in violation of any law of this City prohibiting the manufacture, sale, barter, loan or giving away of intoxicating liquor, provided the following criteria have been met prior to such action:

(1) All requirements imposed by State law have been complied with, regarding licensing and/or payment of fees and taxes.

(2) The restaurant or hotel has applied for and received a license from the City of Eureka Springs in accordance with Section 4 of this ordinance and paid all fees and taxes due under the term of this ordinance.

SECTION 4: LICENSE, FEE AND TAXES. The sale of alcoholic beverages, preparation, mixing and serving of mixed drinks, beer and wine by restaurants or hotels in the method previously described in this ordinance is hereby declared to be a privilege and for the exercise of such privilege there is hereby levied an annual license tax in accordance with the following schedule:

Hotel - having fewer than 100 rooms\$100.00
Hotel - having 100 or more rooms\$200.00
Restaurant - having a seating capacity of less than 100 persons\$100.00
Restaurant - having a seating capacity of 100 or more persons\$200.00

The fees for permits issued between January 1 and July 1 shall be one-half ($\frac{1}{2}$) of the amount specified.

Application for a license required by this ordinance shall be in writing filed with the City Recorder or Mayor. Such appli-

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cation shall contain a sworn statement disclosing the following information:

- (A) The name of the applicant
- (B) Location of Hotel or Restaurant
- (C) Sufficient data to establish that applicant meets the requirements of Section 3 hereof
- (D) That the applicant is a citizen of the United States and a resident of this State or if a corporation, duly qualified to do business in this State
- (E) That neither the applicant nor any person to be employed in the serving of beverages authorized herein shall be a person who has been convicted of any violation of the laws against possession, sale, manufacture or transportation of intoxicating liquor, or of any crime involving moral turpitude
- (F) That the manager and/or operator of the hotel or restaurant seeking such permit is of good moral character
- (G) Such other relevant information as may be required

Every permit issued under this ordinance shall be for an indeterminate period, subject to compliance with the annual renewal requirements herein prescribed, and shall not be transferable or assignable, as to owner or premises, except upon the written approval of the City Council.

The City Recorder or Mayor shall issue a license to the applicant after approval of the application by the City Council and upon the payment of the license tax. The City Recorder or Mayor shall notify the City Marshall of each license so issued.

Licenses required by this ordinance shall be issued for such length of time as will be concurrent with the permit issued by the State.

SECTION 5. SUPPLEMENTAL TAX ON GROSS REVENUE. In addition to the annual license tax, there is hereby imposed and levied a City supplemental tax of Ten percentum (10%) upon the gross revenue of such restaurant or hotel. This gross revenue shall include only those gross receipts or gross proceeds which are derived by such restaurant or hotel from the charges made for the preparation, ^{alcoholic beverages,} and mixing and serving of mixed drinks, beer and wine.

Said City supplemental tax, which is in addition to the

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State supplemental tax on restaurants and hotels, shall be paid to the City Treasurer of the City of Eureka Springs and shall be due at the same time that the State supplemental tax is due, and payment shall be accompanied by one (1) copy of the State supplemental tax return.

SECTION 6. REPEALING CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed, and this ordinance shall be in full force and effect from and after its passage, approval and publication.

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the ~~City Council~~ Eureka Springs City Council that additional gross general revenues are urgently required to support the health, education, welfare, and safety of the people of this city, and that unless such funds are provided, curtailment of some programs of the city might be necessary, and that the revenues to be collected under this ordinance are essential to continuing existing levels of government services. Therefore, an emergency is declared to exist and this ordinance being necessary for the immediate preservation of the public peace, health, and safety, it shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 1st day of May, 1969.

Charles L. Freeman
Mayor

ATTEST:

Deputy Thos. J. Bandy
City Recorder