

ORDINANCE NO. 955

AN ORDINANCE TO PROVIDE PROCEDURES FOR ISSUING PERMITS FOR THE SALE OF MIXED DRINKS; REGULATING THE CONTROL THEREOF WITHIN THE CITY OF EUREKA SPRINGS; AND DECLARING AN EMERGENCY

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

HOTELS, RESTAURANTS, PRIVATE CLUBS

Section 1.1. Application; State license to accompany.

Before any person, firm or corporation shall engage in the business of serving or selling alcoholic beverages by the drink for on-premises consumption, in accordance with Section 5 of Arkansas Act 132 of 1969, in the city, an application shall be made to the city clerk for the granting of a license.

Said application shall contain a sworn statement of the name of the business sought to be licensed; the names and addresses of all of the persons owning, managing, or holding any interest in said business, and the proposed location of said business; the owner or owners of the building or premises in which said store is to be located; and said applicant's state license shall accompany such application, then the city clerk shall issue such license upon the payment of the license fee provided in this division and upon compliance with all other requirements of law related to operation of said business. Such permit or license shall be prominently displayed in the location for which that permit was issued.

Section 1.2. Hotels and restuarants--Annual permit fee;  
Renewal fee.

(a) Any hotel or restaurant which shall apply for and receive a permit to sell alcoholic beverages for on-premises consumption in accordance with Section 5 of Arkansas Act 132 of 1969, shall pay to the City of Eureka Springs an annual permit fee on a calendar year basis in the following applicable amount:

- (1) Hotel or motel having fewer than 50 rooms \$150.00
- (2) Hotel or motel having between 50 and 100 rooms \$200.00

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(3) Hotel or motel having 100 or more rooms	\$250.00
(4) Restaurant having a seating capacity of less than 50 persons	\$150.00
(5) Restaurant having a seating capacity of between 50 and 100 persons	\$200.00
(6) Restaurant having a seating capacity of 100 or more persons	\$250.00

(b) An annual renewal fee in the same amount as provided above shall be paid to the city clerk on or before July 1 of each year.

(c) The fees for permits applied for and received in accordance with Section 5 of Arkansas Act 132 after January 1 of any year shall be reduced to seventy-five (75%) percent of the fee set forth herein for that particular year.

Section 1.3. Same--Supplemental tax.

There is hereby levied a supplemental tax of ten per centum (10%) upon the gross proceeds or such derived from the sale of alcoholic beverages pursuant to Act 132, Acts of Arkansas, 1969. Said supplemental tax shall be reported and paid to the city clerk in the same manner and at the same time as gross receipts taxes are reported and paid to the Arkansas Department of Finance and Administration. The taxes herein prescribed may be passed on to the consumer. A surety bond securing payment to the city may be required in accordance with and in the same manner as required by the Arkansas Department of Finance and Administration.

Section 1.4. Private club; Annual permit fee; Renewal fee; Supplemental tax.

(a) Any private club which applies for and receives a permit from the Alcoholic Beverage Control Board in accordance with Section 10 of Arkansas Act 132 of 1969 shall pay to the City of Eureka Springs an annual permit fee of one hundred and twenty-five (\$125.00) dollars on a fiscal year basis beginning July 1, of each year. An annual renewal fee in the same amount shall be paid to the city clerk on or before July 1 of each year.

(b) The fee for permits applied for and received after January 1 of any year shall be reduced to seventy-five (75%) percent of the fee set forth herein for that particular year.

In addition there is hereby levied a supplemental tax of five per cent (5%) upon the gross proceeds or gross receipts derived by such private club from the charges to members for the serving of mixed drinks or for the cooling and serving of beer and wine for consumption only on the premises where served. Said supplemental tax shall be reported and paid to the city clerk in the same manner and at the same time as reported and paid to the Arkansas Department of Finance and Administration.

Section 1.5. Delinquent supplemental tax payments; Penalty.

If any permittee shall fail to remit the supplemental tax on gross receipts within the time provided by said Act 132, a penalty of ten per cent (10%) thereof shall be due and payable for each month during which such delinquency shall continue.

Section 1.6. Hours of sale; Violations; Penalty.

It shall be unlawful for any person, firm or corporation 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, firm or corporation 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.

Any person who shall sell intoxicating liquor on Sunday or during polling hours when two 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 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 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 days or more than six 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 1.7. Repeal.

Ordinances 908 and 909 and all other Ordinances and resolutions, and parts thereof, in conflict, in whole or in part, with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

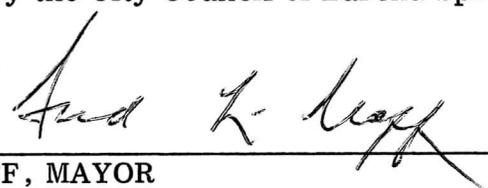
Section 1.8. Severability.

The provisions of this Ordinance are hereby declared to be severable. If any provision shall be held to be invalid or to be inapplicable to any persons or circumstances, such invalidity or inapplicability shall not affect the remainder of the provisions of this Ordinance.

Section 1.9. Emergency.

It has been found, and it is hereby declared, that the City badly needs effective controls over the establishment and regulation of businesses selling or serving alcoholic beverages; that this Ordinance and the controls established by it are the only reasonable means available for the alleviation of these needs; and that the control of sales or distribution of alcoholic beverages are essential to the continued development of the City and to the welfare of the inhabitants thereof. This Ordinance, therefore, being necessary for the preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall be in effect from and after its passage and approval.

PASSED AND APPROVED by the City Council of Eureka Springs, Arkansas, this 19 day of July, 1973.



FRED L. NAFF, MAYOR

ATTEST:



TRUIE WALSH, CLERK

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