

ORDINANCE NO. 2229

AN ORDINANCE AMENDING TITLE 7 SUBSECTION .08 REGARDING THE SALE OF ALCOHOLIC BEVERAGES

WHEREAS, the City Council of the City of Eureka Springs desires to amend its regulation of alcoholic beverage sales within the City;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs that Chapter 7 of the Municipal Code be amended as follows:

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

7.08.08 shall be amended to read as follows:

Off-premises sales:

It shall be unlawful for any person to sell, offer for sale or give away at retail any spirituous, venous, malt or other intoxicating alcoholic liquor after the hour of 1:00 a.m. or before the hour of 7:00 a.m. Monday through Friday. Saturday sale hours shall be 7:00 a.m. to midnight and Sunday sale hours shall be 10 a.m. to 12:00 midnight.

On-premises mixed drink:

It shall be unlawful for any person to sell, offer for sale or give away any spirituous, venous, malt or other intoxicating alcoholic liquor by the drink after the hour of 2:00 a.m. or before the hour of 8:00 a.m. Monday through Saturday. It is specifically provided, however, that any hotel, motel or restaurant business establishment in the city permitted to sell alcoholic beverages for on-premises consumption in accordance with law may also sell alcoholic beverages until 2:00 a.m. on Sunday and on Sunday between the hours of 10:00 a.m. and 12 midnight if the hotel, motel, or restaurant obtains a state and city license. In the event that Sunday shall fall on the 31st of December a properly licensed hotel, motel or restaurant may sell alcoholic beverages for on-premises consumption until 2:00 a.m. of the following day.

On-premises beer and wine:

Establishments with only beer and wine on-premises permits shall have Monday through Friday sale hours of 7:00 a.m. to 1:00 a.m. Saturday hours shall be 7 a.m. to midnight. Sunday hours shall be 10 a.m. to midnight.

Any person who shall sell intoxicating liquor when sales are not permitted shall be guilty of a misdemeanor punishable for the first offense by a fine of not less than One Hundred Dollars (\$100.00) or more than Two Hundred Fifty Dollars (\$250.00). For the second or subsequent offenses, he shall be guilty of a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail for not less than ten (10) days or more than six (6) months, being so fined and imprisoned at the discretion of the court

or jury. In addition to such fine or imprisonment he shall be subject to revocation of his permit at the discretion of the City Council.

7.08.24 shall be amended to read as follows:

Penalty. If any permittee shall fail to remit the supplemental tax on gross receipts within the time provided by Arkansas State Code, a penalty of ten percent (10%) shall be due and payable for each month during which such delinquency shall continue.

Section 2. The following subsection shall be added as follows:

7.08.25 If the permittee shall fail to pay any license or permit fee when due, or remain delinquent on any tax payment due for more than three months, under Title 7 Subsection .08, the City may revoke the permittee’s license or permit.

Section 3. All provisions of the ordinances of the City of Eureka Springs in conflict with the provisions of this ordinance are, and the same 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. Whereas time is of the essence in order to protect the economic health, safety and welfare of the people of the City of Eureka Springs, Arkansas, an emergency is hereby declared to exist and this ordinance shall become effective upon its passage by the City Council of Eureka Springs, Arkansas, and upon affixing the signature of the City Clerk and the Mayor of Eureka Springs, Arkansas.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 12th DAY OF OCTOBETR, 2015

ATTEST:


City Clerk Treasurer Ann Armstrong

APPROVED:


Mayor Robert D. Berry

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