

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. 26 - 2022

BE IT ENACTED BY THE CITY COUNCIL, FOR THE CITY OF VAN BUREN, ARKANSAS AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ESTABLISHING ENTERTAINMENT DISTRICTS WITHIN THE CITY OF VAN BUREN, ARKANSAS, TO BE KNOWN AS THE MAIN STREET ENTERTAINMENT DISTRICT; ESTABLISHING THE STANDARDS FOR THE MAIN STREET ENTERTAINMENT DISTRICT; DECLARING AN EMERGENCY HEREIN; AND FOR OTHER PURPOSES.

WHEREAS, Act 874 of 2021, as codified at A.C.A. §14-54-1412, authorizes cities collecting a gross receipts tax on prepared food or hotel and motel accommodation and located in a county with established entities authorized by the Alcoholic Beverage Control Division to sell alcoholic beverages, to create by ordinance a designated entertainment district in contiguous areas zoned for or customarily used for commercial purposes; and

WHEREAS, said Act also allows cities to set reasonable standards for the regulation of alcohol possession within the boundaries of said entertainment districts; and

WHEREAS, the creation of said entertainment district is intended to promote tourism within the City of Van Buren and to highlight local restaurant, nightlife, entertainment, and hospitality options; and

WHEREAS, the City of Van Buren City Council finds that it is in the best interest of the City and its residents to create permanently designated entertainment districts to be known collectively as the "Main Street Entertainment District," subject to the regulations set forth in this Ordinance; now

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT:

SECTION 1: Creation of the following Main Street Entertainment Districts. Pursuant to the authority granted by Act 874 of 2021, as codified at A.C.A. §14-54-1412, entertainment districts, to be known collectively as the Main Street Entertainment District ("District"), are hereby created and established effective the 27 day of June 2022, within the boundaries as set forth and designated on the maps that are attached hereto as Exhibit A, referencing the 600 Block of Main Street, and Exhibit B, referencing a portion of the 800 Block of Main Street, and incorporated for reference.

SECTION 2: Regulations. The following regulations shall apply to and within the Districts:

- (a) Restaurants, bars, and breweries within District boundaries, as well as vendors at special events within District boundaries, may serve alcoholic beverages (pursuant to all applicable laws, regulations, licensing, and permits) that may be carried out of the establishment and consumed within the designated

boundaries of the District Monday – Thursday between the hours of 10:00 a.m. and 9:00 p.m. and Friday – Saturday between the hours of 10:00 a.m. and 12:00 a.m., as long as the beverage is contained in a designated District cup, which shall not exceed 16 oz. in size and shall be provided by each participating business within the District;

(b) Participating businesses within the District will be required to provide cups with City approved logo, establishment name, and QR Code. They will also provide wristbands verifying that the individual has shown valid identification that they are of legal age to consume alcoholic beverages. Individuals without wristbands will not be permitted to consume alcoholic beverages outside of the establishment where the beverage was purchased. Wristbands shall include the name of the establishment that verified legal age;

(c) The boundaries of the District will be designated by signage placed on the sidewalk within the District;

(d) Waste and recycling receptacles will be placed at District boundaries and high traffic areas as needed;

(e) An informational document will be prepared showing the boundaries of the District, participating bars and restaurants, and the regulation of the District. This document will be available at the Van Buren Municipal Complex, on the City of Van Buren website, and on other platforms. A QR code containing all of the aforementioned information shall be displayed prominently on District cups and window signage;

(f) Participating businesses shall not allow alcoholic beverages to be removed from the premises in glass containers and it shall be a violation for any person to possess alcoholic beverages in glass containers on the streets, sidewalks, rights-of-way, and parking lots located within the District;

(g) No alcoholic beverages purchased outside the District are allowed in open containers in the District;

(h) Consumption of alcoholic beverages in a motor vehicle is prohibited. It shall be unlawful for any person to consume any alcoholic beverage while in the confines of a motor vehicle that is located upon any public street, parking lot, or other place in which the public has or is permitted to have access within the District;

(i) No person shall be permitted to leave the District with an open alcoholic beverage container. All unfinished quantities of alcoholic beverages must be properly disposed of prior to the individual leaving the District;

(j) Establishments within the boundaries of the District, including those that do not serve alcoholic beverages, shall clearly indicate their participation in the District with prominently displayed window signage. No individual possessing an alcoholic beverage shall enter an establishment that does not indicate its participation in the District. By failing to display window signage indicating participation, a business within the boundaries of the District is acknowledging that it does not allow District beverages within its premises;

(k) The City of Van Buren shall create, keep, and distribute the official logos and designs for all District cups, wristbands, signage, etc. Establishments within the boundaries of the District shall procure District cups, wristbands, and signage by coordinating with the City of Van Buren.

SECTION 3: Compliance with ABC & DF&A. This Ordinance does not diminish the requirements or authority of the Alcoholic Beverage Control Division of the Department of Finance and Administration concerning permits issued within the designated entertainment district, including special event permits.

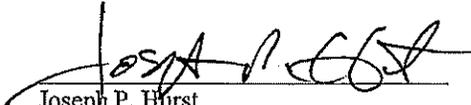
SECTION 4: Notice to ABC & DF&A. Pursuant to A.C.A. §14-54-1412(b)(4), the City Clerk-Treasurer shall, within ten (10) days from the passage of this Ordinance, provide notice of the creation of this Entertainment District to the Alcoholic Beverage Control Division of the Department of Finance and Administration.

SECTION 5: Severability Provision. If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed.

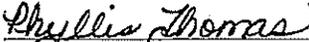
SECTION 6: Repeal of Conflicting Provisions. All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

SECTION 7: Emergency Clause. The need to make use of the provisions of Act 874 of 2021 and create a permanent Entertainment District, in order to promote the downtown area of the City of Van Buren and provide entertainment, hospitality, and dining opportunities to the citizens, is immediate and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage.

IN WITNESS WHEREOF, the City of Van Buren, Arkansas, by its City Council, did pass, approve, and adopt, by a vote of 5 for and 0 against, the foregoing Ordinance at its regular meeting held on the 27th day of June 2022.


Joseph P. Hurst
Mayor

ATTESTED:


Phyllis Thomas
City Clerk/Treasurer

APPROVED AS TO FORM:


Jacob Howell
City Attorney