

CERTIFICATE of RECORD

Instrument #201715841

Real Estate Book

Ordinance

Filed: 10/06/2017 08:31 am

Faulkner County, Arkansas

Crystal Taylor, Circuit Clerk

By: Liz Baumgartner, D.C.

3 Pages

\$25.00



City of Conway, Arkansas
Ordinance No. O-17-100

AN ORDINANCE TO AMEND THE PRIVATE CLUB ORDINANCE OF THE CITY OF CONWAY, SPECIFICALLY THE PERMITTING PROCESS FOR PRIVATE CLUBS CONTAINED IN CHAPTER 4.12.04 OF THE CONWAY CITY CODE AND FOR OTHER PURPOSES AS REQUIRED BY ARKANSAS CODE ANNOTATED §3-9-222 AS AMENDED

Whereas, the City Council of the City of Conway, Arkansas has established requirements for local private clubs permits in Chapter 4.12.04 of the Conway City Code per Ordinance No. O-10-18, and

Whereas, the legislature for the State of Arkansas now requires under A.C.A §3-9-222 local city council approval of all applications for a private club permit prior to them being submitted to the Alcoholic Beverage Control Division, and

Whereas, the City Council for the City of Conway desires to establish a procedure for this approval process to be in compliance with State law.

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

Section 1. That Ordinance O-10-18 shall be amended as follows and the same language added to Chapter 4.12.04 of the Conway City Code:

4.12.04 - Application for permits.

- A. An application for a private club permit required by this section shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state private club permit application. A copy of the private club permit application will be available in the Office of the City Clerk and on the City's website.
- B. Only one location per application.
- C. The application shall be submitted to the City of Conway with a one time, non-refundable application fee in the amount of \$250.00. This fee is completely separate from any licensing fees which may later be due to the City of Conway to operate a business in the City of Conway.
- D. No city permit will be issued until approved by the City Council.
- E. It shall be unlawful for any person to make any false statement or representation in any application required by this section or to give any false answer to any question contained therein.
- F. It shall be unlawful to operate a private club and/or sell alcoholic beverages in Conway before being permitted by the appropriate State agency.

- F. Permits required by this section shall run for one calendar year. Annual permit renewal fees of \$50.00 shall be due and payable on December 1st of each year for the succeeding year beginning January 1st.
- G. The city will not issue or renew any permits pursuant to this section until all outstanding advertising and promotion taxes and/or supplemental beverage taxes, if applicable, are paid.
- H. All permits issued by the city pursuant to this section shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits.
- I. When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding advertising and promotion taxes and/or supplemental beverages taxes, if applicable, are paid.
- J. All fees taxes and penalties received by the city pursuant to this chapter shall be used for general purposes within the City of Conway pursuant to A.C.A. § 3-9-223(f).
- K. Permits shall not be transferable or assignable unless and until approval is granted by the Alcoholic Beverage Control Division and notice is provided to the City of Conway and all other requirements of this ordinance are met.
- L. A city permit, if granted, shall be specific to the proposed location and to the applicant listed in the application.


Section 2. Provisions of this ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid each invalidity shall not affect the remainder of the sections, phrases or provisions.

Section 3. All ordinance in conflict herewith are repealed to the extent of the conflict.

Section 4. This ordinance is necessary for the protection of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

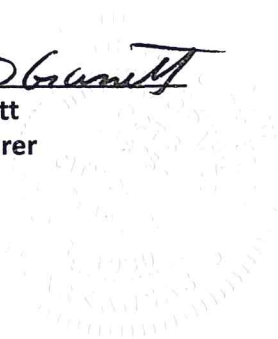
PASSED AND ADOPTED THIS 12th day of September, 2017.

Approved:


Mayor Bart Castleberry

Attest:


Michael O. Garrett
City Clerk/Treasurer



CERTIFICATE

**STATE OF ARKANSAS
COUNTY OF FAULKNER
CITY OF CONWAY**

I, Michael Garrett, the duly elected, qualified, and acting: Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the attached and foregoing is a true and correct copy of an ordinance presented to the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 22th day of August, 2017 same is duly recorded in the minutes of meeting of said Council.

Witness, my hand, and seal of the City of Conway, Arkansas this 18th Day of September, 2017.


CITY CLERK-TREASURER

