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NANCY EASTHAM

FAULKNER COUNTY CIRCUIT CLERK

BY: DIANA VARNER, D.C.

**ORDINANCE**

**City of Conway, Arkansas  
Ordinance No. O-24-89**

**AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DISTRICT IN DOWNTOWN CONWAY, ARKANSAS; ESTABLISHING THE GEOGRAPHIC BOUNDARIES OF SAID DISTRICT THROUGH DESCRIPTION AND MAPPING; AND ESTABLISHING RULES AND REGULATIONS OF SAID DISTRICT TO INCLUDE PENALTIES; AND FOR OTHER PURPOSES:**

**Whereas**, the State of Arkansas passed Act 812 of 2019, hereinafter referred to as Act 812, to promote hospitality and tourism, to establish areas of a City or town that highlight restaurants, entertainment, and hospitality options; to establish temporary or permanent designated entertainment districts; and for other purposes; and

**Whereas**, the State of Arkansas passed into law Act 874 of 2021, hereinafter referred to as "Act 874," which amended the definition concerning the creation of a designated entertainment district to read "contains any number and any combination of restaurants, taprooms, taverns, entertainment establishments, hospitality establishments, music venues, theaters, bars, private clubs, art galleries, art studios, tourist destinations, distilleries, dance clubs, cinemas, or concert halls; and

**Whereas**, the City of Conway has previously established the City of Conway Advertising & Promotion Commission and currently collects a gross receipts tax on hotel and motel accommodations; and

**Whereas**, there currently exists within the proposed entertainment district, multiple local businesses with active on premise alcoholic consumption permits to sell alcoholic beverages; and

**Whereas**, "Act 812" together with "Act 874" allows the Council to establish an entertainment district within the corporate limits of the City of Conway, Arkansas; and

**Whereas**, the City Council has determined that the creation of an entertainment district in Downtown Conway will help ensure long-term economic and social sustainability by promoting an atmosphere that highlights restaurant, entertainment, and hospitality options; and

**Whereas**, the City Council finds that it is in the best interests of the City of Conway and its residents to create an entertainment district, subject to the regulations set forth in this ordinance.

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

**Section 1. Title.** The Ordinance shall be known and titled as the "Downtown Conway Entertainment District Ordinance".

**Section 2. Definitions.** For the purpose of interpreting this Ordinance, certain words or terms are herein defined.

- 1) *Alcoholic beverages* mean beer, controlled beverages, hard cider, wine, light wine, malt liquor, native beverage or spirituous or vinous beverages as defined by the Alcoholic Beverage Control Division Rules.
- 2) *Alcoholic Beverage Control Division* means a government section within the Arkansas Department of Finance and Administration with the powers and duties of regulation, supervision, and control of the manufacture, distribution, and sale of all alcoholic beverages and the issuance of permits, and the regulation thereof, in pursuit of those duties and powers, within the State of Arkansas.
- 3) *Authorized agent* means a person who is employed by the City of Conway which the Mayor of the City of Conway appoints the authority to issue Temporary Entertainment District Permits.
- 4) *Area Boundary or Permanent Boundary* means border of the approved overall entertainment district which limits the area of public consumption of alcoholic beverages throughout the district.
- 5) *Area Boundary Markers* mean any City of Conway Downtown Entertainment District permanent paint, sign, wayfinding symbol, or other visual device indicating the physical area boundary.
- 6) *City* means within this ordinance the City of Conway, Arkansas and may also be referred to as City, City of Conway, or City of Conway, AR.
- 7) *Closed establishment* means any establishment within the Conway Downtown Entertainment District which prohibits entry with alcoholic beverages, and shall include, but is not limited to City Hall, the Police Department, the United States Postal Service, District Court, and any government offices.
- 8) *Conditions of Approval* means any requirements placed on a temporary permit by an authorized agent of the City of Conway intended to protect the safety and welfare of the citizens, property, or other reason which a permit holder shall adhere to in order for said temporary Permit to be issued and remain valid.
- 9) *Customer* means patron, guest or member of a permittee authorized by the Alcoholic Beverage Control Division by Permit to serve for retail sale to the public alcoholic beverages for on premise consumption.
- 10) *District or Entertainment District* shall mean the Downtown Conway Entertainment District as identified in Exhibit A and Exhibit B.
- 11) *District Container & Wrist Band* shall mean the standard, City-issued clear disposable cup from the City that is used for off premises consumption of an alcoholic beverage within the boundaries of the entertainment district, and the official Downtown Conway Entertainment District wristband.
- 12) *Entertainment district* means a physical area within the City of Conway, Arkansas, designated by ordinance to allow for permitting of temporary consumption of alcoholic

beverages within the designated district parameters subject to City regulations as allowed by Act 812 of 2019, Act 874 of 2021, A.C.A 553-2-206(f), 5-71-212(e) and 14-54-1412.

- 13) *Motor vehicle* means a self-propelled device or automobile in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- 14) *Permanent Boundary* (see *Area Boundary*).
- 15) *Permit Holder*. Any person, business, establishment, vendor, or other entity issued and responsible for a Temporary Entertainment District Permit.
- 16) *Permittee* or *permitted premises* means a business establishment which holds or has been issued a permit from the Alcoholic Beverage Control Division that allows the establishment to sell alcoholic beverages to the public and holds a City of Conway Supplemental Beverage Permit.
- 17) *Person* means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, limited liability company or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
- 18) *Public consumption* means carrying open containers or consuming alcoholic beverages in areas other than within the inside of a structure permitted by the Alcoholic Beverage Control Division to legally sell alcohol to customers.
- 19) *Sub-Area Boundary* means an area within the approved entertainment district which may limit the area of public consumption of alcoholic beverages throughout the district on a case-by-case basis to a more controlled area within the overall district.
- 20) *Sub-Area Boundary Markers* mean any City of Conway Downtown Entertainment District temporary flag, sign, or other visual device indicating a sub-area boundary.
- 21) *Temporary Entertainment District Permit* means a type of Special Event Permit issued by an agent authorized by the Mayor of the City of Conway which allows a sub-area of the entertainment district with boundaries that shall be identified in the Permit's condition of approvals to allow the consumption of alcoholic beverages within the designated district parameters subject to City regulations as allowed by Act 812 of 2019, Act 874 of 2021, A.C.A 553-2-206(f), 5-71-212(e) and 14-54-1412 and shall include times in which such activities are permitted and an expiration date and time.

**Section 3. *Establishment of Permits.*** The consumption of alcoholic beverages or possession of open containers of alcoholic beverages in public outdoor areas or sub-areas within the entertainment district shall only be allowed through a Temporary Entertainment District Permit:

*Temporary Entertainment District Permit.*

- A. *Establishment.* A Temporary Entertainment District Permit may be issued by an authorized agent of the City of Conway to allow the outdoor consumption of alcohol on public streets, sidewalks, rights-of-way, parking lots, parks, or outdoor public areas in certain areas and only during the times specified in the Permit.

- B. *Conditions of Approval of a Temporary Entertainment District Permit.* Conditions of approval may be placed on the permittee, the event, and any owner who wishes to allow customers to participate in the event as part of the authorization.
- C. *Required Conditions of Approval.* The Permit shall identify the boundaries of the event. If the event does not include the full district, the boundary shall be called a **sub-area boundary**. The sub-area boundary, parts of the sub-area boundary, or parts of the permanent boundary may be **closed to vehicular traffic upon review and approval, and such closures shall be identified as a condition of approval with adequate information for sub-area boundary markers to be placed.** The hours of operation as defined herein shall be listed as a condition of approval.
- D. *Application Process.* A restaurant, business, or similar establishment located within the district boundaries may apply for a **Temporary Entertainment District Permit** no less than 30 days prior to the event using the application provided by the City. The application shall be submitted to the authorized agent for review. The authorized agent shall distribute to the Mayor's office, Transportation Department, Fire Department, and the Police Department for review. All reviews should be completed within three business days to allow the applicant to modify the request if required.

Authorized representatives from each department may provide comments and reasonable conditions of approval requests to the authorized agent. Based on the size of the event, reasonable conditions may include, but are not limited to, event security approved by the Conway Police Department, additional signage, temporary lighting, physical security barriers, and more. All determinations will be made by the Mayor and/or Conway Police Department.

- E. *Hours of Operation.* Hours and days of operation for any permit issued shall be determined by the authorized agent on a case-by-case basis. The Mayor may at his/her discretion, place additional time limits and constraints on any permit issued.
- F. *Fees.* A Temporary Entertainment District Permit processing fee of \$100 shall be required and payable upon application. With the issuance of a permit, the permittee shall receive 100 District Containers and wristbands. Additional district containers and wristbands shall be available for an additional processing fee of \$100 per 100 district containers and wristbands.
- G. *Revocation or Alteration of a Permit.* The Mayor, the Chief of Police, the Fire Marshall, or their designee shall be authorized to suspend, close, alter conditions and/or boundaries, and take other actions at any time during the active period of a permit if said action is deemed to be in the interest of health and human safety. The Mayor must approve the revocation of any permit.

#### **Section 4. District Regulations:**

- A. *ABC.* Alcoholic beverages authorized for public consumption within the Downtown Conway Entertainment District shall be limited to sales from establishments or vendors which are legally permitted by the Alcoholic Beverage Control Division and hold a City of Conway Supplemental Beverage Permit. All vendors must be update on all permits held with the City of Conway.
- B. *Legal Age Verification.* District containers and wristbands shall only be sold by permittees to customers of legal age to consume alcoholic beverages and older, regardless of the

content of the container. It shall be a violation of this ordinance for anyone under the age of 21 to have in their possession a district container or wrist band regardless of the content of the container. The sale of a district container and wristband shall require a state issued photo identification for all customers. It shall be a violation of this ordinance for anyone without an authorized wrist band to be in possession of a district container.

- C. *Permit Required.* No customer shall be permitted to have an open alcoholic beverage for public consumption unless an active Temporary Entertainment District Permit is issued, and activities shall be limited by the terms of the Permit.
- D. *Area Boundary Markers.* The Permanent Boundaries, or Sub-area Boundaries, of the District shall be marked as defined herein.
- E. *Sub-area Boundary Markers.* The Sub-area Boundaries identified in temporary permits shall be marked as defined. Sub-area boundary markers shall be used to identify the geographic limits of the temporary sub-area as defined in a Temporary Entertainment District Permit condition of approval. Any person or persons causing the disturbance, removal, damage, tampering, covering, altering, moving, or any other action which causes a sub-area boundary marker to be ineffective in identifying the approved sub-area boundary shall be in violation of this ordinance.
- F. *Restrict Permanent Boundaries.* No customer shall be permitted to remove an open alcoholic beverage nor a district container from the Entertainment District.
- G. *Restrict Sub-Area Boundaries.* No customer shall be permitted to remove an open alcoholic beverage nor a district container from an area defined as a sub-area boundary within a Temporary Entertainment District Permit.
- H. *Permitting District Access.* Any permit holder within the district may allow a customer wearing a district wristband to exit the premises during the hours defined in the Permit with no more than one (1) District Container.
- I. *District Containers.* District Containers and wristbands that will be used within the Conway Downtown Entertainment District for the commercial sale of drinks within the district shall only be available for purchase from permit holders and participating businesses which are legally permitted to sell alcohol for immediate consumption by the Alcoholic Beverage Control Division and the City of Conway. Sale of alcohol in district containers outside of times and locations approved within the Permit shall be considered a violation of this code.
- J. *District Container Identification.* District containers shall not be altered, concealed, or covered in any way which blocks the view of either the logo or contents within the container.
- K. *Counterfeit District Containers and wristbands.* Copying, replicating, falsifying, or forging a district container or wristband shall be considered a violation of this code.
- L. *Prohibit Unauthorized Containers.* Permit holders shall not allow alcoholic beverages to be removed from the premises in unapproved containers, including, but not limited to, cans, glasses, cups, or bottles. All permit holders shall serve alcoholic beverages for off-premises consumption in official district containers provided by the City. District containers shall be clear plastic cups, easily identifiable with a Conway Downtown

Entertainment District logo, may not exceed 16 fluid ounces in volume, and shall be the only container approved for district use.

- M. *Damaging Ingredients.* District containers shall not be used for any drink which contains fire or any other materials which may damage the physical integrity of the district container.
- N. *Non-District Drinks.* No alcoholic beverages purchased outside the district shall be allowed in district containers. Customers shall not place any drink within a district container. Only permit holders shall be authorized to fill district containers.
- O. *Drink Maximum.* No person shall be in possession of more than one (1) alcoholic beverage at any time while in the entertainment district unless within the interior of a permitted premises.
- P. *Refills.* Refilling district containers shall only be permitted by establishments or vendors which are legally permitted by the Alcoholic Beverage Control Division and the City and are within the boundary identified by the Permit. Leaving a sub-area boundary to refill at an establishment outside of an area identified within the active Permit shall be a violation of this ordinance.
- Q. *Proper Disposal.* All unfinished quantities of alcoholic beverages must be properly disposed of prior to the customer leaving the district or a defined sub-area.
- R. *Trash & Recycling.* Proper waste receptacles shall be placed at the permanent boundaries or sub-area boundaries prior to the event's time and date to open and shall remain in place until the event has concluded.
- S. *Motor Vehicles.* Nothing in this ordinance shall be construed to allow any person to possess open containers of alcoholic beverages or to consume alcoholic beverages in a motor vehicle, nor operate a motor vehicle while intoxicated. It shall be unlawful for any person to operate a motor vehicle while intoxicated or to consume alcoholic beverages or possess an open container of any alcoholic beverages while in the confines of a motor vehicle.
- T. *Restricted Traffic Areas.* Public consumption in public streets, roads, or alleyways shall be prohibited unless said street, road, or alleyway is 1) identified within the boundary of the Permit and 2) closed for the purpose of the event as identified within the Permit.
- U. *Banned Customers.* Customers banned for previous repeat violations shall not purchase district containers and wristbands. Permit holders shall not authorize the sale of a wrist band to banned customers. All temporary permit holders shall be provided a list of customers banned from purchase of district containers and wristbands.
- V. *Limitations of Permits.* A Temporary Entertainment District Permit shall not have the authority to authorize any activities outside of the defined boundaries herein. It shall be a violation of this ordinance for any customer to take a district container outside of the boundaries identified within the permit holder's Permit. Any conflict in an issued permit which shall violate any requirements from the Alcoholic Beverage Control Division requirements shall be considered void.
- W. *Participating Businesses.* Participation within the district is optional. Participating Businesses within the boundaries of the entertainment district, including those that do

not serve alcoholic beverages, shall clearly indicate the participation in the entertainment district with an official "Downtown Conway Entertainment District Participant" sticker. No person in possession of an alcoholic beverage shall enter an establishment that does not indicate its participation in the entertainment district. By failing to display window signage indicating participation, a business within the boundaries of the entertainment district is acknowledging to all persons within the entertainment district that it does not allow entertainment district beverages within its premises.

- X. *Non-Participating Businesses.* Any owner of a property, either public or private, shall have the authority to restrict consumption of alcohol anywhere on property in which that entity legally owns or leases. This shall not include public properties defined within the Permit and otherwise not prohibited.
- Y. *State Permit Requirements.* If a permit holder's or permittee's state permit is revoked or suspended by the Alcoholic Beverage Control (ABC) Division, all remaining unused cups shall be returned to the City of Conway for proper disposal and shall not be used. Venues or businesses shall not be eligible for a refund once cups are purchased.
- Z. *District Logo.* The official logo for the district (Exhibit C) shall be visible on district containers and district wrist bands. The official logo may be altered or redesigned by the Mayor or their representative as needed to reduce costs or other reasons as needed. It shall be a violation of this ordinance to carry cups or wear wrist bands within the district that utilize the district logo or an image in its likeness other than those authorized.

**Section 5. Adoption of Permanent Boundary.** The permanent boundaries of the district shall be as shown in map Exhibit A as attached herein.

**Section 6. ABC Controls.** Nothing in this ordinance shall diminish the requirements of the Alcohol Beverage Control Division concerning permits issued within the designated entertainment district.

**Section 7. Conflicting Ordinance.** All ordinances in conflict herewith are repealed to the extent of the conflict.

**Section 8. Enforcement.** The City of Conway Police Department shall have authority to enforce all district regulations and any applicable law or ordinance within the Downtown Conway Entertainment District. The Mayor may authorize additional enforcement as needed for events on a case-by-case basis.

**Section 9. Penalties.**

- A. Violation of Section 4 of this Ordinance shall be an unclassified misdemeanor pursuant to the authority under A.C.A. § 14-55-501.
- B. Any person violating this ordinance shall, upon an adjudication of guilt or a plea of no contest, be fined according to the minimum schedule of fines. Each separate violation committed shall constitute a separate offense.

**Section 10. Minimum Schedule of Fines.**


| Description                                                                                                              | Fine                                          | Other Penalties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Violation of any provision of this code by the <i>permit holder</i> or a <i>participating business</i> as defined herein | \$1,000 per violation (not to exceed \$5,000) | <ul style="list-style-type: none"> <li>• First Offense: Unable to apply for a temporary permit nor purchase of district containers for twelve (12) months beyond the date of violation. Upon six (6) or more violations during first offense other penalties below may apply.</li> <li>• Second Offense or more than five (5) violations: Unable to apply for a temporary permit for five (5) years beyond the date of violation.</li> <li>• Any further penalties the business may be banned plus any additional penalties as so ordered by a court of competent jurisdiction.</li> </ul> |
| Violation of any provision of this code by a <i>customer</i> as defined herein                                           | \$100 per violation (not to exceed \$500)     | <ul style="list-style-type: none"> <li>• First Offense: No further action unless six (6) or more violations during the first offense.</li> <li>• Second Offense or more than five (5) violations: Banned from purchasing District Containers from permit holders for a period of five (5) years.</li> <li>• Any further penalties as so ordered by a court of competent jurisdiction.</li> </ul>                                                                                                                                                                                           |


**Section 11. 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 12. 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.


PASSED this 10<sup>th</sup> day of December, 2024.

**Approved:**

  
**Mayor Bart Castleberry**



**Attest:**

  
**Michael O. Garrett**  
 City Clerk/Treasurer

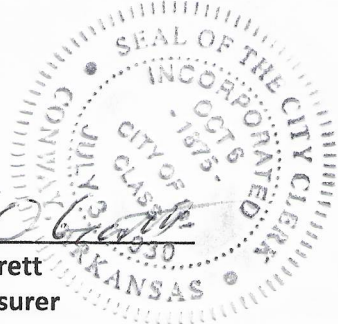




Exhibit A. Map of the Downtown Conway Entertainment District



Date: 11/26/2024

1 inch = 300 feet

City of Conway, Arkansas  
**Proposed District For  
 Temporary Entertainment Zones**

**Legend**

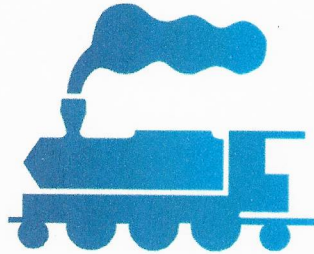
- Park
- Event Space
- Restaurant Serving Alcohol
- District Area

Exhibit B: Legal Description of the Downtown Conway Entertainment District

Beginning at the southwest corner of Garland St and Harkrider St, proceed south along Harkrider to the northwest corner of Harkrider St and Prairie St. Thence southwest along Prairie to the west corner of Prairie St and Front St. Thence north along Front to its intersection with Main St. Thence west along Main to the intersection of Main St and the east right-of-way of the railroad. Thence north, across Main St and along the railroad's east boundary, to Oak St. Thence northeast across Oak St and along the north right-of-way of Oak to the northwest corner of Oak St and Front St. Thence northwest along Front to the northwest corner of Front St and Smith St. Thence northeast along Smith to the northeast corner of Smith St and Spencer St. Thence north along Spencer to the northwest corner of MLK Square.

Thence east along the northern boundary of MLK Square and then across Willow, to the northeast corner of Willow St and Markham St. Thence south along Markham to the southeast corner of Markham St and Garland St. Thence east along Garland to the southwest corner of Garland St and Harkrider St, being the point of beginning.

Exhibit C: Official District Logos for District Containers and Wrist Bands  
(Subject to change in color, style, etc at discretion of the Mayor or their representative)



DOWNTOWN  
CONWAY


ENTERTAINMENT  
DISTRICT

**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 10<sup>th</sup> day of December, 2024 same is duly recorded in the minutes of meeting of said Council.

Witness, my hand, and seal of the City of Conway, Arkansas this 17<sup>th</sup> day of December 2024.

  
**CITY CLERK-TREASURER**  
