

ORDINANCE NO. 2021- 15

AN ORDINANCE OF THE CITY OF FAIRFIELD BAY
ESTABLISHING A PERMANENT HOTEL-CONFERENCE CENTER
ENTERTAINMENT DISTRICT AND RULES RELATED THERETO WITHIN THE
CITY OF FAIRFIELD BAY AS AUTHORIZED BY ACT 812 OF 2019; PROVIDING
FOR THE REPEAL OF ANY ORDINANCE IN CONFLICT; PROVIDING A
SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND
FOR OTHER PURPOSES

WHEREAS, the 92nd Arkansas General Assembly enacted Act 812 of 2019 authorizing the establishment of designated entertainment districts to promote hospitality and tourism and establish areas of a city or town that highlight restaurant, entertainment, and hospitality options; and

WHEREAS, such designated entertainment districts may be established in contiguous areas of the city that are customarily used for commercial purposes and contain any combination of restaurants, taprooms, taverns, entertainment establishments, hospitality establishments, music venues, theaters, bars, art galleries, art studios, tourist destinations, distilleries, dance clubs, cinemas, or concert halls; and

WHEREAS, it is the intent of this ordinance to designate a specific Permanent Entertainment District with a defined footprint;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the City Council of the City of Fairfield Bay, Arkansas, that:

Section 1. Permanent Entertainment District. There is hereby designated a permanent entertainment district pursuant to A.C.A. Section 14-54-1412(b) specifically designated as The Hotel-Conference Center Entertainment District as depicted on Exhibit A to this ordinance, which is hereby incorporated herein, and further defined as follows:

All public rights-of-way adjacent to, and all of that area contained within the boundaries of, 100 Lost Creek Parkway and 110 Lost Creek Parkway, including the sidewalk and rights of way to public street adjacent to this private property.

Section 2. The following rules shall apply to the permanent entertainment district known and designated as The Hotel-Conference Center Entertainment District:

a. Alcoholic beverages lawfully sold by an establishment within the designated entertainment district properly licensed for the sale of alcoholic beverages are

permitted for consumption within the permanent entertainment district and adjacent public rights-of-way, subject to the rules established by this ordinance.

b. All alcoholic beverages sold as allowable for consumption within the permanent entertainment district shall be in a plastic cup, no larger than 16 fluid ounces in size, on which the names or logos of the participating establishment(s) has been commercially or professionally printed. No refills are allowed.

c. No alcoholic beverages in bottles, glass, or cans are permitted for consumption outside of licensed establishments in the permanent entertainment district. Consumption or possession of alcoholic beverages that were not purchased within the entertainment district itself, is prohibited.

d. No person shall be in possession of more than one alcoholic beverage at any time. Drinking in the public streets and roads is prohibited.

e. Consumption or possession of an alcoholic beverage is not permitted in or on a vehicle parked in any public right-of-way within any permanent entertainment district; consumption or possession of alcoholic beverages is specifically prohibited in any Golf Cart, ATV, UTV, and all other motorized means of transportation.

f. The physical boundaries of the permanent entertainment district shall be clearly marked with pavement markings or signage, or both. The public, including law enforcement, must be able to clearly discern when patrons are entering or exiting the entertainment district.

g. These rules and provisions regarding a permanent entertainment district are not intended to, and do not, supersede, eliminate or otherwise impede the enforcement or conditional permitting of any other state or local law or regulation regarding the sale or consumption of alcohol or alcoholic beverages. For instance, rules against public intoxication or any other related offense are applicable to permanent entertainment districts. All state laws, and all Rules of the Alcohol Beverage Control Division and the Department of Health must be followed at all times.

h. The hours of operation for The Hotel-Conference Center Entertainment District shall be seven days per week from 11:00 a.m. to 10:00 p.m. each day.

i. Participating businesses shall utilize a unique (in color or design) wristband for each day, with a minimum of seven (7) separate designs used in a rotating fashion. Wristbands will be issued upon verifying the patron is at least 21 years of age, and patrons must wear the designated wristband in order to carry an alcoholic beverage outside of the business establishment, and about the entertainment district.

j. Transferring wristbands to another patron is prohibited. Wristbands should have the initials, or first or last name of the patron to whom it was issued, and the date (month and day) of issuance.

k. There shall be a single location where ingress to, and egress from, the entertainment district to parking facilities, shall be allowed.


Section 3. If any portion of this ordinance is deemed to be in conflict with a previously existing city ordinance, such previously existing ordinance is hereby repealed to the extent necessary to resolve such conflict.

Section 4. If any provision of this ordinance is determined to be invalid due to the application of law, such invalidity shall not affect the validity of other provisions of this ordinance and, to that end, the provisions of this ordinance shall be deemed severable.

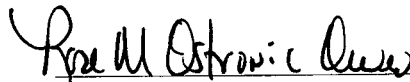
Section 5. EMERGENCY CLAUSE. An emergency is declared to exist, and because of the need for specificity for the public and the businesses involved, given the current Chinese Flu, Covid-19, pandemic, this Ordinance shall go into effect at 11:00 a.m. on September 1, 2021. The City Council concludes that the failure to provide for a specific effective date and time, as set forth herein, would adversely affect the public peace, health, financial well-being, and safety of the City, and so this emergency is real, imminent, and must be addressed.

Section 6. This Ordinance is not to be codified in the Municipal Code. Separate codification, if necessary, will be done subsequently.

IT IS SO ORDAINED, PASSED AND APPROVED by the Fairfield Bay City Council on this 9 day of August, 2021.


Linda Duncan, Mayor

Attest, a true and correct copy:


Rose O. Ostronic Owen
Recorder-Treasurer
City of Fairfield Bay

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LAKWOOD VILLAGE MALL

SHADOW RIDGE
VILLAS

