

Regular Meeting: January 10, 2022

First Read: January 10, 2022

ORDINANCE NO. 2022- ~~01~~

**AN ORDINANCE OF THE
CITY OF FAIRFIELD BAY, ARKANSAS,
TO AMEND THE MUNICIPAL CODE;
AMENDING CHAPTER 4.06,
REGULATION OF ALCOHOLIC BEVERAGES
TO TITLE 4 OF THE MUNICIPAL CODE,
BUSINESS LICENSES AND REGULATIONS;
AUTHORIZING CERTAIN PERMIT HOLDERS
TO DELIVER ALCOHOLIC BEVERAGES
DIRECTLY TO A CONSUMER;
AMENDING THE MUNICIPAL CODE, ACCORDINGLY;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, the City of Fairfield Bay desires to amend its Municipal Code provisions for the regulation of the sale of alcoholic beverages in the City of Fairfield Bay; and

WHEREAS, the City Council has determined that the State of Arkansas has amended state statutes to authorize the delivery of alcoholic beverages directly to a consumer by certain permit holders, as set forth in Act 158 of 2021, Arkansas Code Section 3-4-107;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that the following amendments are made to TITLE 4 of the Municipal Code, by amending attached Chapter 4.06, Regulation of Alcoholic Beverages, as set forth herein:

1. NOT TO BE CODIFIED: Chapter 4.06, Regulation of Alcoholic Beverages, of the Municipal Code is amended, as set forth in the amendment to Section 4.06.06, Types of Permits – Fees – Specific Provisions – Hours of Operation, herein below, with additions to the Municipal Code in *bold italics* and deletions in bold interlineations, like this word: ~~deletions~~.

2. CODIFICATION REQUIRED: Section 4.06.06 is amended to read as follows:

**4.06.06 TYPES OF PERMITS – FEES – SPECIFIC PROVISIONS –
HOURS OF OPERATION:**

Section 1. Wholesale:

(A) *Wholesale liquor permit.* Authorizes the purchase from licensed manufacturers or importers of spirituous and vinous beverages or malt liquor containing more than five percent alcohol by weight, and the sale of such beverages to persons holding a valid liquor off-premises permit or a hotel, motel or restaurant on-premises consumption permit.

(1) *License fee.* There is hereby levied an annual license fee for each and every establishment engaged in storing, transporting, or selling at wholesale, or any combination of these, any spirituous or vinous liquors within the City, in the amount passed by Ordinance and published no more than annually, by the City, on its List of Alcohol Regulation License Fees.

(2) *Hours of operation.* It shall be unlawful for any person to sell, offer for sale, or give away, at wholesale, any spirituous, vinous, or malt liquors before the hours of 7:00 a.m. everyday, unless otherwise prohibited; and after the hour of 11:00 p.m. on weekdays; after the hour of 12:00 midnight on Friday and Saturday; at any hour on Sunday; on Christmas Day; or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the mayor's or City Council's capacity.

(3) All wholesale dealers and distributors selling any spirituous or vinous liquors to retail dealers within the City shall provide to the City's Recorder-Treasurer on, or before, June 30th of each year a report of said distributor's total sales of any spirituous or vinous liquors within the City for the

previous calendar year to each retailer within the City. No wholesale liquor permit will be renewed until such report has been received by the City.

(B) *Wholesale beer and wine license.* Authorizes the purchase of beer, wine, or malt liquor from a licensed manufacturer or importer, and the sale of such beverages to retailers holding a valid license to sell beer, wine or malt liquor for consumption on or off the premises.

(1) *License fee.* There is hereby levied an annual license fee for each and every wholesale dealer, broker or distributor of beer and wine, in the amount passed by Ordinance and published no more than annually, by the City, on its List of Alcohol Regulation License Fees.

(2) *Hours of operation.* The authorized hours of operation shall be the same as for wholesale liquor dealers in A-2 above.

(3) All wholesale dealers and distributors selling beer and wine to retail dealers within the City shall provide to the City's Recorder-Treasurer on, or before, June 30th of each year a report of said distributor's total sales of beer and wine for the previous calendar year to each retailer within the City. No wholesale beer and wine license will be renewed until such report has been received by the City.

(C) *Microbrewery-Restaurant Distribution Permit.* Authorizes a Microbrewery-Restaurant licensee to sell beer or malt liquors and hard cider of its own manufacture to a wholesale dealer for the purposes of resale to retail licensees in Arkansas, and to transport and ship its beer and malt liquor by appropriate means for delivery outside the State of Arkansas to business entities licensed and qualified to accept such products in their respective states. The total aggregate brewing limitation for a microbrewery-restaurant shall be in the amount of twenty thousand (20,000) barrels per calendar year.

(1) *License fee.* There is hereby levied an annual license fee for each and every microbrewery-restaurant distributor, in the amount passed by Ordinance

and published no more than annually, by the City, on its List of Alcohol Regulation License Fees.

(2)*Hours of operation.* The authorized hours of operation shall be the same as for wholesale liquor dealers in A-2 above.

(3)All microbrewery-restaurant distributors selling beer, malt liquor, and hard cider to wholesale dealers shall provide to the City's Recorder-Treasurer on, or before, June 30th of each year a report of said distributor's total sales of beer, malt liquor, and hard cider for the previous calendar year to each wholesale dealer. No microbrewery-restaurant distribution license will be renewed until such report has been received by the City.

Section 2 Retail:

(A) *Retail liquor off-premises license.* Authorizes the purchase of spirituous and vinous beverages from any person holding a valid wholesale liquor license and the sale of such beverages at retail to consumers for consumption off the premises; any holder of a liquor off-premises license may also purchase malt liquors containing more than five percent alcohol by weight from either persons holding a wholesale beer license or a wholesale liquor license, and sell such beverages to consumers for consumption off the premises described in the license. ~~**It shall be unlawful for any person to accept retail orders for any spirituous, vinous, or malt liquors for delivery outside of the premises of the store operated by such person.**~~

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3. NOT TO BE CODIFIED: THE MUNICIPAL CODE OF THE CITY OF FAIRFIELD BAY BE, AND IT IS HEREBY, AMENDED ACCORDINGLY. Items set forth, above, in *bold italics* shall amend the Code. Items set forth above,

as deletions, in text interlineated in bold, as in the example word “~~deletions~~” shall be stricken from the Code and deleted, accordingly.

4. NOT TO BE CODIFIED: EMERGENCY CLAUSE: EFFECTIVE DATE:
Because of the potential danger to public peace, health, and safety; because there is a real risk of creating potential economic harm to a state licensee; and because there is confusion concerning the newly-developed conflict state law, as amended in Act 158, effective 90 days after the end of the 2021 meeting of the General Assembly, the City Council finds and concludes that AN EMERGENCY HEREBY EXISTS, and this Ordinance being necessary for the peace, health, safety, economic well-being and general welfare of the City and its Citizens, IT SHALL BE IN FULL FORCE AND EFFECT IMMEDIATELY ON and after its passage.

Dated this _____ Day of _____, 2022.

Honorable Linda Duncan
Mayor, City of Fairfield Bay, Arkansas

Attest:

Rose O. Owen, Recorder-Treasurer

Drafted by:

AJ Kelly
Kelly Law Firm, PLC
City Attorney
Rev: 12/17/21