

ORDINANCE NO. 87-030

AN ORDINANCE REPEALING ORDINANCE NO. 572; AN ORDINANCE ESTABLISHING AN ANNUAL PRIVILEGE TAX AND LICENSE UPON THE STORAGE; TRANSPORTATION AND SALE OF ALCOHOLIC BEVERAGES; ESTABLISHING FEES THEREFOR; REQUIRING A STATE LICENSE; RESTRICTING SALES TO AREAS ZONED C-1, C-2 OR INDUSTRIAL; REQUIRING A CERTIFICATE OF OCCUPANCY; ESTABLISHING HOURS FOR SALE THEREOF; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, by referendum the citizens of Baxter County have declared it lawful in the County to sell and consume alcoholic beverages; and

WHEREAS, it is necessary to control and govern the sale and consumption of alcoholic beverages within the corporate limits of the City; and

WHEREAS, it is necessary to govern the hours of sale and locations where alcoholic beverages will be stored and sold.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:

Section 1.: Application.

Before any person shall engage in the wholesale or retail liquor business in the City an application shall be made to the City for the granting of a license.

Said application shall contain a sworn statement of the name of the business sought to be licensed, the names and addresses of all of the persons owning or holding any interest in said business, and the proposed location of said business, the owner or owners of the building or premises in which said store is to be located, and said applicant's State license shall accompany such application, then the City Collector shall issue such license upon the payment of the license fee provided hereinafter.

Section 2.: Fee-Wholesale dealers, liquor.

The business of storing, transporting and/or selling of spirituous and vinous liquors at wholesale within the City is hereby declared to be a privilege; and for the exercise of such privilege there is hereby levied an annual tax in the sum of One Hundred Fifty Dollars (\$150.00) for each such business conducted.

Section 3.: Fee-Wholesale dealers, beer and malt liquors.

The business of storing, transporting and/or selling beer or malt liquors at wholesale within the City is hereby declared to be a privilege; and for the exercise of such privilege there is hereby levied an annual tax in the sum of One Hundred Fifty Dollars (\$150.00) for each such business conducted.

Section 4.: Fee-Wholesale dealers-liquor, beer and malt liquor.

The business of storing, transporting and/or selling of spirituous, vinous liquors and malt liquors at wholesale within the City is hereby declared to be a privilege; and for the exercise of such privilege there is hereby levied an annual tax in the sum of Three Hundred Dollars (\$300.00) for each such business conducted.

Section 5.: Fee-Retail Dealers, Beer.

The business of storing, transporting, selling and/or dispensing at retail of any and all malt liquors and beer or off premises within

the City is hereby declared to be a privilege, and for the exercise of such privilege thereby an annual privilege tax shall be levied as follows:

1. For each retailer doing business within the City, fifteen dollars (\$15.00) for a retailer whose total gross annual sales do not exceed one thousand dollars (\$1,000.00); twenty dollars (\$20.00) for a retailer whose total gross annual sales exceeds one thousand dollars (\$1,000.00), but do not exceed two thousand dollars (\$2,000.00); and twenty dollars (\$20.00) for a retailer whose total gross annual sales exceed two thousand dollars (\$2,000.00), plus an additional five dollars (\$5.00) for each one thousand dollars (\$1,000.00) gross annual sales in excess of two thousand dollars (\$2,000.00); provided, the annual privilege tax for each retailer doing business with the City of Mountain Home shall not exceed a maximum of one hundred dollars (\$100.00) annually.
2. At the time each retail dealer applies for a new permit, said retail dealer shall file with the City Clerk an affidavit signed by said retail dealer showing gross revenues received by said retail dealer from the sale of light wines and/or beer during the preceding year.
3. The City Clerk, either personally or through his authorized agents, shall have the right to inspect and examine the records of every retail dealer subject to the tax required by this provision.
4. Whenever the City Clerk has ascertained that a retail dealer has secured a permit for an amount less than that which should have been paid therefor, he shall require the payment of the difference plus a penalty in an amount equivalent to one hundred (100) percent of said difference or cancel the permit. The City Clerk shall notify the Director of Alcohol Beverage Control of the identity of retailers failing to comply with the provisions of this section, in order that the director may notify wholesale dealers to discontinue sales to such delinquent retailers in accordance with Arkansas Statute 48-516. When such license fee and penalty is paid to the City Clerk, the Clerk shall notify the Director of Alcohol Beverage Control that such retailer has paid said fee.

Section 6.: Fee-retail package stores. Liquor, beer and malt liquor.

The business of storing, transporting, selling and/or dispensing at retail of any and all vinous, spirituous and/or malt liquors within the City is hereby declared to be a privilege, and for the exercise of such privilege there is hereby levied an annual privilege tax of Two Hundred Fifty Dollars (\$250.00) for each such retail store operated within the City.

Section 7.: Location.

It shall be unlawful for any person to sell or engage in the wholesale or retail liquor business at any location other than that zoned C-1, C-2 or Industrial.

Section 8.: Certificate of Occupancy.

No person shall be granted a license at either wholesale or retail within the City upon, in or in connection with any premises wherein there does not exist a Certificate of Occupancy. At the time of application every person desiring

a permit pursuant to this ordinance shall file with the Clerk of the City a Certificate of occupancy for the premises for which the permit is sought.

Section 9.: Hours of Sale.

It shall be unlawful for any person to sell, offer for sale or give away at wholesale or retail any spirituous, vinous, malt or other intoxicating alcoholic liquor before the hour of 7:00 a.m. and after the hour of 12:00 midnight and on Sunday.

Section 10.: Penalties/Fines.

Every person who violates any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, the license of such person shall be revoked and such person shall be fined in a sum of not more than Five Hundred Dollars (\$500.00) and each day's violation of said section shall constitute a separate offense.

Section 11.: Other licenses and fees.

Every person shall procure, in addition to any permit issued pursuant to this Ordinance, all other licenses, permits issued by the City, County and State.

Section 12.: Purpose.

It shall be unlawful for any person to sell, store, give away or transfer any spirits, vinous, beer or malt liquor without having first procured a license as provided herein and payment of the requisite fee therefor.

Section 13.: Definitions.

(a) The term "person", for the purpose of this Ordinance means one or more persons, a company, a corporation, a partnership, a syndicate or association.

(b) The terms "spiritous, vinous and malt liquors" shall mean for the purpose of this Ordinance any fermented liquor made from malt or any substitute therefor having an alcoholic content of not in excess of Five (5% Percent by weight; liquor distilled from fermented juices of grain, fruits or vegetables and containing more than Twenty-One (21%) Percent of alcohol by weight or any other liquids containing more than Twenty-One (21%) Percent of alcohol by weight; and the fermented juices of grapes, berries or other fruits or vegetables containing not more than Five (5%) Percent of alcohol by weight.

Section 14.: Repealing Clause.

Ordinance No. 572 is hereby repealed in its entirety.

Section 15.: Severability.

If any part of this Ordinance shall be held void such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

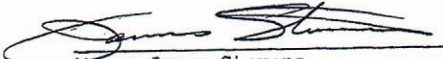
Section 16.: Emergency.

The City Council of the City of Mountain Home, Arkansas, has determined the sale, storage and availability of alcoholic beverages be controlled within the City, an


emergency is declared to exist and in order to protect the health and safety of the citizens this Ordinance shall have full force and effect from and after its passage and publication.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER, 1987.

APPROVED:


Mayor James Stevens

ATTEST:


Deborah D. House, City Clerk