

ORDINANCE NO. 746

AN ORDINANCE AMENDING ORDINANCES NO. 713 , 734 & 743 OF THE CITY OF MONTICELLO, REGULATING THE SERVING AND CONSUMPTION OF MIXED DRINKS, BEER, WINE OR OTHER ALCOHOLIC BEVERAGE IN PRIVATE CLUBS EXCEPT BETWEEN CERTAIN HOURS, PRESCRIBING PENALTIES FOR VIOLATION OF SAME, AND FOR OTHER PURPOSES

WHEREAS, the City of Monticello has determined that the consumption of alcoholic beverages by patrons of private clubs into the early morning hours increases the likelihood of disturbances and motor vehicle accidents;

WHEREAS, the Arkansas On-Premises Consumption Act provides at Arkansas Code Ann. § 3-9-205 that nothing in said act shall be construed as limiting the power of local governmental bodies regarding operating hours;

WHEREAS, Ordinance No. 715, as amended by Ordinance No. 734 & 743 (which together are codified as Sections 4-1 and 4-2 of the code of ordinances of the City of Monticello, Arkansas), presently provides for the regulation of private clubs and the times during which they may operate and allow the consumption of alcoholic beverages by patrons; and

WHEREAS, it determined that there is a risk of increased disturbance and violence with the present operating hours of private clubs in the City of Monticello, and therefore a need to amend Sections 4-1 and 4-2 of the code of ordinances of the City of Monticello, Arkansas, to provide revised hours during which private clubs may operate and during which the consumption of alcoholic beverages by patrons of the private clubs may be allowed;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Monticello, Arkansas, as follows:

Section 1. It shall be unlawful for the owner, operator or any employee of a private club, as defined by Section 3 of this ordinance, to serve or permit the consumption of mixed drinks, beer, wine or any alcoholic beverages of any type or nature on the premises of said private club except between the following hours: New Years Eve at 5:00 P.M. to New year's Day at 2:00 A.M., Monday, Tuesday, Wednesday, Thursday, Friday and Saturdays from 5:00 P.M. to 1:00 A.M.; and Sunday from 5:00 P.M. to 10:00 P.M. Otherwise, it shall be unlawful to serve or permit the consumption of mixed drinks, beer, wine or any alcoholic beverages of any type or nature on the premises of said private club between the hours of 1:00 A.M. and 5:00 P.M. on any Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday, and between the hours of 10:00 P. M. on Sunday

until permitted on Monday; all mixed drinks, beer, wine or any alcoholic beverages of any type or nature shall be removed from the tables in the private club and all patrons shall leave the club not later than and in accordance with the aforesaid designated hours; employees of the private club may be permitted one hour thereafter for purposes of cleaning the premises; thereafter, all persons must have left the premises of the private club and no one shall be permitted in the private club.

Section 2. Any person convicted of violating this ordinance shall be punished by a fine of five hundred (\$500.00) dollars for each such violation.

Section 3. For the purpose of this ordinance, a private club shall be any business, establishment, person or entity recognized by or licensed as a private club by the Arkansas Alcoholic Beverage Control Division and licensed as such for the retail sale, distribution or on-premises consumption of alcoholic beverages.

Section 4. The provisions of this ordinance are hereby declared to be severable. In the event any provision hereof is declared to be unconstitutional or otherwise invalid, said declarations shall not affect the validity of the remaining provisions.

Section 5. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed or amended so as to be consistent with the intent of this ordinance.

Section 6. The City Council hereby determines that the serving and consumption of alcoholic beverages in private clubs during the early morning hours increases the likelihood of disturbances and motor vehicle accidents; that prohibiting the serving and consumption of alcoholic beverages at private clubs during the early morning hours is necessary for the public health, safety and welfare; and that the immediate passage of this ordinance is necessary to prohibit such serving and consumption of alcoholic beverages; therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage.

ADOPTED on this 20 day of September, 2007.

  
City-Clerk-Treasurer

APPROVED on this 20 day of September, 2007.

  
Mayor Joe Rogers