

ORDINANCE NO. 762

AN ORDINANCE PROSCRIBING THE LOCATION OF CERTAIN PRIVATE CLUBS IN THE CITY OF MONTICELLO, PROVIDING FOR THE SAFE LOCATION OF CLUBS SERVING AND ALLOWING FOR CONSUMPTION OF MIXED DRINKS, BEER, WINE OR OTHER ALCOHOLIC BEVERAGE IN SUCH PRIVATE CLUBS, & 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 within 1000 feet of any previously established church, place of worship, or school, increases the likelihood of disturbances, violence 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 the operating hours of said private clubs;

WHEREAS, Ordinance No. 715, as amended by Ordinances No. 734, 743 & 746 (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 presence of private clubs in the City of Monticello, and therefore a need to further regulate where said private clubs may be located and may lawfully operate within the City of Monticello, Arkansas;

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

Section 1. It shall be unlawful for any private club to be located, conduct business, or to operate, within 1000 feet of any previously established church, place of worship, or school.

Section 2. It shall be unlawful for any owner, operator, any employee of a private club, as defined hereby, to serve or permit the consumption of mixed drinks, beer, wine or any alcoholic beverages of any type or nature within 1000 feet of any previously established church, place of worship, or school.

Section 3. For the purpose of this ordinance, and as defined by Monticello Code 4-2 (c), 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. Any person convicted of violating this ordinance shall be punished by a fine of five hundred (\$500.00) dollars for each such violation.

Section 5. 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.

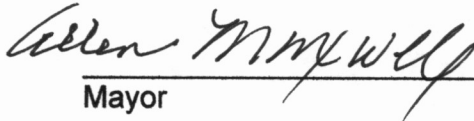
Section 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed or amended so as to be consistent with the intent of this ordinance.

Section 7. The City Council hereby determines that the serving and consumption of alcoholic beverages in private clubs within 1000 feet of any previously established church, place of worship, or school increases the likelihood of disturbances, violence and motor vehicle accidents; that prohibiting the serving and consumption of alcoholic beverages at private clubs within 1000 feet of any previously established church, place of worship, or school 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 19 day of May, 2011.

  
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City-Clerk-Treasurer

APPROVED on this 19 day of May, 2011.

  
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Mayor