

ORDINANCE NO. 764

AN ORDINANCE AMENDING ORDINANCE NO. 746  
(WHICH SAID ORDINANCE AMENDED ORDINANCE  
NOS. 713, 734 & 743) OF THE CITY OF MONTICELLO  
REGULATING THE SERVING AND CONSUMPTION OF  
MIXED DRINKS, BEER, WINE OR OTHER ALCOHOLIC  
BEVERAGES IN PRIVATE CLUBS EXCEPT BETWEEN  
CERTAIN HOURS, PRESCRIBING PENALTIES FOR  
VIOLATION OF SAME, AND FOR OTHER PURPOSES

WHEREAS, the Arkansas on-Premises Consumption Act provides at Arkansas Cone 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 codified as Section 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 is determined that there is 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 Counsel fo Monticello, Arkansas, as follows:

Section 1. It shall be unlawful for the owner, operator or any employee of a private club, as defined in 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 Years Day at 2:00 A.M., Monday, Tuesday, Wednesday, Thursday, Friday and Saturdays from 5:00 P.M. to 2:00 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

2:00 A.M.

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.

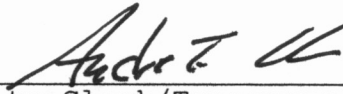
Section 3. For the purpose of this ordinance, a private club shall be any business, establishment, person or entity recognized by or licensed as a private club by the Arkansas Alcoholic Beverage Control Division and licensed as such for the retail sale, distribution or on-premises consumption of alcoholic 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 ordinance in conflict with the provisions of this ordinance are hereby repealed or amended so as to be consistent with the intent of this ordinance.

ADOPTED on this 25<sup>th</sup> day of August, 2011.

  
Allen Maxwell, Mayor

  
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City Clerk/Treasurer