

Ordinance No. 2021-5

AN ORDINANCE AMENDING OZARK MUNICIPAL CODE CHAPTER 7.16; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to an election of the people of Franklin County, Arkansas, the sale of alcohol, beer and wine is permitted in Franklin County;

WHEREAS, beer, light wines, and intoxicating liquors may currently be served within the City of Ozark for off-premises consumption, but not for on-premises consumption;

WHEREAS, in 2017, Ark. Code Ann. § 3-9-203(d)(I) was amended to provide as follows: "A ...city ...may authorize by ordinance the sale of alcoholic beverages for on-premises consumption under [state law] if the ... city is located in ...a county that authorized the manufacture and sale of intoxicating liquor";

WHEREAS, it is the desire of the City Council of the City of Ozark to allow beer, light wines, and intoxicating liquors to be served on-premises within the City of Ozark in accordance with State of Arkansas regulations; and

WHEREAS, in order to comply with applicable state laws, and to promote the competitiveness and orderly operation of businesses which will sell beer, light wines, and intoxicating liquors on-premises in Ozark, the City Council adopts the following regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF OZARK, ARKANSAS:

SECTION 1. The City of Ozark hereby recognizes that the sale of spirits, beer and wine by the drink is thoroughly regulated by the State of Arkansas, and nothing in this Ordinance shall contradict the laws of Arkansas.

SECTION 2. The City of Ozark hereby authorizes, by this Ordinance, the sale of beer, light wines, and intoxicating liquors by the drink for on-premises consumption in licensed businesses.

SECTION 3. The definitions, terms and provisions of Ark. Code Ann., Title 3 (Ark. Code Ann. §§ 3-1-101 *et. seq.* as amended from time to time) and all regulations promulgated thereunder, relating to beer, light wines, and intoxicating liquors are hereby adopted and made a part of this chapter. Applicants for and holders of permits and other persons shall conform to the provisions set forth in statutes and regulations promulgated thereunder and to the provisions of this Ordinance. Violations of the state statutes and regulations, which are adopted and incorporated by reference into this Ordinance, shall subject the offender, upon conviction, to the penalties prescribed by state law.

SECTION 4. Subchapter 7.16.04 of the Ozark Municipal Code is hereby amended by adding a new Paragraph C, which shall read as shown in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 5. That the existing Paragraph C of Subchapter 7.16.04 of the Ozark Municipal Code is now designated as Paragraph D and is amended as shown in Exhibit A.

SECTION 6. That the existing Paragraph D of Subchapter 7.16.04 is now designated as Paragraph E and is otherwise unchanged.

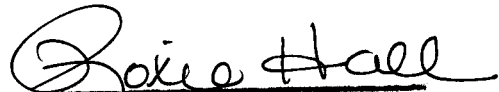
SECTION 7. That the title of Chapter 7.16 of the Ozark Municipal Code is changed from "Private Clubs" to "Alcoholic Beverages."

SECTION 8. That the City Council of the City of Ozark, Arkansas further determines that it is necessary to enact this Ordinance without delay to allow businesses to sell beer, light wines, and intoxicating liquor on premises by the drink as provided by Ark. Code Ann. § 3-9-2039(d)(1) and apply for a permit that will make them more competitive with businesses in other cities, therefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after the from the date of its passage and approval.


SECTION 9. In the event that any section, paragraph, subdivision, clause, phrase, or other provision of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable, or unconstitutional provision or provisions had never been contained herein.

SECTION 10: All ordinances, resolutions, or orders of the City Council, or any parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this 8 day of March, 2021.


Roxie Hall, Mayor of Ozark

ATTEST:


Susan Stevens, City Clerk