

TITLE 16

ALCOHOLIC BEVERAGES

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CHAPTER 16.01

ALCOHOLIC BEVERAGES

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16.01.01 Applicability

- A. It is hereby declared that the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, serving, or dispensing any controlled beverage within the City of Greenland is a privilege, and for the exercise of such privilege there are hereby imposed the regulations, requirements, restrictions, fees, and taxes as set forth in this Chapter to help offset the expenses to the City of regulating and policing such activities.
- B. These general provisions shall apply to all Permittees in addition to any specific provisions under individual headings for each type of Permit. (Ord. No. 329, Sec. 2.)

16.01.02 Definitions For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and phrases not specifically defined in this Chapter shall have the meanings assigned by Title Three of the Arkansas Code Annotated and/or the Arkansas Alcoholic Beverage Control Division Regulations.

A.C.A.: The term “A.C.A.” means the Arkansas Code of 1987 Annotated, as amended or revised in the future.

Acts by Agents: When any provision of this Code requires an act to be done which may, by law, be done by an agent or the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

Alcoholic Beverage: means any beverage referred to in A.C.A §3-9-202(1).

Alcoholic Beverage Control Division: Also referred herein as “ABC”. The state agency which has the authority for all regulation, supervision and control of the manufacture, distribution and sale of all alcoholic beverages and the issuance of Permits, and the regulation thereof.

Applicant: A person or entity making application for a Permit.

Bar: means an establishment whose income derives primarily from the sale of alcohol. Such locations shall have a grill/kitchen and shall serve food. Such food must be available at any time that alcohol is also served. Food sales are secondary to the alcohol sales and all income therefrom is a lesser amount than the income from alcohol sales. Such ratio shall be determined annually, per single calendar year.

Beer: means any fermented liquor made from malt or any substitute therefor and having an alcoholic content not in excess of five percent (5%) by weight.

City: means the City of Greenland.

City Permit: means the Permit obtained from City of Greenland in order to sell, dispense, distribute, or manufacture alcoholic beverages, herein referred to as “Controlled Beverages” in the City of Greenland. The Arkansas Alcoholic Beverage Control Division has multiple classifications of permits, and it is the sole responsibility of the Permit Holder to obtain the correct type of Permit from the State of Arkansas for its sales related thereto.

Controlled Beverage: means all beverages of any kind subject to regulations under any alcoholic beverage control law of the State of Arkansas or this Chapter.

Dispensary: means any store which, under the provisions of the Arkansas Code Annotated and having paid all taxes required by the state, sells at retail, in unbroken packages, for consumption off the premises, any alcoholic beverage as defined by A.C.A. §3-1-102(3) or Controlled Beverage.

GMC: as used herein means the Greenland Municipal Code for the City of Greenland, Arkansas.

Lewd: means sexual in an offensive or rude way; sexually explicit comments or acts; adult entertainment.

Light Wine: means the fermented juices of grapes, berries, or fruits and any other mixture containing the fermented juice of grapes, berries, or fruits, having an alcoholic content between one-half of 1% and 5% alcohol by weight.

Malt Beverage: means liquor brewed from the fermented juices of grain and containing more than five percent (5%) of alcohol by weight nor more than twenty-one (21%) by weight.

Manufacturer: means any person engaged in the business of distilling, brewing, making, blending, rectifying, or producing for sale in wholesale quantities Controlled Beverages of any kind including, but not limited to, whiskey, brandy, cordials, liquors, ales, beers, or other liquids containing alcohol.

Microbrewery-Restaurant: means any establishment in which beer, malt, or hard cider are brewed and sold at retail in a restaurant setting, for on-premise consumption, under the same ownership in the same building or attached buildings. The microbrewery-restaurant shall operate under the ABC regulations.

Nuisance: means any unlawful conduct or activity or the tolerance of any unlawful conduct or activity by the Permittee, his or her agent or agents, or employees which constitutes a detriment to the health, safety, and welfare of the citizens of Greenland.

Off-Premise Sales: means the sale of Controlled Beverages in unbroken or sealed containers for consumption other than on the premises where sold.

On-Premise Sales: means the sale of Controlled Beverage by the drink or in broken or unsealed containers for consumption on the premises where sold. Controlled Beverages may not be taken out of the Permitted Premises.

Permitted Premises: means the actual physical structure, as well as an extension of the physical structure by means of a patio or other attached area which is used by the Permittee during the normal course of its business activities to provide services to its guests and patrons. This definition does not include sidewalks, parking areas, greenspace, or any other areas of the property owned by the Permittee and is limited solely to the actual physical structure and attached extensions thereof.

Permittee or Permit Holder: means the person to whom a Permit to sell, dispense, distribute, or manufacture alcohol has been granted by the State of Arkansas and the City of Greenland.

Person: means any natural person, partnership, association, corporation, syndicate, company, or other legal entity.

Police Chief: means the Chief of Police of the Greenland Police Department or his designee.

Private Club Controlled Beverage Permit: means a Permit issued to any person holding or seeking to hold an Arkansas "private club" status and selling, dispensing, or making available to its members Controlled Beverages for on-premises consumption within the City.

Profane: means obscene, lewd or abusive language

Restaurant: means an establishment whose income derives primarily from the sale of food. Alcohol sales at such establishment shall be secondary to the food sales and all income therefrom shall be a lesser amount than the income from food sales. Such ratio shall be determined annually, per single calendar year.

Spirituos: means liquor distilled from the fermented juices of grain, fruits, or vegetables and containing more than twenty-one percent (21%) of alcohol by weight, or any other liquids containing more than twenty-one percent (21%) of alcohol by weight, excluding medicinal liquids.

State: means the State of Arkansas.

State Permit: means a Permit which is obtained from the ABC (Alcoholic Beverage Control Division).

Supplemental Privilege Permit: A Permit issued by the City of Greenland for the privilege of operating a private club within the city which shall be in addition to the regular business license. As of the enactment of this Title 16, a Supplemental Privilege Permit is not required, however the City may add this Permit requirement at any time.

Supplemental Privilege Permit Fee: The fee established by the City of Greenland for the privilege of operating a private club within the city which is in addition to the regular business license. (See A. C.A.§3-9-212) Such fee can be found in the "Fee" Section of this Chapter.

Supplemental Beverage Tax: A tax upon the gross proceeds or gross revenues from all sales of Controlled Beverages, excluding beer and wine, made pursuant to the terms of Arkansas Code Annotated. (See A.C.A.§3-9-314(a). Such supplemental tax is not applicable to beer and wine. See A.C.A §3-9-313)

Vinous: means the fermented juices of fruits, except native wine, containing more than five percent (5%) and not more than twenty-one percent (21%) of alcohol by weight. (Ord. No. 329, Sec. 2.)

**State law reference(s): Alcoholic Beverage Generally,
a/k/a Arkansas Alcoholic Control Act at A.C.A. §3-1-101, et seq.**

16.01.03 Permits Required

- A. **General.** It shall be unlawful for any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing within the City of Greenland any Controlled Beverage without a Permit issued by the City, or with an expired Permit.
- B. **Fee- Generally.** The City of Greenland hereby levies an annual Permit Application fee on all retailers, distributors, wholesalers, and manufacturers of Controlled Beverages, including fraternal social or otherwise private clubs as defined in A.C.A 3-9-202(14) and as licensed by the Arkansas Beverage Control Division to dispense Controlled Beverages for on-premises consumption (Private Club Controlled Beverage Permit) pursuant to the terms of Act 132 of 1969, as amended (A.C.A. 3-9-223). Such fee structure is found in the Application Section below.
- C. **Display.** Controlled Beverage Permit(s) shall be displayed in a conspicuous place. Controlled Beverage Permits are not transferrable to another person or entity. Any person, firm, or corporation to which a Controlled Beverage Permit has been issued shall comply with all applicable laws and regulations of the State of Arkansas, the ABC, and the City of Greenland. Controlled Beverage Permits may be revoked or suspended as authorized by law. (Ord. No. 329, Sec. 2.)

16.01.04 Application for Permits

A. Application

1. The business of Controlled Beverage sales, manufacture, distribution, wholesaling or dispensing is hereby declared to be a privilege.
2. Before any person shall engage in the sale, manufacture, distribution, wholesaling, or dispensing of Controlled Beverages in the City of Greenland, an application shall be made to the City Recorder-Treasurer for a Permit. The application shall be in writing and attested under oath, and shall contain the following information:
 - a. Name and address of applicant;
 - b. The time period for which the Applicant seeks the Permit;
 - c. Name and address of all persons holding or having an interest in such business for which permit is sought;
 - d. The proposed location and address of such business (*see paragraph B, below*);
 - e. The Permit number issued by the State of Arkansas;
 - f. A projected ratio of alcohol/food sales for such business; and
 - g. The requisite City of Greenland Permit Application fee.
3. All renewal applications shall contain then-current information as required in (A)(2), above, and the actual alcohol/food sales ratio for the prior Permit period.
4. A City Permit shall not be issued until the Applicant exhibits a proper State Permit granted or issued by the ABC. The State Permit shall be a prima facie evidence of the Applicant's right to apply for and purchase a City Permit if the proposed Controlled Beverage activity is to be located in an area of the City where such is authorized. In such case, it shall be unlawful for the City to refuse to issue the City Permit upon proper application and payment of the requisite fee.

B. Property Descriptions All initial applications shall also comply with Section 16.02.02 regarding property information to accompany the application.

C. Qualifications of Applicants Persons to whom a State Alcohol Permit has been issued are presumed qualified to hold a City Controlled Beverage Permit.

D. Fees

1. For the privilege of selling, distributing, dispensing, wholesaling, or manufacturing Controlled Beverages, the city council hereby levies an annual Permit Application fee of \$250.

2. For the privilege of operating a private club within the City, there is hereby levied an annual Supplemental Privilege Permit fee which shall equal one-half (1/2) of the regular business license fee.
3. The fee stated herein shall be payable to the City of Greenland at the time of initial application and any subsequent, annual renewal
4. All applicable fees as required by Arkansas Code Annotated, the ABC, and the Director of Finance and Administration shall be paid pursuant to the rules and regulations of such entity. Before any permit or renewal of permit is issued by the City of Greenland, proof of such payment to the ABC, and the Director of Finance and Administration shall be furnished to the City of Greenland along with any application or renewal application.
5. The fee for the renewal application of any Permit issued by the City of Greenland shall be due and payable to the City Recorder-Treasurer by December 15 of each year.
6. Delinquent Permit: A Permit which has not been renewed pursuant to the provisions herein shall be subject to a delinquent penalty of 20% of the Permit fee for each thirty (30) day period in which the renewal application has not been received and the Permit Application fee remains unpaid.

E. Term of Permit No Permit shall be issued for more than the remainder of the calendar year, and all shall expire at midnight, December 31 of each year. In case of the revocation or surrender of such Permit before the expiration of such calendar year period, the holder thereof shall not be entitled to receive any refund whatsoever. A renewal application properly completed and attested to, along with payment of the proper fee(s) submitted no later than December 15 of the current year, will allow issuance of a City Permit for the following year to become effective at 00.00 hours on January 1 of that following year.”

F. Transferability of Permits

1. **Transfer to Other Person/Entity**. Permits to engage in the business of selling, dispensing, manufacturing, or wholesaling Controlled Beverages shall not be transferable to another individual business, or entity. Provided, however, that if the modification of this Title since the issuance of the prior Permit would prevent the issuance of a new Permit at the same location previously permitted because of modifications in the distance requirements, then the location shall be considered a non-conforming use and a Permit may be issued if the Applicant otherwise meets the requirements of this Title.

2. **Notice of Transfer of Business.** Should any Controlled Beverage Permit holder make a request to the ABC to transfer their Permit to another location, individual or organization, the Police Chief shall be notified in writing of such request within seven (7) business days. All applications for transfer of locations shall comply with the provisions herein set forth governing new Permits and shall include an investigation fee of \$150.

G. Display of Permit Every person or organization issued a Permit pursuant to this Chapter shall be required to display this Permit in the same location as is displayed the State Controlled Beverage Permit.

H. Violations

1. If the ABC Enforcement Division or the ABC Board determines that the holder of a City Permit has failed to comply with the ABC rules or regulations, State Law, or the laws of the City of Greenland, that determination shall be grounds for suspension or revocation of the City Permit.
2. Violation of any of the laws, rules, or regulations mentioned in H(1) shall be reported by the Recorder-Treasurer or his/her designee to the Director of the ABC. (Ord. No. 329, Sec. 2.)

16.01.05 Right of City to Inspect Records

- A.** The Greenland Chief of Police or his/her designee shall have the right to inspect and examine the records of any Permittee subject to any tax or Permit Application fee based on gross sales or receipts pursuant to A.C.A 3-2-211 and any other employee information required pursuant to the regulations of the ABC, Title I, Subtitle G, Section 1.79 (37).
- B.** The Greenland Chief of Police or his/her designee shall have the right to inspect and examine the records of any Applicant for a City Permit or the records of any Permittee to confirm the accuracy of any and all information contained in the initial application or any renewal application.
- C.** The Greenland Chief of Police or his/her designee shall have the right to inspect and examine the records of any Permittee to determine actual food/alcohol sales ratios in comparison to the projections stated on any application or renewal application for a City Permit. (Ord. No. 329, Sec. 2.)

16.01.06 Fraud and Misrepresentation by Applicant

- A.** Any person who acquires a Permit or a renewal of same in violation of this Chapter by any misrepresentation or fraudulent statement shall be deemed guilty of a misdemeanor and shall be punished in accordance with Section 1.32.01 of the GMC in addition to the procedures set forth at 16.04.02.

- B.** Any untrue, misleading, misrepresentation, or fraudulent information contained in, or material omission left out of, an original renewal or transfer Application for Permit shall be cause for the denial thereof and, if any Permit has been granted under these circumstances, such shall be cause for the suspension or revocation of same. (Ord. No. 329, Sec. 2.)

CHAPTER 16.02

TYPES OF PERMITS. ZONING. SPECIFIC PROVISIONS. HOURS OF OPERATION

Sections:

- 16.02.01 Permits
 - A Correct Permit Required*
 - B Supplemental Privilege Permit*
 - C Types of Permits*
- 16.02.02 Zoning: Property Information to Accompany Application
- 16.02.03 Zoning Requirements for Business Location
 - A C-3 Zone Permitted*
 - B Conditional Use Permit Required for C-1 and C-2 Zones*
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 - E Dispensing Alcoholic Beverages on Patios/Swimming Pool Areas*
 - F Hours of Operation*

16.02.01 Types of Permits

- A. Responsibility for Correct Permit Type.** All City Permit holders shall hold the correct, required State Permit as governed by the ABC for the type of business in which the Permittee is engaged. It is the Permit holder's responsibility to acquire the correct Permit, and failure to do so shall result in the suspension of the City Controlled Beverage Permit until the correct Permit(s) are obtained.

- B. Supplemental Privilege Permit.** For the privilege of operating a private club within the City, a Supplemental Privilege Permit is required which shall be in addition to the regular business license. The fee amount for this Permit can be found in the "Fees" Section of this Title 16.
- C. Types of Permits.** The types of State Permits shall be governed by the ABC Rules and Regulations. (Ord. No. 329, Sec. 2.)

16.02.02 Zoning: Property Information to Accompany Application

- A.** All new development shall provide necessary surveys, plat reviews, and all other necessary documentation as required by the Planning Commission and City Engineer and must comply with the zoning regulations. If a new business is established in a commercial zone which does not allow Controlled Beverage activity, and the business decides at a later date that they desire to sell/distribute Controlled Beverages, the issuance of a business license does not authorize or allow the Controlled Beverage activity in said premises. Any request for change of status must go through the Planning Commission through a "conditional use" process.
- B.** Businesses participating in Controlled Beverage activity shall develop only in commercial zones established by the City in which Controlled Beverage activity IS permitted. *See Use Chart as found in Greenland Municipal Code 14-04-12.*
- C.** In the C-3 zone, new businesses participating in off-premise and on-premise Controlled Beverage sales, distribution, dispensing, wholesaling, or manufacturing shall be required to meet current building setbacks (front, rear, and side) as established by the Greenland Municipal Code and the Arkansas Building Code. Any business which is already in existence prior to the passing of this Title XVI which participate in off-premise Controlled Beverage sales, distribution, dispensing, wholesaling, or manufacturing shall be grandfathered in, so long as they remain in compliance with all City ordinances and their ABC Permit is not suspended or revoked and their business has not ceased to operate. Such revocation or cessation by the business shall terminate the grandfather status and such business will be required to follow all applicable rules and regulations by the ABC and this Title XVI pertaining to Controlled Beverage activity in the City of Greenland.
- D.** In any commercial zone where Controlled Beverage activity is permitted as a "conditional use", the terms of the "conditional use" permit shall apply. If the business fails to comply with the terms and provisions of the Conditional Use Permit, the Conditional Use Permit may be revoked by the City of Greenland per GMC 14.04.08 Chapter 14.04 of Title 14, GMC pertaining to the application and issuance of a Conditional Use Permit.
- E.** In any zone where Controlled Beverage sale, distribution, dispensing, manufacturing, or wholesaling occurs, such activity shall, nonetheless, never be conducted less than 100 yards from the edge of the Controlled Beverage

establishment to the property line of a school daycare, park, City park, church, or abuse treatment center. (Ord. No. 329, Sec. 2.)

16.02.03 Zoning Requirements for Business Location

- A. **C-3 Zone Permitted.** No City Permit for Controlled Beverage activity shall be issued unless the location has been zoned for C-3 Retail Commercial by the City.
- B. **Conditional Use Permit Required for C-1 and C-2 Zones.** Such sale, distribution, dispensing, manufacturing, or wholesaling of Controlled Beverages shall occur only in the C-3 commercial zone, except, however, as may be permitted in the C-1 and C-2 commercial zones only after review and approval as a conditional use by the Greenland Planning Commission. The Conditional Use application procedure as defined in the GMC must be followed.
- C. **C-3 Setback Requirements.** All businesses engaged in the sale or distribution of Controlled Beverages in the C-3 zone shall be required to follow current setback guidelines as required by the GMC and State Building Code.
- D. **C-1 and C-2 Setback Requirements.** All businesses engaged in the sale, distribution, dispensing, manufacturing, or wholesaling of Controlled Beverage by virtue of a Conditional Use Permit shall in no event be located less than 100 yards from the edge of the Controlled Beverage establishment to the property line of a school, city park, church, daycare, or abuse treatment facility. All other setback requirements will be established during the Conditional Use Permit application process.

16.02.04 Specific Provisions

- A. **Business Opening Within Six Months From Permit; Issuance Required**
 1. All holders of City Permits shall, within six (6) months after the issuance of the City Permit, open for business the establishment referred to in the City Permit and begin the sale, distribution, dispensing, manufacturing, or wholesaling of the products authorized by the City Permit. Failure to open the establishment and begin business as referred to above within the six-month period shall serve as automatic forfeiture and cancellation of the unused City Permit, and no refund of the City Permit Application fees shall be made to the City Permit holder.
 2. An exception to paragraph A (!), above, may be provided to a City Permit holder who has completed the necessary City Permit application process and obtained the necessary City Permit for sale, distribution, dispensing, manufacturing, or wholesaling while construction of the Premises is still occurring, in which such construction becomes delayed. In this event, the City

Permit holder shall immediately notify the City of Greenland, in writing, at least thirty (30) days before the six (6) month period expires, explaining the delay and providing the anticipated date of opening for business. Such notification shall be reviewed by the City of Greenland, and a response shall be provided, in writing, to the City Permittee within ten (10) business days as to whether a new application will need to be submitted, or whether an extension of time will be allowed for the original Permit.

B. Effect of Failure to Operate Business for Six Consecutive Months Any holder of a City Permit who shall begin the operation of the business and dispensing the products as authorized in the City Permit, but who shall, for a period of six (6) consecutive months thereafter, cease to operate the business or dispensing the products, such City Permit shall be hand-delivered to City Hall by the City Permit Holder and cancelled by the Recorder-Treasurer, or his/her agent.

C. Supplemental Beverage Tax

1. A.C.A. §3-9-314(a) gives authority to a city to levy a supplemental tax upon any Permittee as levied under A.C.A. §3-9-213 (which supplemental tax is not applied to beer or wine)
2. In addition to all application fees and Permit fees as set forth in Section 16.01.04(D) hereof, there is hereby imposed and levied by the City of Greenland a Supplemental Beverage Tax of five percent (5%) upon the gross proceeds or gross revenues from all sales of Controlled Beverages, excluding beer and wine, made pursuant to the terms of Arkansas Code Annotated §3-9-214.
3. The Supplemental Beverage Tax is in addition to any taxes payable to the State of Arkansas. The City's Supplemental Beverage Tax shall be due monthly at the same time that the state supplemental tax return is due and shall be accompanied by one copy of the state supplemental tax return. If any Permittee shall fail to remit the City Supplemental Beverage Tax taxes or provide a copy of the State Supplemental Tax return within the time period that the State Supplemental Beverage Tax is due, a penalty of ten percent (10%) of their tax then due the City shall be due and payable in addition to the City Supplemental Beverage Tax for each fifteen (15) days. the tax payment and/or the copy of the state return is late.
4. The Supplemental Tax referenced herein shall apply to on-premise and off-premise Controlled Beverage sales.

D. Dispensing Controlled Beverages on Patios/Swimming Pool Areas

Any ABC Board On-Premise Permit holder may serve Controlled Beverages as

authorized by their Permit on patios of the Permitted Premises. Said serving area shall be located as not to cause a nuisance.

E. Hours of Operation

1. The sale of on-premise or off-premise Controlled Beverage sales is prohibited on Sunday, excluding Private Clubs.
2. Off-Premise Controlled Beverages may be sold between 7:00 a.m. and 1:00 a.m., Monday through Friday, and between 7:00 a.m. and midnight on Saturday. (A.C.A. §3-3-210), excluding Private Clubs.
3. On-Premise sale of Controlled Beverages may be served between 10:00 a.m. and 11:00 p.m., Monday through Saturday, excluding Private Clubs.
4. On-Premise Permit holders which have a patio or outdoor entertainment area as described in the definition of Permitted Premises, above, shall be permitted to continue dining activities on the patio/entertainment area until closing, so long as there is not a band, DJ, music played over speakers, loud noises, or activity which would constitute a nuisance. If such activity is involved in the patio/entertainment operations, the patio/entertainment area shall be closed at 10:00 p.m. and all activity moved indoors.
5. Sales on Christmas Day are prohibited (A.C.A. §3-3-211)
6. New Year's Eve: Hours of operation shall be extended until 1:00 a.m., unless the following day is a Sunday, in which no sales shall be permitted after midnight. (Ord. No. 329, Sec. 2.)

CHAPTER 16.03

UNLAWFUL ACTIVITIES; PROHIBITED ACTIVITIES

Sections:

16.03.01	Unlawful Activities; Prohibited Activities
16.03.02	Warning Notice
16.03.03	Reserved
16.03.04	Reserved
16.03.05	Reserved

16.03.01 Unlawful Activities; Prohibited Activities

- A. Generally.** It shall be unlawful for the holder of any City Permit issued under the provisions of this Chapter to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices in the Permitted

Premises or to operate the business in such manner as to constitute a nuisance. Pursuant to the ABC, such examples of this Section “A” are:

1. Prostitutes frequenting the premises
2. Employees or patrons soliciting others for drinks in order to receive any form of compensation from the establishment
3. Gambling on premises
4. Lewd or Profane Entertainment
5. Lewd, immoral or improper attire and or conduct (such as inappropriate touching)
6. Lewd or Profane Visual Displays on the premises

- B. Disturbances.** It shall be unlawful for any Permittee, or Permittee's agent or employee to fail to report to the police department any disturbance which occurs inside or immediately outside the Permitted Premises or in the parking facilities, of which any of them have knowledge which would, under normal circumstances require or give rise to police intervention.
- C. Hiring Persons with Convictions of Felonies or Misdemeanors.** It shall be unlawful for any Permitted establishment to employ any person who has been convicted of, entered a plea to, or has otherwise been found guilty of a felony, a misdemeanor involving moral turpitude or violation of the rules or regulations of the ABC or the City Controlled Beverage law.
- D. Availability of Telephone.** It shall be a requirement that every Permitted Premises have a telephone and have such telephone available during the hours of operation. Failure to have a telephone shall constitute grounds for suspension or revocation of all Permits.
- E. Illegal Drugs or Narcotics.** It shall be the duty and responsibility of the Permittee, or Permittee's agent or employee to report to the police department any usage or possession of illegal drugs or narcotics on a Permitted Premises.
- F. Dispensing Controlled Beverages Outside of Permitted Premises.** It shall be unlawful for any Controlled Beverage to be dispensed, or otherwise provided outside of the enclosed building, premise, or place of business Permitted for such. An exception to this, however, shall exist for an On-Premise Permitted business which has an entertainment/dining patio affixed to the Permitted Premises. Such activity, however, shall be subject to regulations as provided in this Chapter.

- G. Assistance to Law Enforcement Officers.** It shall be unlawful for any Permittee, or Permittee's agent or employee to fail to assist any law enforcement officer in the performance of such officer's duty while said officer is on a Permitted Premises.
- H. Refusal to Admit Law Enforcement Officers.** It shall be unlawful to refuse to grant admission to any Permitted Premises at any time upon the verbal request of any law enforcement officer, who displays proper identification for the purpose of inspecting the Premises to ensure compliance with this Chapter. It shall be unlawful to refuse to open any cabinet, storage room, or any other area within the Permitted Premises.
- I. Minors/Persons Under 21 Years of Age.** Any person issued a City Permit for Controlled Beverage activity shall comply with all laws and regulations of the ABC, the State, and the City regarding minors.
- J. Nudity-Consumption/Possession of Controlled Beverages on Premises Prohibited.**
No person shall bring into, consume, allow to be brought into, or allow to be consumed, intoxicants or Controlled Beverages of any kind, in any commercial establishment, or business, which suffers or permits any person to appear on the Premises in such a manner or attire as to expose to view any portion of the genital or buttock area or permits any female to appear on the premises in such manner as to expose to view any center portion of the breasts.
- K. Nuisance.**
If any person engaged in Controlled Beverage activity within Greenland should conduct their place of business in a manner as to constitute a nuisance, the City Council, after due notice as provided in Title 16, shall hold a hearing to consider suspension or revocation of the City Permit to conduct such Controlled Beverage activity. (Ord. No. 329, Sec. 2.)

16.03.03 Reserved

16.03.04 Reserved

16.03.05 Reserved

CHAPTER 16.04

PENALTIES/SUSPENSION/REVOCAION

Sections:

- 16.04.01 Penalties
- 16.04.02 Suspension or Revocation of Permit
- 16.04.03 Severability

16.04.01 Penalties

- A. **Operating Without a City Permit: Beer and Light Wine.** Any person who sells, serves, · barters, dispenses, exchanges, or gives away beer or light wine at an establishment or event open to the public without having a valid City Permit shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000.00. Each day of such operation without a valid City Permit shall constitute a separate and distinct offense. This Section is in no way intended to restrict activities in private residences when there is no charge to attend or no sale of Controlled Beverages is occurring, providing no other state or local laws are being violated.
- B. **Operating Without City Permit: On-Premise Consumption, Including Private Clubs.** Any person who sells, serve, dispenses, barters, exchanges or gives away Controlled Beverages at an establishment or event for on-premise consumption without having a valid City Permit shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000.00. Each day of such operation without a valid City Permit shall constitute a separate and distinct offense.
- C. **General Penalty.** Except as otherwise may be specified in Title 16, any person violating any provision of Title 16 is guilty of an offense and, upon conviction, in addition to the provisions of 16.04.02, may be fined as provided in this Title or Chapter 1.32 of this Code as well as any penalty provided under State Law. (Ord. No. 329, Sec. 2.)

16.04.02 Suspension or Revocation of Permit

- A. **State Revocation.** Whenever the State shall revoke any Permit, the City Permit to deal in such products shall thereupon be automatically revoked without any action by the City or any municipal officer.

B. Due Cause Required.

1. No Permit which has been issued or which may hereafter be issued by the City shall be suspended or revoked, except for due cause, and after notice and a hearing. Such notice shall include the date, time, place, and purpose of the hearing and a statement of the charge upon which such hearing shall be held and shall give a reasonable time to prepare a defense. The Permit shall remain in effect, without restriction, pending the outcome of a due cause investigation and such hearing.
2. Due cause for the suspension or revocation of a City Permit shall be the violation of any laws or ordinances regulating such business, the violation of the terms of a Conditional Use Permit, the violation of ABC regulations, or for the violation of any state or federal law related to Controlled Beverages, gambling, narcotics, or any crime of moral turpitude. Such violation may be an act of the Permittee or of any agent, officer, or employee of the Permittee.

C. Due Process Hearings.

1. Hearings shall be conducted by the Greenland Beverage Committee having five (5) members which shall be composed of the following: Chief of Police, two Planning Commission members, one City Council member, and one citizen of the City of Greenland. The Chairperson of said committee shall act as the presiding officer of the hearing. At any hearing, the Permittee shall have the right to represent him/herself or be represented by counsel may cross-examine all witnesses offered by the City and may present evidence in his/her own behalf. Evidence, including testimony, may be tendered by affidavit. Formal rules of evidence shall not apply to hearings under this Section, although the fact finder shall have the right to exclude evidence which carries no indicia of reliability. All testimony shall be offered under oath or affirmation. Both the City and the Permittee shall have the right to present witnesses. The Greenland Beverage Committee shall render a decision by majority vote, and notify the Permittee, in writing, within ten (10) working days of the completion of the hearing.
2. If, after the hearing, the Greenland Beverage Committee finds a violation has occurred, the City Permit may be placed into probationary status, suspended, or revoked, depending upon the severity, facts, and circumstances of the violation or violations. If any offenses occur during a probationary period, the City Permit shall be revoked. Once this decision is rendered by the Greenland Beverage Committee, a Permittee has the right to appeal the decision to the City Council within ten (10) working days for consideration, to be heard at the next regularly-scheduled City Council meeting.

3. In the event a City Permit is revoked pursuant hereto, no City Permit shall be issued to the same person, firm., entity, corporation, fictitious name entity, or any person which had an ownership or financial interest in the entity for which the City Permit was revoked for a period of two (2) years. (Ord. No. 329, Secs. 1-3.) (Ord. No. 329, Sec. 2.)

16.04.03 Severability In the event any title, subtitle, section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional⁴ such declaration or adjudication shall not affect the remaining portions of this ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance. (Ord. No. 329, Sec. 2.)

State law reference(s)- Sunday sales and sales between 1:00 a.m. and 7:00 a.m. weekdays prohibited, A.C.A. §3-3-210; Sales on Christmas Day prohibited, A.C.A. §3-3-211; Fees, A.C.A. §3-4-604 and §3-7-111; Permits generally, A.C.A. §3-5-212; Private Clubs: permit fees, A.C.A. §3-9-222 and §3-9-223; Closing hours generally, A.C.A. §3-9-233; On-Premise consumption: scope generally, A.C.A. §3-9-211; Fees and taxes generally, A.C.A. §3-9-212-3-9-214; Large Facility defined, A.C.A. §3-9-202(8)9B)(i); Satellite catering, A.C.A. §3-9-202(8)(B)(ii)(c).

CHAPTER 16.05

ON-PREMISE CONSUMPTION REGULATIONS

16.05.01	Authorization
16.05.02	Adoption of State Law
16.05.03	Hours of Operation
16.05.03	Penalty

16.05.01 Authorization The City of Greenland hereby authorizes, by this ordinance, the sale of alcoholic beverages, beer and wine for on-premises consumption in licensed premises. (Ord. No. 336, Sec. 2.)

16.05.02 Adoption of State Law 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 alcoholic beverages, beer and wine and 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. (Ord. No. 336, Sec. 3.)

16.05.03 Hours of Operation It shall be unlawful for any person in the City of Greenland to sell, or offer for sale any alcoholic beverage, beer or wine for consumption on the licensed premises except as follows: Monday through Saturday from 11:00 a.m. to 10:00 p.m. (Ord. No. 336, Sec. 4.)

16.05.04 Penalty Any person convicted of violating this ordinance shall be punished up to the maximum provided in A.C.A. § 3-9-204, if applicable; otherwise, as provided in this section for each violation. In addition to any penalties imposed by the state for a permit violation, any person, firm or corporation licensed by the State of Arkansas to sell alcoholic beverages and any employee thereof violating the provisions of this ordinance shall, upon conviction, for a first offense be fined not more than \$100.00; for a second offense be fined not more than \$500.00; and each subsequent offense thereafter be fined not more than \$1,000 for each such separate offense. For purposes of this section, it is considered a separate violation for each person served or permitted to consume alcoholic beverages during the prohibited hours as set out in this ordinance. (Ord. No. 336, Sec. 5.)