

## ORDINANCE 386

AN ORDINANCE AMENDING TITLE 16 (ALCOHOLIC BEVERAGES) IN ORDER TO REFLECT STATE LAW;

WHEREAS, certain aspects of Title 16 are more restrictive than mandated by State law. The sale and manufacture of alcoholic beverages is already highly regulated by the State Alcohol Beverage Control, and city Code should reflect the same standards as to prevent confusion or accidental violation of codes.

WHEREAS, in light of the recent passage of Sunday Sales by a majority of citizens for the off-premise alcohol sales in the city of Greenland, the hours of operation are not in line with those hours set by the State of Arkansas.

WHEREAS, the sale of on-premise or off-premise Sunday alcohol sales is currently prohibited by Title 16.

WHEREAS, certain setback restrictions set forth in Title 16, again are more restrictive than those mandated by State Law, and City code should be made to mirror State law.

WHEREAS, the city of Greenland is anticipating rapid growth and expansion in the coming years and the city codes defining the sale of alcohol should reflect already accepted and established State laws.

WHEREAS, it has been determined by the City Council that in order to foster and encourage restaurants and other businesses that will increase sales tax revenue; the following revisions to Title 16 are necessary:

**SECTION 1. Upon passage of this Ordinance, the City of Greenland codes pertaining to the sale, distribution, dispensing, manufacturing, or wholesaling of controlled beverages including; hours of operation and setback requirements; shall default to those already established by the State of Arkansas Alcohol Beverage Control.**

**SECTION 2. 16.02.02 (E) Zoning restrictions: C-1 and C-2 businesses are already required to apply for a conditional use permit to operate as required in (16.02.03 B). The following paragraph shall be stricken in its entirety: "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".**

**SECTION 3. 16.02.03 (D) Zoning restrictions: C-1 and C-2 businesses are already required to apply for a conditional use permit to operate as required in (16.02.03 B). The following paragraph shall be stricken in its entirety: "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."

SECTION 4. 16.02.04 (e)(1) Hours of Operation: The following language shall be stricken in its entirety: "The sale of on-premise or off-premise controlled beverage sales is prohibited on Sunday, excluding private clubs" *and replaced* with the following language: The sale of on-premise or off-premise controlled beverage sales is permitted on Sunday except when prohibited by State Law.

SECTION 5. 16.02.04 (e)(2) Hours of Operation: the following language shall be stricken in its entirety: "Off-Premise sale of 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".

SECTION 6. 16.02.04 (e)(3) Hours of Operation: the following language shall be stricken in its entirety: "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".

SECTION 7. 16.02.04 (e)(6) Hours of Operation: the following language shall be stricken in its entirety: "New Year's Eve: hours of operation shall be extended until 1:00 a.m., unless the following day is Sunday, in which no sales shall be permitted after midnight."

SECTION 8. 16.05.03 Hours of Operation: the following paragraph shall be stricken in its entirety: "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."

SECTION 9. Private Clubs shall be restricted to C-3 zoned areas of the city only.

SECTION 10. REPEALER: All ordinances or parts of ordinances in conflict herein are hereby repealed to the extent of the conflict.

SECTION 11. SEVERABILITY: If any section, paragraph, subdivision, clause, phrase or provision of the ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional.

**SECTION 12. EMERGENCY CLAUSE:** Because of the recent vote to adopt Sunday alcohol sales in the city of Greenland by a majority of voters, the need to repeal the restrictive portions of Title 16 are viewed as pressing business and that an immediate solution is necessary, thereby creating an emergency. It is hereby declared that based on the will of the voters in the City of Greenland, an emergency exists and this Ordinance, being necessary shall be in effect immediately upon its passage, approval and publication.

PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF May, 2024

A handwritten signature in black ink, appearing to read "Jim Renfrow", written over a horizontal line.

Jim Renfrow, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Misty McCard", written over a horizontal line.

Misty McCard, City Recorder/Treasurer