

ORDINANCE NO. 2019-03

**AN ORDINANCE SETTING FORTH CERTAIN
REGULATIONS FOR THE SALE OF ALCOHOL,
BEER AND WINE FOR ON-PREMISE CONSUMPTION
IN THE CITY LIMITS OF FARMINGTON, ARKANSAS**

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

WHEREAS, pursuant to a Local Option Election during the 2016 General Election, the citizens of the City of Farmington voted for the sale and manufacture of alcoholic beverages; and

WHEREAS, the Local Option Election provided for the sale of packaged alcoholic beverages and the sale of alcoholic beverages with a private club permit, but it does not authorize the sale of alcoholic beverages for on-premise consumption of spirits, wine and beer (referred to as “liquor by the drink”) which, until 2017, required a majority vote at a referendum election; and

WHEREAS, in 2017, Ark. Code Ann. § 3-9-203(d)(1) 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; and

WHEREAS, an ordinance providing for the sale of alcoholic beverages for on-premise consumption will provide the establishments within the city the opportunity to acquire a mixed drink permit instead of a private club permit, which will authorize the establishments to purchase product on the wholesale level and thus be more competitive with establishments in the adjoining cities; and

WHEREAS, in order to comply with applicable state laws, and to promote the competitiveness and orderly operation of businesses which will sell spirits, beer and wine on-premises in Farmington, the city council adopts the following regulations:

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF FARMINGTON, ARKANSAS:

SECTION 1. The City of Farmington 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 Farmington hereby authorizes, by this ordinance, the sale of alcoholic spirits, beer and wine 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 liquor, beer, and wine 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. It shall be unlawful for any person in the City of Farmington to sell, or offer for sale any alcoholic beverage for consumption on the licensed premises except as follows: (1) Monday through Saturday from 7:00 a.m. to 11 p.m. and (2) Sunday from 10:00 a.m. to 10 p.m.


SECTION 5. 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; for a second offense, be fined not more than \$500; 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.

SECTION 6. Provisions of this ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid each invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 7. Emergency Clause. That the city council of the City of Farmington, Arkansas further determines that it is necessary to enact this ordinance without delay to allow establishments to sell alcoholic beverages 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 adjoining cities; therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the ordinance has been published as required by law.

PASSED AND APPROVED this 13th day of May, 2019.



Ernie Penn, Mayor

ATTEST:



Kelly Penn, City Clerk