

ORDINANCE NO. 2021-04

**AN ORDINANCE REGULATING THE MANUFACTURE AND SALE OF VINOUS,
SPIRITUOUS OR MALT LIQUORS BY PERMITTEES SO AUTHORIZED BY THE
ARKANSAS BEVERAGE CONTROL DIVISION OF THE STATE OF ARKANSAS
IN THE UNINCORPORATED AREAS OF SEVIER COUNTY, ARKANSAS
AND DELCARING AN EMERGENCY**

WHEREAS, the voters of Sevier County, Arkansas voted and approved the sale of vinous, spirituous and malt liquors in Sevier County, Arkansas in the November 2020 general election.

WHEREAS, Arkansas Code Annotated authorizes Counties in Arkansas to license and tax such sales; and

WHEREAS, a need exists to for the County of Sevier, Arkansas to so regulate the sale of such vinous, spirituous and malt liquors.

NOW THEREFORE, BE IT ORDAINED by the Quorum Court of Sevier County, Arkansas:

SECTION 1 This ordinance shall be designated as the ordinance regulating the manufacture and sale of vinous, spirituous or malt liquors by permittees so authorized by the Arkansas Beverage Control Division of the State of Arkansas.

SECTION 2 Any permittee authorized to sell or manufacture vinous, spirituous or malt liquors inside the limits of Sevier County, Arkansas, shall pay a yearly license fee of \$25 to Sevier County, Arkansas. This license fee shall be paid no later than ten (10) days prior to any such permittee beginning the sale of such named substances in Sevier County, Arkansas in the year that such permit is issued by the Arkansas Beverage Control Department of the State of Arkansas. In subsequent years, all license fees shall be remitted to the Sevier County, Arkansas no later than January 31.

SECTION 3 The Sevier County Clerk shall notify the Arkansas Beverage Control Division of the identity of any retailers failing to comply with this license fee. Once any such license fee is paid, the Sevier County Clerk shall so notify the Arkansas Beverage Control Division.

SECTION 4 Sevier County, Arkansas shall not require any additional tax be paid by any permittee authorized to sell or manufacture vinous, spirituous or malt liquors inside the boundaries of Sevier County, Arkansas.

SECTION 5 There is a great need for Sevier County, Arkansas to have the authority to regulate the manufacture and sale of vinous, spirituous or malt liquors within such county; therefore, this ordinance needs to become effective immediately in order for Sevier County, Arkansas to protect the welfare of the citizens through such regulation. Delaying the enactment of such regulation serves no legitimate public interest. Therefore, an emergency is declared to exist by the Quorum Court, and as a result this Ordinance shall be in full force and effect upon passage and approval.

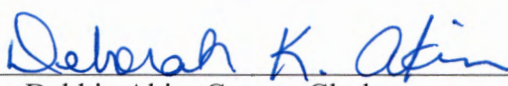
SECTION 6 All ordinances or parts of ordinances in conflict herewith are hereby repealed. Specifically, Ordinance No. 2005-338 is repealed.

PASSED THIS 26th DAY OF FEBRUARY, 2021.

APPROVED: _____


Greg Ray, County Judge

ATTEST: _____


Debbie Akin, County Clerk

ORDINANCE NO. 2021-05

AN ORDINANCE ESTABLISHING THE RULES AND PROCEDURES FOR FILING AN APPLICATION FOR A PRIVATE CLUB PERMIT IN THE UNINCORPORATED AREAS OF SEVIER COUNTY.

Whereas, in accordance with A.C.A. § 3-9-222 (a)(1) it is required that an application for a permit to operate as a private club be made to the governing body of the county or municipality in which the private club seeks to be located; and

Whereas, in accordance with A.C.A. § 3-9-222 (a)(2) if the governing body of the county approves, by ordinance, an application for a permit to operate as a private club, the Arkansas Alcoholic Beverage Control Division may issue a permit to operate as a private club to the applicant for the proposed location; and

NOW THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF Sevier, STATE OF ARKANSAS, THAT:

Section I. Establishment of Procedures. The procedures to request an ordinance in support of an application for a permit to operate a private club in the unincorporated area of Sevier County shall be as follows:

(a) An applicant shall submit the following to the Sevier County Quorum Court, not less than thirty (30) days prior to a regularly scheduled Quorum Court Meeting:

(1) a letter stating their intent to file for a private club permit in the unincorporated area of Sevier County which shall include the physical address where the business will be located; and

(2) a copy of the Arkansas Alcoholic Beverage Control application they intend to file; and

(b) An applicant shall notify all property owners within five hundred (500) feet of the proposed location, by personal service or by United States Postal Service certified mail, return receipt requested and by duplicate sent by regular mail, informing them of the applicant's intent to request an ordinance in support of an application for a permit to operate a private club. The notice shall include the dates, times and location of the Quorum Court meeting in which the matter is requested to be heard. The notice shall also inform each property owner of their right to make their position in support or opposition known at the meeting of the Quorum Court. Notice must be delivered to the property owners identified above not less than seven (7) days in advance of the date of the meeting of the Quorum Court; and

(c) an applicant shall provide the Sevier County Quorum Court with the following not less than fourteen (14) days prior to the Quorum Court meeting during which the matter is requested to be heard (1) copies of the letter(s) notifying property owners of the applicant's intent to request an ordinance in support of an application for a permit to operate a private club; and (2) proof of personal service or delivery of the notice required in Section (a) above.

Section II. The Sevier County Quorum Court's approval of an ordinance supporting an application for a permit to operate a private club in the unincorporated areas of Sevier County does not constitute final action nor does it guarantee the permit will be approved by the Arkansas Alcoholic Beverage Control Division. The ordinance of the Quorum Court merely expresses support or lack of support of the governing body of Sevier County. It provides no indication of whether the application complies with appropriate alcohol regulations or laws.

Section III. The Arkansas Alcoholic Beverage Control Division is not compelled to approve or issue a permit to operate a private club based on the Sevier County Quorum Court's approval of an ordinance supporting the applicant's permit request.

Section IV. All ordinances or parts of ordinances in conflict herewith are hereby repealed. Specifically, Ordinance No. 2005-338 is repealed.

Section V. This ordinance shall be effective from and after passage and publication.

Section VI. If any section of this ordinance shall be declared unconstitutional or unlawful, only that section of the ordinance shall be affected and all other provisions of the ordinance shall remain in full force and effect.

PASSED this 26th day of February, 2021.

APPROVED: Greg Ray
Greg Ray, County Judge

ATTEST: Deborah K. Akin
Debbie Akin, County Clerk