

ORDINANCE NO. 2021-08-01

**AN ORDINANCE TO ESTABLISH A PERMANENT
ENTERTAINMENT DISTRICT IN DOWNTOWN BATESVILLE,
ARKANSAS**

WHEREAS, the State of Arkansas passed into law Act 812 of 2019, hereinafter referred to as "Act 812," to promote hospitality and tourism; to establish areas of a city or town that highlight restaurant, entertainment, and hospitality options; to establish temporary or permanent designated entertainment districts; and for other purposes., and

WHEREAS, the State of Arkansas passed into law Act 874 of 2021, hereinafter referred to as "Act 874," which amended the definition concerning the creation of a designated entertainment district to read "contains any number and any combination of restaurants, taprooms, taverns, entertainment establishments, hospitality establishments, music venues, theaters, bars, private clubs, art galleries, art studios, tourist destinations, distilleries, dance clubs, cinemas, or concert halls., and

WHEREAS, "Act 874" also amended the definition concerning the creation of a designated entertainment district by a city, municipality, or incorporated town to read "A city, a municipality, or an incorporated town collecting a gross receipts tax on prepared food or hotel and motel accommodations under Arkansas Code §§ 26-75-602 - 26-75-613 **AND** located in a county with established entities authorized by the Alcoholic Beverage Control Division to sell alcoholic beverages",. and

WHEREAS, the City of Batesville has previously established the Batesville Advertising & Promotion Commission and currently collects a gross receipts tax on hotel and motel accommodations., and

WHEREAS, there currently exists within the proposed entertainment district the Las Playitas Mexican Restaurant at 350 Harrison Street which holds an active private club permit to sell alcoholic beverages and the "109 Main" Restaurant at 109 Main Street which also holds a private club license to sell alcoholic beverages but is currently closed for remodeling., and

WHEREAS, "Act 812" together with "Act 874" allows the Council to establish an entertainment district within the corporate limits of the City of Batesville, Arkansas., and

WHEREAS, the Council has considered the merits of establishing such a district and believes that it will benefit the downtown area., and

WHEREAS, the Council believes that the creation of an entertainment district will help promote an atmosphere aimed at facilitating business and promoting tourism., and

WHEREAS, the Council finds that other cities, have had success with such districts, and believes that it is in the best interest of the City of Batesville, Arkansas, to provide for the creation of such a district as provided in this ordinance., and

WHEREAS, nothing herein is intended to confer any rights or entitlement. Selling alcohol within an area designated as an entertainment district is a privilege, not a right, and is subject at all times to reasonable regulation by local, state, and federal authorities., and

WHEREAS, subject to the terms and limitations of Arkansas Law and this Ordinance, the City of Batesville, Arkansas, wishes to establish an entertainment district in the downtown area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATESVILLE, ARKANSAS, AS FOLLOWS:

Section 1. *Creation and Establishment of an Entertainment District.* Under the authority granted in Act 812 of 2019 and Act 874 of 2021 the City Council does hereby create and establish a permanent entertainment district in downtown Batesville, Arkansas, with the areas and boundaries as set forth and designated on the maps which are attached hereto as Exhibits 1 and 2 and incorporated herein.

Section 2. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on-premise retail alcohol beverage licensee shall comply with all laws, rules, and regulations which govern its license type, except that a patron, guest or member of that licensee may exit the licensed premises between the hours of 4:30 p.m. and 12:00 midnight on Sundays through Fridays, between the hours of 10:00 a.m. and 12:00 midnight on Saturdays and between the hours of 10:00 a.m. and 12:00 midnight on holidays with no more than one open container of an alcoholic beverage and consume said alcoholic beverage anywhere within the confines of the entertainment district in which the alcoholic beverage was obtained subject to the following regulations:

- (1) A person may enter a premise with an open container of alcoholic beverages acquired elsewhere only if allowed by that premises.
- (2) A licensee shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup imprinted with the entertainment district logo, no less than 2.0" wide by 1.5" tall in size, as designated by the City, (logo attached hereto and incorporated herein as "Exhibit 3") and no such alcoholic beverage shall be removed from the licensed premises in a can, bottle, or glass container. Cups may or may not contain lids and straws and may contain other promotional information.
- (3) No licensee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.
- (4) It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass container, or to possess any open can, bottle, or glass container of alcoholic beverages on the streets, sidewalks, rights-of-way, and parking lots located within an entertainment district.
- (5) No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size.

- (6) No person shall possess on the streets, sidewalks, rights-of-way, parking lots, or outdoor public areas located within the entertainment district any open alcoholic beverage container which exceeds 16 fluid ounces in size.
- (7) All licensees within the entertainment district shall display at all public exits the rules of the entertainment district and a map of the entertainment district boundaries.
- (8) Licensees and organizations with special events may apply to the Mayor's office to temporarily expand the entertainment district hours of operation for special events.

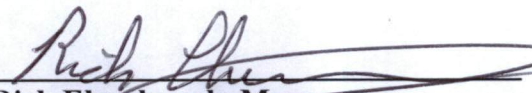
Section 3. *Consumption or possession of Alcoholic Beverages in a Motor Vehicle Prohibited.* It shall be unlawful for any person to consume alcoholic beverages or possess an open container of any alcoholic beverages while in the confines of a motor vehicle while the motor vehicle is located upon any public street, parking lot or other place to which the public has or is permitted to have access within an entertainment district.

Section 4. *Alcoholic Beverages Purchased Outside the Entertainment District Not Allowed in Open Containers in District.* No alcoholic beverages purchased outside of the entertainment district shall be allowed in open containers in the entertainment district.

Section 5. Nothing contained in this ordinance shall diminish the requirements of the Alcohol Beverage Control Division concerning permits issued within the designated entertainment district.

Section 6. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of public peace, health, safety and welfare shall be in force and take effect immediately upon its passage.

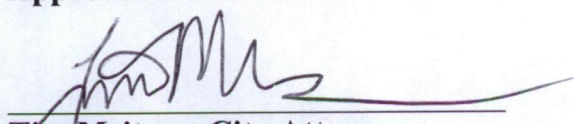
PASSED AND APPROVED THIS 24th DAY OF AUGUST, 2021.


Rick Elumbaugh, Mayor

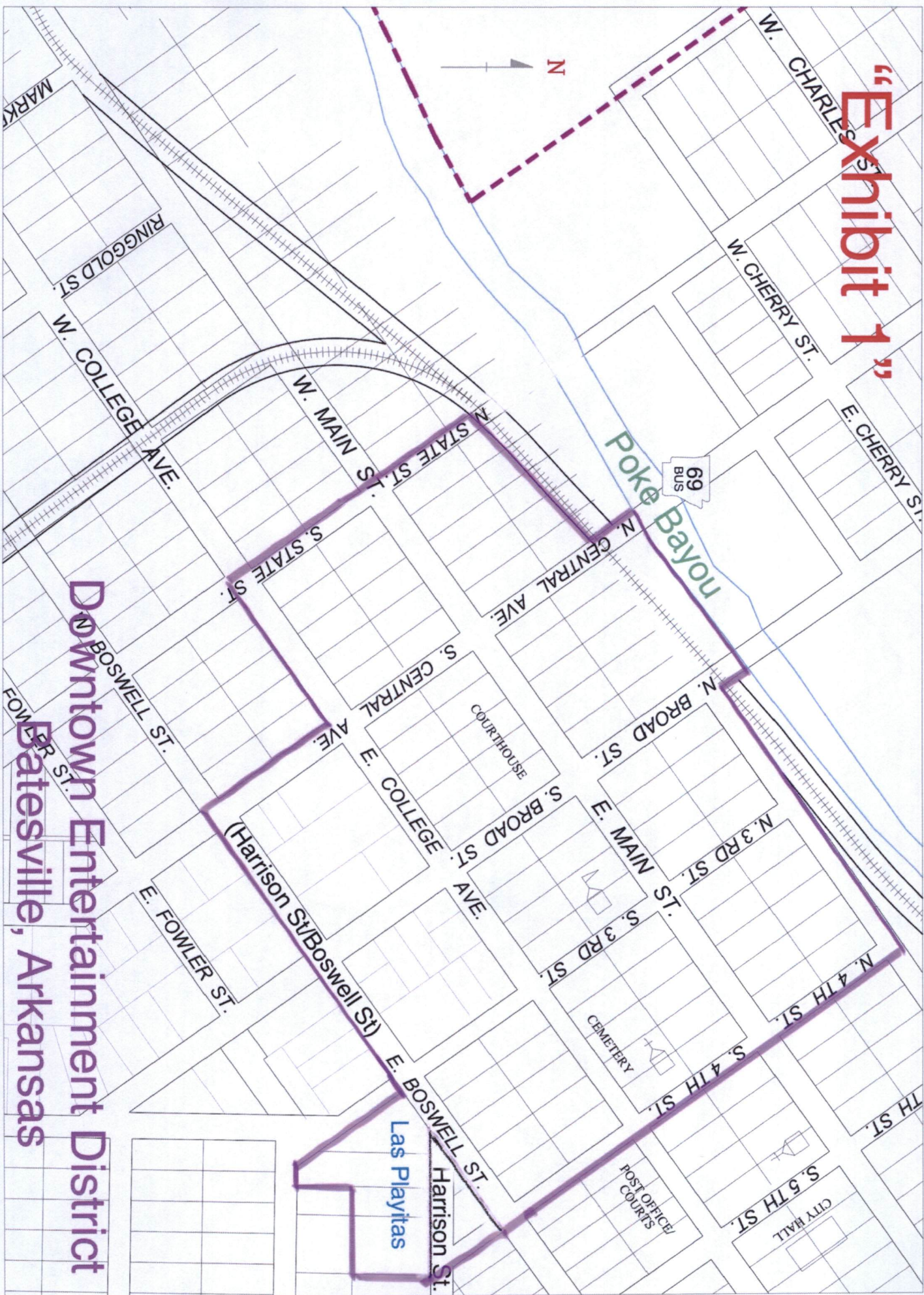
ATTEST:


Denise Johnston, City Clerk

Approved As To Form:


Tim Meitzen, City Attorney

"Exhibit 1"



"Exhibit 2"

(aerial view)



Downtown Entertainment District

Batesville, Arkansas

"Exhibit 3"





Downtown Batesville Entertainment District

Rules

Hours of Operation. Sunday through Friday 4:30 p.m. to 12:00 Midnight
Saturdays 10:00 a.m. to 12:00 Midnight
Holidays 10:00 a.m. to 12:00 midnight

Special events may have temporarily expanded hours with approval of the mayor.

Boundary lines of the Entertainment District will be marked at public street crossings and sidewalks with purple paint or other appropriate signage where painted lines are inappropriate and signs will be placed at locations to designate when a person is entering or leaving the Entertainment District.

Signs with entertainment district rules and map to be placed near all exits of participating licensees.

Rules for outside consumption of alcoholic beverages within designated entertainment district.

Any on-premise retail alcohol beverage licensee shall comply with all laws, rules, and regulations which govern its license type, except that a patron, guest or member of that licensee may exit the licensed premises between the hours of 4:30 p.m. and 12:00 midnight on Sundays through Fridays, between the hours of 10:00 a.m. and 12:00 midnight on Saturdays and between the hours of 10:00 a.m. and 12:00 midnight on holidays with no more than one open container of an alcoholic beverage and consume said alcoholic beverage anywhere within the confines of the entertainment district in which the alcoholic beverage was obtained subject to the following regulations:

1. A person may enter a premise with an open container of alcoholic beverages acquired elsewhere only if allowed by that premises.
2. A licensee shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup imprinted with entertainment district logo, no less than 2.0" wide by 1.5" tall, as designated by the City and no such alcoholic beverage shall be removed from the licensed premises in a can, bottle, or glass container. Cups may or may not contain lids and straws and may contain other promotional information.
3. No licensee shall allow a patron, guest or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such open container.
4. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass container, or to possess any open can, bottle, or glass container of alcoholic beverages on the streets, sidewalks, rights-of-way, and parking lots located within an entertainment district.
5. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size.
6. No person shall possess on the streets, sidewalks, rights-of-way, parking lots, or outdoor public areas located within the entertainment district any open alcoholic beverage container which exceeds 16 fluid ounces in size.
7. All licensees within the entertainment district shall display at all exits the rules of the entertainment district and a map of the entertainment district boundaries.
8. Licensees and organizations with special events may apply to the Mayor's office to temporarily expand the entertainment district hours of operation for special events.
9. It shall be unlawful for any person to consume alcoholic beverages or possess an open container of any alcoholic beverages while in the confines of a motor vehicle while the motor vehicle is located upon any public street, parking lot or other place to which the public has or is permitted to have access within an entertainment district.
10. No alcoholic beverages purchased outside of the entertainment district shall be allowed in open containers in the entertainment district.

Outdoor
ENTERTAINMENT
DISTRICT
BATESVILLE AR

