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JUDY KAY HARRIS, Clerk  
Boone County, Arkansas  
By S. Jahn D.C.

**ORDINANCE NO. 1508**

**AN ORDINANCE TO ESTABLISH A RESTAURANT, ENTERTAINMENT, AND HOSPITALITY DISTRICT IN HISTORIC DOWNTOWN HARRISON, ARKANSAS, AND ESTABLISHING AN OVERSIGHT COMMITTEE**

WHEREAS, the State of Arkansas has passed into law Act 812 of 2019, hereinafter referred to as "the Act," 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.

WHEREAS, the Act allows the Council to establish an entertainment district within the corporate limits of the City of Harrison, Arkansas.

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

WHEREAS, the Council believes that the creation of an entertainment district will help promote an atmosphere aimed at facilitating business and promoting tourism, as well as generating new events, festivals, and other opportunities in the downtown area.

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 Harrison, Arkansas, to provide for the creation of such a district as provided in this ordinance.

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.

WHEREAS, the Council believes that the establishment of an entertainment district will require oversight.

WHEREAS, the Harrison City Council believes an Oversight Committee for the entertainment district serves the best interests for residents and visitors alike.

WHEREAS, the Harrison City Council shall create and convene an Oversight Committee for the entertainment district to review and report happenings within the downtown area of Harrison, Arkansas.

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

**Section 1.** Creation and Establishment of an Entertainment District, Under the authority granted in Act 812 of 2019, the City Council does hereby create and establish an entertainment district in downtown Harrison, Arkansas, with the areas and boundaries as set forth and designated on the Map which is attached hereto as Exhibit "A" and incorporated herein.

All government-owned buildings are excluded from the district's open container policy. By excluding these areas from the district's open container policy it is the intention of the Council that the consumption of alcoholic beverages within the confines of these premises is and shall continue to be prohibited, unless such consumption is pursuant to and authorized by a duly issued license issued by the ABC Board.

Further, while this Ordinance establishes an entertainment district within the boundaries as indicated on Exhibit "A", consumption of alcoholic beverages may only be consumed on a business' private property if that business has made an application to be included and said application must be approved by the oversight committee pursuant to the terms of this Ordinance.

**Section 2.** Consumption of Alcoholic Beverages Permitted within the entertainment district: Conditions. Any on-premise retail alcohol beverage licensee who receives an entertainment district designation from the Arkansas Alcoholic Beverage Control Board 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 11:00 p.m.** with no more than one open container of alcoholic beverages and consume said alcoholic beverages anywhere within the confines of the entertainment district in which the alcoholic beverage was obtained (except those areas encompassing government-owned buildings and upon the property of those private businesses that have not made an application to be a part of the Entertainment District), are subject to the following regulations:

- (1) A person may not enter other licensed premises with an open container or closed container of alcoholic beverages acquired elsewhere.
- (2) A licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup that bears the commercially printed name and/or logo of the designated licensee, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottles or glass container; except, that glass containers shall be allowed in a licensee's outdoor sit down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Harrison.
- (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; except, that glass containers shall be

allowed in a licensee's outdoor sit-down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Harrison.

- (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.

**Section 3.** Consumption of Alcoholic Beverages in a Motor Vehicle Prohibited. It shall be unlawful for any person to consume 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. Except for special events as permitted by the Arkansas Alcoholic Beverage Control Board and in compliance with all laws, rules, and regulations, 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.** The District Oversight Committee

1. All Oversight Committee members shall serve for as long as they hold their respective positions with the agency they represent.
2. Members shall serve a one-year term, two-year term, and three year term as follows:

Public-At-Large Member: one-year term;  
Governing Body Member: two-year term;  
Tourism Industry Member: two-year term; Business  
Owner Member: three-year term;  
Business Owner Member: three-year term;

Thereafter, each eligible person will serve a three-year term upon expiration of these beginning terms. If any member is unable to complete their term of office, the City of Harrison Mayor shall appoint a citizen to fill the unexpired term, The Mayor also reserves the right to replace members as needed.

#### D. Powers of Members

1. The duties and powers of the Oversight Committee shall be as specified herein and the Oversight Committee shall make rules and regulations as necessary to carry out the provisions of this Ordinance.
2. The Oversight Committee shall meet bi-monthly or may be called as needed to address urgent business by the City of Harrison Mayor or by the Chairman of the Oversight Committee.
3. The Oversight Committee shall, from time to time, review the regulations and requirements.

#### E. Voting Rights and Responsibilities of Members

1. All members of the Oversight Committee shall have full and equal voting rights and responsibilities on matters brought before the Oversight Committee.
2. A Chairperson, Vice Chairperson, Treasurer and Secretary shall be selected by Oversight Committee Members.
3. The Committee shall not conduct business unless a quorum is present. A quorum is defined as a majority of appointed members, excluding vacant seats.

### **Section 7.** Application for Events and Festivals

Any person or corporation wishing to hold an event or festival in the entertainment district shall fill out an application and turn the application into City of Harrison Building Inspection Department. All applicants must turn in the application sixty (60) days prior to the event or festival.

#### A. Contents of Application

All applicants will follow the guidelines established by this Ordinance and by the Oversight Committee.

1. A non-refundable fee of twenty-five dollars (\$25.00) shall accompany all original applications before consideration is given to be application.

2. The name, number, address, and email of the applicant,
3. A full description of the event.
4. A description of the physical location of the event from which the applicant intends to operate.
5. A description of how many people are expected to attend the event.
6. A description on how long the event will last.
7. A certificate of insurance in a form acceptable to the City of Harrison.
8. All applicants who wish to have alcohol at the event shall provide a license from the Arkansas Alcoholic Beverage Control Division,
9. The correct percentage of proceeds as required by the Arkansas Alcoholic Beverage Commission shall be donated to a non-profit organization within Boone County, Arkansas.

**B. Consideration of Application**

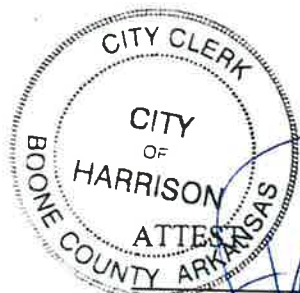
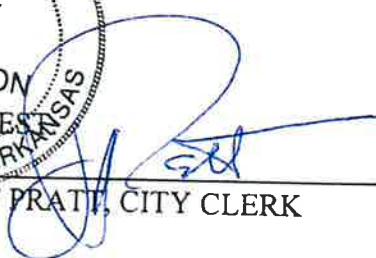
1. The Oversight Committee shall receive applications from the City of Harrison Building Inspection Department,
2. The Oversight Committee will review, evaluate, and vote on every eligible application.
3. All applicants who are approved will be contacted by the Oversight Committee within ten (10) business days from the time the application is approved.
4. Approved Applicants shall submit a refundable deposit in the amount of two hundred fifty dollars (\$250.00) prior to the event.

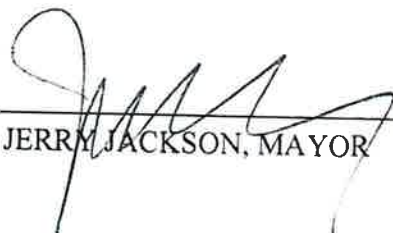
**Section 8. Severability**

Should any word, sentence, clause, paragraph or provision of this Ordinance be held to be invalid or unconstitutional the remaining provisions of this Ordinance shall remain in full force and effect.

**Section 9.** This ordinance shall become effective on January 1, 2023.

PASSED AND APPROVED THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2022.

  
  
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 JEFF PRATT, CITY CLERK

  
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 JERRY JACKSON, MAYOR