



Legislation Text

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**File #: 2018-0151, Version: 1**

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**AMEND § 111.04 APPLICATION FOR PERMITS:**

**AN ORDINANCE TO AMEND § 111.04 APPLICATION FOR PERMITS IN CHAPTER 11 ALCOHOLIC BEVERAGES**

**WHEREAS**, Act 1112 of 2017, which amended the permitting procedure set forth in Ark. Code Ann. § 3-9-222 for private clubs in the State of Arkansas, requires the City Council to approve “by ordinance an application for a permit to operate as a private club” before the applicant can submit the application to the state Alcoholic Beverage Control Division.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals §111.04(A) of Chapter 111, Alcoholic Beverages and enacts a new § 111.04(A) as follows:

“(A) Application requirements.

- (1) Application for a private club permit required by this chapter shall be in writing on a form prescribed by the city and shall be accompanied by a copy of the applicant’s state private club permit application. If approved by the City Council, a copy of the ordinance shall be provided to the applicant to submit with the applicant’s Arkansas Alcoholic Beverage Control permit application. The applicant shall then provide a copy of the state permit to the city and pay all required fees before a city permit will be issued.
- (2) Application for any other permit required by this chapter shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state permit. No city permit will be issued until applicant has received a state permit.

**City of Fayetteville Staff Review Form**

**2018-0151**

**Legistar File ID**

**3/20/2018**

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Blake Pennington

3/9/2018

CITY ATTORNEY (021)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Amend § 111.04 Application for Permits in Chapter 11 Alcoholic Beverages to differentiate between the process for approval of private club permits and all other types of alcoholic beverage permits. This is required because of changes to state law resulting from the passage of Act 1112 of 2017.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>NA</u>	Current Budget            \$            -
	Funds Obligated            \$            -
	Current Balance            \$            -
<b>Does item have a cost?</b> <u>NA</u>	Item Cost
<b>Budget Adjustment Attached?</b> <u>NA</u>	Budget Adjustment
	Remaining Budget            \$            -

V20180209

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Comments:



OFFICE OF THE  
CITY ATTORNEY

## DEPARTMENTAL CORRESPONDENCE



Kit Williams  
*City Attorney*

Blake Pennington  
*Assistant City Attorney*

Rhonda Lynch  
*Paralegal*

TO: **Mayor Jordan**  
**City Council**

FROM: **Blake Pennington**, Assistant City Attorney

A blue ink handwritten signature, likely of Blake Pennington, written over the printed name.

DATE: **March 2, 2018**

RE: **Amendment of §111.04 for Private Club Permit Applications**

In the spring of 2017, the General Assembly passed Act 1112, which amended the procedure in Ark. Code Ann. § 3-9-222 for applicants seeking private club permits after August 1, 2017. The new procedure requires the application to be approved by the City Council, by the passage of an ordinance, before the applicant can submit it to the Alcoholic Beverage Control Division for state approval.

Our residents and potential private club owners would benefit from an amendment to Chapter 111 of the City Code, which governs alcoholic beverage permits, that clarifies the procedure for private club permits in light of the new state requirement versus other types of alcoholic beverage permits.

The Administration has created an online form for private club permit applicants to use. This online form will help streamline the process by requiring the applicant to submit all the required information and documentation electronically, which will allow the staff to review and comment and then prepare an agenda item for the City Council. The new online form can be seen at <http://www.fayetteville-ar.gov/3360/Private-Club-Application>

**ORDINANCE NO.** \_\_\_\_\_

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**PASSED and APPROVED** this 20<sup>th</sup> day of March, 2018.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA SMITH**, City Clerk/Treasurer