

ORDINANCE NO. 323-2018

An Ordinance giving the rules and regulations of any Alcoholic Beverage and Authorizing the City of Stephens to charge a 1% Excise or Sales Tax on any Alcoholic Beverages and Beer sales.

ARTICLE I. IN GENERAL

- (a) Alcoholic beverages may be sold in the City of Stephens under a license granted by the City Council upon the terms and conditions hereafter provided.
- (b) All licenses herein shall be a mere grant of privilege to carry on the business during the term of the license subject to all terms and conditions impose by the county code and state law.
- (c) Any holder of a license issued pursuant to this ordinance is required to apply for and obtain an alcoholic beverage license from the State of Arkansas before any sales commence. Additionally, Ouachita County Licensees are required to abide by all applicable state regulations and laws.

PENALTIES

Any person who violates any provisions of the sections in this article may upon conviction be punished by a fine of not less than three hundred dollars [\$300.00] for each offense and/or thirty [30] days in the county, jail unless a different penalty is set out herein.

TRANSFERABILITY OF LICENSE

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided herein.
- (b) In case of a death of a licensee, the establishment shall be allowed to continue to sale alcoholic beverages for a period of forth-five [45] days from the date of death or until expiration of the license or until approval of a new licensee, whichever comes first.

EXPIRATION; RENEWAL

- (a) All licenses granted hereunder shall expire on July 31 of each year. Licensees who desire to renew their license shall file application, with the required fee heretofore provided, with the City Recorder/Treasurer for the renewal of the license for the ensuing year. Applications for renewal must be filed before June 30 of each year. Any renewal application received after June 30, shall pay in addition to the annual fee, a late charge of twenty [20%].
- (b) All licenses granted hereunder shall be for the calendar year and the full license fee must be paid for a license application filed prior to January 1 of the license year. One-half [1/2] of a full license fee shall be paid for a license application filed after January 1 of the license year.

SALES TO UNDERAGE PERSON PROHIBITED

No holder or employee of the holder of a license authorizing the sale of alcoholic beverages, shall do any of the following upon the license premises:

- (a) Sell or offer to sell any alcoholic beverage to any person under the age of twenty-one [21] years.
- (b) For the purpose of "proper identification" meaning any document issued by a government agency containing a description of the person, such person's photograph or both, and giving such person's date of birth, including but not limited to a passport, military identification card, driver's license, or identification card authorized under an act to require the Department of Public Safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.



The penalty for violation of this section by an individual shall be as follows:

- (a) For the first offense, a minimum fine of two hundred fifty dollars [\$250.00].
- (b) For the second offense and subsequent violations within one (1) year, a minimum fine of five hundred dollars [\$500.00].

Any licensed establishment where two (2) or more violations of this section, Alcoholic Beverage Laws and Regulations have occurred within any thirty-six-month period shall be punished as follows:

- (a) For the second offense within the thirty-six-month period, suspension of license(s) for a period not to exceed ninety (90) days.
- (b) For the third and any subsequent violation within any thirty-six-month period, suspension of license(s) for a period not to exceed one (1) year.

EXCISE TAXES


Every purchaser of any distilled spirits by the drink, any alcoholic beverage, or any beer products shall be liable for a tax thereon at the rate of one (1%) percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee hereunder and such licensee shall remit to the City of Stephens on or before the 20th day of the month along with a summary of the licensee's gross sales derived from all the sales.

SEVERABILITY

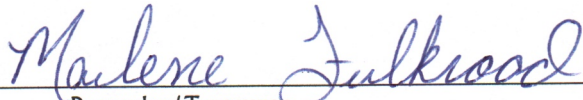
If any section, provision or clause of any part of this ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this ordinance would have been adopted had such invalid portion not been included herein.

PASSED AND APPROVED this 19 day of March, 2018





Mayor Harry Brown



Recorder / Treasurer

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[Circular stamp or seal]