

## TITLE IV BUSINESS REGULATIONS

### CHAPTER 32: ALCOHOLIC BEVERAGES

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#### **4.32.01 - Applicability**

- A. It is hereby declared that the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, serving, or dispensing, any controlled beverage within the City of Jonesboro, is a privilege, and for the exercise of such privilege there are hereby imposed the regulations, requirements, restrictions, fees, and taxes as set forth in this chapter.
- B. These general provisions shall apply to all permittees in addition to any specific provisions under individual headings for each type of permit.

**4.32.02 – Definitions.** For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and phrases not specifically defined in this chapter shall have the meanings assigned by Title Three of the Arkansas Code Annotated and/or the Arkansas Alcoholic Beverage Control Division Regulations.

**Alcoholic Beverages** - means all intoxicating liquors of any sort, including beer and wine.

**Beer** - *Beer* means any fermented liquor made from malt or any similar substance there for and having an alcohol content not in excess of 5% or less than one-half of 1% by weight.

**City** - means the City of Jonesboro, Arkansas.

**Controlled Beverages** – means all beverages of any kind subject to regulation under any alcoholic beverage control law of the State of Arkansas and this chapter.

**Light Wine** - means the fermented juices of grapes, berries, or fruits and any other mixture containing the fermented juice of grapes, berries, or fruits, having an alcoholic content between one-half of 1% and 5% alcohol by weight.

**Malt Beverage Products** - means any liquor brewed from the fermented juices of grain having an alcoholic content of not less than 5% nor more than 21% by weight.

**Malt Liquor** - means liquor brewed from the fermented juices of grain.

**Nuisance** - means any unlawful conduct or activity or the tolerance of any unlawful conduct or activity by the permittee (or his or her agent or agents) which constitutes a detriment to the health, safety and welfare of the Citizens of Jonesboro.

**On-premises consumption** means the sale or dispensing of alcoholic beverages by the drink or in broken or unsealed containers for consumption on the premises where sold or dispensed.

**Permit** means any authorization issued by the Alcoholic Beverage Control Division of the State of Arkansas and/or by the city pursuant to any Arkansas Alcoholic Beverage Control Division regulation and/or this Title 4 of the *Code of Jonesboro* whether described as a permit, license or otherwise.

**Permittee** means the person to whom a permit or license to sell, dispense, or distribute alcohol has been granted.

**Person** means any natural person, partnership, association, corporation, syndicate, or company.

**Police Chief** means the Chief of Police of the Jonesboro Police Department or his/her designee.

**Private Club** - means a nonprofit corporation organized and existing under the laws of this state, no part of the net revenues of which shall inure directly or indirectly to the benefit of any of its members or any other individual, except for the payment of bona fide expenses of the club's operations, conducted for some common recreational, social, patriotic, political, national, benevolent, athletic, or other nonprofit object or purpose other than the consumption of alcoholic beverages. The nonprofit corporation shall have been in existence for a period of not less than one year before application for a permit. At the time of application for the permit, the nonprofit corporation must have not less than 100 members, and, at the time of application, must own or lease, or be the holder of a buy-sell agreement or offer and acceptance, or have an option to lease a building, property, or space therein for the reasonable comfort and accommodation of its members and their families and guests, and restrict the use of club facilities to such persons.

**Spirituous** - means liquor distilled from the fermented juices of grains, fruits, or vegetables containing more than 21% alcohol by weight, or any other liquids containing more than 21% alcohol by weight.

**State** - means the State of Arkansas.

**Sunday Sales** - means the sales of alcoholic beverages on Sunday shall be limited to those businesses within the city which possess a current and valid Permit for the sale of alcoholic beverages on Sunday issued by the Alcoholic Beverage Control Division.

**Supplemental Privilege License Permit**- A permit issued by the City of Jonesboro For the privilege of operating a private club within the city, a Supplemental Privilege License Permit is required which shall be in addition to the regular business privilege license.

**Supplemental Privilege License Permit fee**- A fee established by the City of Jonesboro for the privilege of operating a private club within the city, there is hereby levied an annual supplemental Privilege License Permit fee which shall equal 1/2 (50%) of the regular business privilege license fee not to exceed \$250.00.

**Vinous**- means the fermented juices of fruits containing more than 5% and not more than 21% alcohol by weight.

**\*State law reference(s)--Alcoholic beverages generally, a/k/a Arkansas Alcoholic Control Act@, A.C.A. '3-1-101 et seq.**

#### **4.32.03 Permits Required**

- A. It shall be unlawful for any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing within any Private Club, any controlled beverage, within the city without a permit issued by the city, or with an expired permit.
- B. The provisions of this chapter shall not apply to the manufacture, sale, and distribution of wines or vinous liquors manufactured, sold, and distributed by residents of Arkansas.

**State law reference(s)--Exempted products, A.C.A. '3-1-103; City and county Permits and taxes, A.C.A. '3-4-202;**

#### **4.32.04 Application for Permits**

- A. Application for a 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.
- B. It shall be unlawful for any person to make any false statement or representation in any application required by this chapter or to give any false answer to any question contained therein.
- C. Permits required by this chapter shall run for a calendar year. Annual permit renewal fees shall be due and payable on December 31st of each year for the succeeding year beginning January 1st .
- D. The city will not issue or renew any permits pursuant to this chapter until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverage taxes, if applicable, are paid.
- E. All permits issued by the city pursuant to this chapter shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits.
- F. When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit upon proof that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverages taxes, if applicable, are paid.

- G. All fees taxes and penalties received by the city pursuant to this chapter shall be used for general purposes within the City of Jonesboro pursuant to A.C.A. 3-9-223(f).
- H. Permits shall not be transferable or assignable unless and until approval is granted by the Alcoholic Beverage Control Division and notice is provided to the City of Jonesboro and all other requirements of this ordinance are met.

**State law reference(s)-- Applications-Procedure for acceptance and determination, A.C.A. '3-4-208.**

#### **4.32.05 - Right Of City To Inspect Records**

The City Collector or the Chief of Police or his/her designee of the City of Jonesboro shall have the right to inspect and examine the records of any permittee subject to any tax or permit fee based on gross sales or receipts pursuant to A.C.A. 3-2-211 and any other employee information required pursuant to the regulations of the Alcoholic Beverage Control Division, Title 1, Subtitle G, Section 1.79 (37).

#### **4.32.06 – Qualifications of Applicants**

Persons to whom a State Alcohol Permit has been issued are presumed qualified to hold a City Alcoholic Beverage Permit.

#### **4.32.07 - Reserved**

#### **4.32.08 - Reserved**

#### **4.32.09 - Property Survey to Accompany Application.**

- A. All Applications for Permit shall include a certificate from a registered surveyor showing a scale drawing of the location of the proposed premises and the distance, measured as provided herein from the proposed premises to the nearest Church, school, and residence, and the nearest five occupied commercial establishments.
- B. Proximity to Single-Family Dwellings. No Permits of any type shall be issued to any location which is within 50 feet of any single-family dwelling. The distance shall be measured from the nearest point of the proposed business to the nearest point of the residential building along or across the closest public right-of-way.
- C. Alcoholic treatment center. No Permits shall be issued to any location which is within 100 yards of any Alcoholic treatment center.
- D. Exception: Permits in existence at the time of the passage of this ordinance are exempt from the aforementioned distance requirements as they pertain to existing single family dwellings.
- E. Exception: For the purposes of this ordinance multi-family dwellings and/or loft apartments existing or constructed in a commercial area [(C-1)(C-2), (C-3)] do not qualify as single family dwellings.

**4.32.10 - Zoning Requirements for Business Location.**

No Permit to dispense Alcoholic Beverages shall be issued unless the location has been zoned for retail commercial on the City of Jonesboro Zoning Map. Such dispensing of Alcoholic Beverages shall occur in commercially zoned districts which shall include: "C-1" Downtown Core Commercial District and "C-3" General Commercial District. Dispensing of Alcoholic Beverages may be permitted in the "C-2", Downtown Fringe Commercial or "I-1", Limited Industrial District only after review and approval as a conditional use by the Metropolitan Area Planning Commission (MAPC).

**4.32.11 - Annexed Areas; Continuance of Business.**

Where an Alcoholic Beverage establishment exists in an area outside the City Limits, upon annexation of such area, the same may be continued as a non-conforming use and shall be subject to all remaining provisions of this Chapter.

**4.32.12 - Fraud and Misrepresentation by Applicant.**

- A. Any person who acquires a Permit or a renewal of same in violation of this Chapter by any misrepresentation or fraudulent statement shall be deemed guilty of an offense and upon conviction thereof shall be punished in accordance with the penalties outlined in the Chapter.
- B. Any untrue or misleading information contained in, or material omission left out of, an original, renewal or transfer Application for a Permit shall be cause for the denial thereof and, if any Permit has been granted under these circumstances, there shall be cause for the revocation of the same.

**4.32.13 - Reserved**

**4.32.14 - Reserved**

**4.32.15 - Issuance of Permit; Payment of Fee.**

- A. All Permits must be obtained and fees paid not later than two weeks from the date of the delivery of the Application to the City and, if not so obtained, the issuance granted by the City shall lapse.
- B. When a Permit has been issued and the Applicant has deposited with the City the required fee, the fee shall be paid to the municipal revenue collector and a Permit issued.

**4.32.16 - Business Opening within Six Months from Permit; Issuance Required.**

All holders of Permits shall, within six months after the issuance of the Permit, open for business the establishment referred to in the Permit and begin dispensing the products authorized by the Permit. Failure to open the establishment and begin business as referred to above within the six-month period shall serve as automatic forfeiture and cancellation of the unused Permit, and no refund of Permit fees shall be made to the Permit holder.

**4.32.17 - Effect of Failure to Operate Business for Six Consecutive Months.**

Any holder of a Permit who shall begin the operation of the business and dispensing the products as authorized in the Permit, but who shall, for a period of six (6) consecutive months thereafter, cease to operate the business or dispensing the products authorized in the Permit, shall upon completion of the six (6) month period automatically forfeit the Permit, which Permit shall, by virtue of that failure to operate, be canceled without the necessity of any further action of the City.

**4.32.18 – Dispensing Alcoholic Beverages Outside of Licensed Premises.**

It shall be unlawful for any alcoholic beverage to be dispensed, or otherwise provided outside of the enclosed building, premise or place of business licensed for such, except as permitted by this section.

**4.32.19 - Same; Payment Dates; Proration.**

All Permit fees shall be paid between December 1st and December 31st each year. Permits obtained after June 30 of each year shall pay one half of the annual fee. Delinquent Permit fees shall be subject to a delinquent penalty of twenty-five (25%) percent of the Permit fee for each thirty (30) day period the fee remains unpaid.

**4.32.20 -Term of Permit.**

No Permit shall issue for more than the remainder of the calendar year, and all shall expire at midnight, December 31 of each year. In case of the revocation or surrender of such Permit before the expiration of such calendar year period, the holder thereof shall not be entitled to receive any refund whatsoever.

**4.32.21 - Transferability of Permits.**

- A. Permits to engage in the business of dispensing Alcoholic Beverages shall not be transferable, except as otherwise provided herein. Provided however, that if the modification of this Chapter since the issuance of the prior Permit would prevent the issuance of a new Permit at the same location previously Permitted because of modifications in the distance requirements, then the location shall be considered a non-conforming use and a Permit may issue if the Applicant otherwise meets the requirements of this Chapter.
- B. All Applications for transfer of locations shall comply with the provisions herein set forth governing new Permits and shall include an investigation fee.

**4.32.22 - Notice of Transfer of Business.**

Should any Alcoholic Beverage Permit holder make a request to the Alcoholic Beverage Control Division to transfer their permit to another location, individual or organization, the Police Chief shall be notified in writing of such request within seven (7) days.

**4.32.23 - Display of Permit.**

Every person or organization issued a Permit pursuant to this Chapter shall be required to display this Permit in the same location as is displayed the State Controlled Beverage Permit.

**4.32.24 - Suspension or Revocation of Permit.**

- A. Whenever the State shall revoke any Permit, the City Permit to deal in such products shall thereupon be automatically revoked without any action by the City or any municipal officer.
- B. No Permit which has been issued or which may hereafter be issued by the City shall be suspended or revoked, except for due cause, and after notice and a hearing. Such notice shall include the time, place and purpose of the hearing and a statement of the charge upon which such hearing shall be held and shall give a reasonable time to prepare a defense.
- C. Due cause for the suspension or revocation of such Permit shall consist of the violation of any laws or ordinances regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such business, or for the violation of any state or federal law related to Alcoholic Beverages, gambling, narcotics, or any crime of moral turpitude. Such violation may be an act of the Permittee or of any agent, officer or employee of the Permittee.
- D. Hearings shall be conducted by the Public Safety Committee, with the Chairperson of said committee acting as the presiding officer of the hearing. At any hearing the Permittee shall have the right to represent himself or be represented by counsel, may cross-examine all witnesses offered by the City, and may present evidence in his own behalf. Evidence, including testimony, may be tendered by affidavit. Formal rules of evidence shall not apply to hearings under this section, although the fact finder shall have the right to exclude evidence which carries no indicia of reliability. All testimony shall be offered under oath or affirmation. Both the City and the Permittee shall have the right to present witnesses. The Public Safety Committee shall render a decision by majority vote in writing within 10 working days of the completion of the hearing.
- E. If, after the hearing, the Public Safety Committee finds a violation has occurred, the Permit may be placed into probationary status, suspended or revoked depending upon the severity, facts and circumstances of the violation or violations. If any offenses occur during an active probationary period, the Permit shall be revoked. Once this decision is rendered by the Public Safety Committee a permittee has the right to appeal the decision to the full City Council within 10 working days for consideration.



- F. In the event a Permit is revoked pursuant hereto, no Permit shall be issued to the same person, firm or corporation for a period of five (5) years.

**4.32.25 - Reserved**

**4.32.26 - Unlawful Activities /Prohibited Activities/Warning Notice.**

- A. *Generally.* It shall be unlawful for the holder of any Permit issued under the provisions of this chapter to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices in the Permitted premises or to operate the business in such manner as to constitute a nuisance.
- B. *Disturbances.* It shall be unlawful for any Permittee, or Permittee's agent or employee to fail to report to the police department any disturbance which occurs inside or immediately outside the Permitted premises or in the parking facilities, of which any of them have knowledge which would, under normal circumstances require or give rise to police intervention.
- C. *Hiring persons with convictions of felonies or misdemeanors.* It shall be unlawful for any Permitted establishment to employ any person who has been convicted of, entered a plea to, or has otherwise been found guilty of a felony, a misdemeanor involving moral turpitude or the sale of alcoholic beverage violation.
- D. *Availability of telephone.* It shall be the requirement that every Permitted premises have a telephone and have such telephone available during the hours of operation. Failure to have a telephone shall constitute grounds for suspension or revocation of all Permits.
- E. *Illegal drugs or narcotics.* It shall be the duty and responsibility of the permittee, or permittee's agent or employee to report to the police department any usage or possession of illegal drugs or narcotics on a Permitted premise.
- F. *Assistance to law enforcement officers.* It shall be unlawful for any Permittee, or Permittee's agent or employee to fail to assist any law enforcement officer in the performance of such person's duty while said officer is on a Permitted premises.
- G. *Refusal to admit law enforcement officers.* It shall be unlawful to refuse to grant admission to any Permitted premises at any time upon the verbal request of any law enforcement officer, who displays proper identification for the purpose of inspecting the premises to ensure compliance with this chapter. It shall be unlawful to refuse to open any cabinet, storage room or any other area within the Permitted premises.
- H. *Minors / Persons under 21 Years of Age.* Any person to which a controlled beverage permit has been issued shall comply with all laws and regulations of the State of Arkansas, the Alcoholic Beverage Control Division of the State of Arkansas, and the City of Jonesboro regarding the control and regulation of controlled beverages, including but not limited to the following:

1. Purchase by or for minors, sale to minors, or handling by minors prohibited;
  2. It shall be unlawful for any person under the age of 21 years to have in his or her possession, to purchase or attempt to purchase, or otherwise obtain any controlled beverages except as provided by Arkansas 3-3-202 (a)(l).
  3. It shall be unlawful for any person to, knowingly or unknowingly, purchase on behalf of, furnish to, give away to, or otherwise dispose of to any person under the age of 21 years any controlled beverages; however, this provision shall not apply to the serving of such to members of one's family or to the use of wine in any religious ceremony or rite in any established church or religion.
- I. *Warning Notice.* A warning notice regarding dispensing to, possession or purchase by, or furnishing to minors of controlled beverages shall be posted in a conspicuous place in public view in each place of business where controlled beverages are dispensed. The warning notices shall be of the size, have the content, and be posted in the manner as prescribed by the Arkansas Alcoholic Beverage Control Division.
  - J. *Nudity.* No person who has received a Permit under any ordinance of the City of Jonesboro for the sale or dispensing of alcoholic beverages for on premises consumption including private club Permits shall suffer or permit any person to appear on the Permitted premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, nor suffer or permit any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.
  - K. *Nudity - Consumption / Possession of Alcoholic beverages on Premises Prohibited.* That no person shall bring into or consume or allow to be brought into or allow to be consumed intoxicants or alcoholic beverages of any kind, in any commercial establishment, or business, which suffers or permits any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, or suffers or permits any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.
  - L. If any person engaged in dispensing controlled beverages in the city shall conduct his place of business in a manner as to constitute a nuisance, the City Council shall revoke the Permit of such person to dispense controlled beverages in the city.
  - M. Any person violating any provision of the ordinance shall be subject to the general penalties as set out in the Jonesboro Municipal Code.

**State law reference(s)--Unknowingly furnishing or selling to minor, A.C.A. '3-3-201; Knowingly furnishing or selling to minor, A.C.A. '3-3-203.**

## ARTICLE II

### PENALTIES / SUSPENSION / REVOCATION

#### **4.32.27 - Furnishing To / Consumption by Minors.**

- A. Any person who shall unknowingly sell, give away, or otherwise dispose of intoxicating liquor to a minor shall be guilty of a violation and punished by a fine of not less than \$200 nor more than \$500 for the first offense. For the second and subsequent offenses, he or she shall be guilty of a Class A misdemeanor.
- B. It shall be unlawful for any person to knowingly give, procure, or otherwise furnish any alcoholic beverage to any person under 21 years of age, other than one's family or for the use of wine in a religious ceremony or rite in any established church or religion. Upon a first conviction, a person shall be guilty of a Class C misdemeanor. Upon a second conviction within three (3) years, a person shall be guilty of a Class D felony.
- C. It shall be unlawful for any person to knowingly sell or otherwise furnish for money or other valuable consideration any alcoholic beverage to any person under 21 years of age. Upon a first conviction, a person shall be guilty of a Class D felony. Upon a second conviction within five years a person shall be guilty of a Class C felony and may be punished in accordance with law.
- D. Any person under the age of 21 years who purchases or has in his or her possession any controlled beverage shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$100.00 nor more than \$500.00.

**State law reference(s)--Unknowingly furnishing or selling to minor, A.C.A. '3-3-201; Knowingly furnishing or selling to minor, A.C.A. '3-3-202; Purchase or possession by minor, A.C.A. '3-3-203.**

#### **4.32.28 - Operating Without a City Permit.**

- A. *Beer and light wine.* Any person who sells, serves, barters, dispenses, exchanges, or gives away beer or light wine at an establishment or event open to the public without having a valid city permit as provided by this chapter shall, upon conviction, be deemed guilty of a Class B misdemeanor. Each day of such operation without a valid city permit shall constitute a separate and distinct offense. This section is in no way intended to restrict activities in private residences when there is no charge to attend or no sale of alcohol is occurring, providing no other state or local laws are being violated.
- B. *On-premises consumption, including private clubs.* Any person who sells, serves, dispenses, barters, exchanges, or gives away controlled beverages at an establishment or event for on-premises consumption without having a valid city permit as provided by this chapter shall, upon conviction, be deemed guilty of a Class B misdemeanor. Each day of such operation without a valid city permit shall constitute a separate and distinct offense.

- C. *General.* Any person, except as provided in 4.32.28 (A) and (B) above, who sells, serves, barter, dispenses, exchanges, or gives away controlled beverages, without having a valid city permit as provided in this chapter shall, upon conviction, be deemed guilty of a Class B misdemeanor. Each day of such operation without a valid city permit shall constitute a separate and distinct offense. This section is in no way intended to restrict activities in private residences when there is no charge to attend or no sale of alcohol is occurring, providing no other state or local laws are being violated.

**State law reference(s)--Penalties, A.C.A. '3-5-203; Manufacture, sale, etc., a privilege, A.C.A. '3-5-204.**

**4.32.29 - General Penalty.**

Except as set forth above, any person violating any provision of this chapter shall be subject to the general penalties as set out in the Jonesboro Municipal Code.

**ARTICLE III**

**TYPES OF PERMITS / FEES / SPECIFIC PROVISIONS / HOURS OF OPERATION**

**4.32.30 - Reserved**

**State law reference(s)--Privilege tax-Levy and collection-Exception, A.C.A. '3-5-205A, as amended by Act 1813 of 2001.**

**4.32.31 – Private Club Permits; Supplemental Privilege License Permit**

1. *Private club permit.* Authorizes the purchase of any controlled beverages from persons holding an off-premises retail liquor or beer permit who have been designated by the director of the State Alcoholic Beverage Control Board as a private club distributor, and authorizes the dispensing of such beverages for consumption on the premises of the private club to members and guests only of the private club. (Private clubs holding a retail beer on premises permit may purchase beer, light wine, or malt liquor containing not more than five percent alcohol by weight from holders of valid wholesale beer permits).
2. *Supplemental Privilege License Permit.* For the privilege of operating a private club within the city, a Supplemental Privilege License Permit is required which shall be in addition to the regular business privilege license.
3. *Supplemental Privilege License Permit fee.* For the privilege of operating a private club within the city, there is hereby levied an annual supplemental Privilege License Permit fee which shall equal 1/2 (50%) of the regular business privilege license fee not to exceed \$250.00.

4. *Supplemental beverage tax.* In addition to the Supplemental Privilege License Permit fee, there is hereby imposed and levied a city supplemental tax of Five percent (3%) upon the annual gross receipts which are derived by such private club from charges to the members and/or their guests for the following services:
  - a. For the preparation and serving of mixed drinks, and
  - b. For the cooling and serving of beer, light wine, and wine.

The city's supplemental beverage tax is in addition to the state supplemental tax on private clubs and shall be paid to the appropriate city official, shall be due monthly at the same time that the state supplemental tax is due., and shall be accompanied by one copy of the state supplemental tax return. If any permittee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 10% of the tax due shall be due and payable in addition to the tax.

5. *Hours of operation.* It shall be unlawful for the owner, operator, or any employee of a private club to dispense or permit the consumption of any controlled beverages on the premises of said private club between the hours of 2:00 a.m. and 10:00 a.m. on any day.
6. *Vacation of Premises by Patrons, Members and Guests.* It shall be unlawful for any patron, member or guest to remain upon the premises of any Private Club for more than 30 minutes after the established closing hour (2:00am) for the dispensing or consumption of controlled beverages. The term "Premises" includes the entire property to wit; building, foyers, attached structures and the parking areas. It shall be the responsibility of the permittee to insure compliance.

**State law reference(s)--Sunday sales and sales between 1:00 a.m. and 7:00 a.m. weekdays prohibited, A.C.A. '3-3-210; Sales on Christmas Day prohibited, A.C.A. '3-3-211; Fees, A.C.A. "3-4-604 and 3-7-111; Permits generally, A.C.A. '3-5-212; Private clubs: permit fees, A.C.A."3-9-222 and 3-9-223; Closing hours generally, A.C.A. '3-9-233; On-premises consumption: scope generally, A.C.A.'3-9-211; Fees and taxes generally, A.C.A. '3-9-212--3-9-214; Large facility defined, A.C.A. '3-9-202 (8)(B)(i); Satellite catering, A.C.A. '3-9-202(8)(B)(ii)(c).**

#### **4.32.32 – Severability**

In the event any title, subtitle, section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.