

Ordinance No 2023-2

AN ORDINANCE ESTABLISHING ALCOHOLIC BEVERAGE PERMIT FEES, TAXES, AND PROCEDURES AND FOR OTHER PURPOSES AND DECLARING AN EMERGENCY.

WHEREAS, the City of Rockport desires to issue various types of city alcoholic beverage permits: and that

WHEREAS, alcohol beverage permits issued by the City of Rockport, Arkansas must be as authorized by the State of Arkansas and in concert with permits issued by the State.

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

Section 1: Hotel and Restaurant Alcoholic beverage permit (On-Premise Consumption-Mixed Drink.)

(a) Permit Application Fee. In addition to the permit fee levied by the State of Arkansas, the City of Rockport hereby levies the following fees on applications for permits for on-premises consumption of alcoholic beverages ("Hotel and Restaurant Alcoholic Beverage Permit") pursuant to the terms of Act 132 of 1969, as amended (A.C.A. 3-9-217), to-wit:

1. Hotels having fewer than 100 rooms \$500.00
2. Restaurants having seating capacity of less than 100 persons \$500.00
3. Restaurants having seating capacity of more than 100 or more \$1,000.00
4. Annual permit. An annual renewal permit fee in the in the amount provided in section 1(a) hereof shall be paid to the City of Rockport on or before June 30 of each calendar year for the next permit year beginning July 1.
5. Half Year Permit. The fee for a new permit is issued between January 1 and July 1 shall be one-half (1/2) of the amount specified in section 1(a) hereof.
6. Beer and Wine Permit. Any permit issued pursuant to this Section shall include authority to sell beer and native and imported wine as authorized by A.C.A. 3-9-211.

(e) Supplement Tax: In addition to the permit fees as set forth in section 1 (a) hereof:

The City of Rockport hereby levies a supplemental tax of ten percent (10%) upon the gross proceeds of gross revenues from all sales of alcoholic beverages made pursuant to the terms of Act 132 of 1969, as amended (A.C.A.

3-214) Said supplement tax shall be reported and paid to the City of Rockport at the same time as the gross receipts tax under the Gross Receipts Tax Act of 1941, as amended.

Section 2: Private Club Alcoholic Beverage permit (On-premise Consumption Mixed Drink).

(a) Annual Permit. The City of Rockport hereby levies an annual permit fee on all fraternal, social or otherwise private club as defined in A.C.A. 3-9-202

(10) and as licensed by the Alcoholic Beverage Control Division to dispense alcoholic beverages for on-premises consumption ("private Club Alcoholic Beverage Permit") pursuant to the terms of Act 132 of 1969, as amended (A.C.A. 3-9-223) in an amount of

two hundred fifty dollars (\$250.00) per year. Said permit shall be renewed with the City of Rockport on or before July 1 each year, provided that any new permit issued between January 1 and July 1 of any year shall be one hundred twenty-five dollars (\$125.00).

(b) Supplemental Tax: In addition to the permit fee as set forth in Section 2 (a) hereof, a supplemental fee of five percent (5%) is hereby imposed on the gross proceeds or gross receipts derived by such private clubs by charges to members for the preparation and serving of such alcoholic beverage, or for the cooling and serving of such beer and wine, drawn from the private stocks of such members for the consumptions on premises where served.

Said supplemental tax shall be reported to the City of Rockport and paid in the same manner and at the same time as the Gross receipts tax under the Gross Receipts tax Act of 1941, as emended.

Section 3: Retail Beer: Retail liquor Alcoholic Beverage permit (Off-Premise Consumption) In addition to the permit fee levied by the State of Arkansas for the privilege of operating a dispensary from which vinous, spirituous, and malt liquors, wine, are to be sold and dispensed at retail for consumption off premises ("Retail Liquor Alcoholic Beverage Permit"). There is hereby assessed and there shall be paid to the City of Rockport a permit fee, in the sum of four hundred dollars (\$400.00) per annum payable on or before June 30 of each calendar year for the fiscal year beginning July 1 (A.C.A. 3-4-202, 3-4-604)

Section 4: Retail Beer Alcoholic Beverage Permit (Off-Premises and On-Premises Consumption)

- **Permit Require:** Before any person shall be authorized to offer for sale at retail the liquors as defined in A.C.A., Title 3, Subchapter 5 (Beer and light wine), he shall apply to and secure from the City Clerk a "Retail Beer Alcoholic Beverage Permit". A permit shall not be granted or issued until the retailer exhibits a state permit granted or issued to him by the Alcoholic Beverage Control Division. The state permit shall be prime facie evidence of the retailer's right to apply for and purchase a city permit, and it shall be unlawful for the City Clerk to refuse to issue the permit upon proper application by the retailer.
- **Permit Fee:** The City Clerk shall charge the following permit fee:
- A sum not in excess of fifteen dollars (\$15.00) for a retailer whose total gross annual sales shall not exceed one thousand dollars (\$1,000.00);
- A sum not in excess of twenty dollars (\$ 20.00) for retailers whose gross annual sales shall not be in excess of two thousand dollars (\$2,000.00); or
- A sum of twenty dollars (\$20.00) plus an additional five dollars (\$5.00) for each thousand dollars (\$1,000.00) gross annual business in excess of two thousand dollars (\$2,000.00).
- A new applicant shall pay a fee of forty dollars (\$40.00) for the initial permit to expire June 30 of the year issued.

Permit fees shall be due and payable for each place where the business of a retail dealer is carried on. Permit fees shall become due and payable on or before June 30 of each calendar year for the fiscal year beginning July 1.

© Proper Fee Required: Whenever it shall appear to the City Clerk that a retail dealer has secured a permit for fifteen dollar (\$15.00) when a larger amount shall have been paid therefor, he shall require the payment of the difference or cancel the permit.

(c) Violation Notification: The City Clerk or his/her designee charged with the duty of collecting the license fees shall notify the director of the alcoholic Beverage Control Division of the identity of the retailers failing to comply with the provisions of this section. The director shall then notify wholesale dealers to discontinue sales to delinquent retailers. When the license is paid, the City Clerk shall notify the director of the Alcoholic Beverage Control Division that the retailer has paid the fee. The director shall notify wholesalers to resume sales to the retailers. Any wholesaler who continues to sale to a retailer after notification for the director to discontinue sale shall be subject, upon conviction, to such fines and penalties as established by the general penalty clause for the City of Rockport Code of Ordinances as may now or hereafter be enacted by the Rockport city Council.

Section 5: Microbrewery-Restaurants Alcoholic Beverage Permit (On-Premise Consumption-Beer)

In addition to the permit fees levied by the State of Arkansas, any person, firm or corporation licensed by the Alcoholic Beverage Control Division as a microbrewery-restaurant shall pay a retail beer permit fee in the same manner as a restaurant for consumption on the licensed premises 9 A.C.A. 3-5-1205).

Section 6: Permit Issuance and Form.

Upon payment of the required permit fee(s) the City Clerk or his/her designee shall issue an alcoholic beverage permit of the type(s) required herein in a form to be prescribed by the City Clerk. Alcoholic Beverage Permits shall be effective for the fiscal year of July 1 through June 20 and must be renewed annually before June 30 for the fiscal year (partial year) shall expire June 30 regardless of the date issued. Alcoholic Beverage Permits are not transferable.

Any person, firm, or corporation to whom an Alcoholic Beverage Permit has been issued shall comply with all applicable

laws and regulations of the State of Arkansas, the Alcoholic Beverage Control Division and the City of Rockport. Alcoholic Beverage Permits may be revoked or suspended as authorized by law.

Section 7: This ordinance requires that supplemental taxes to be paid to the City of Rockport in addition to any taxes paid to the State of Arkansas in connection with sales of alcoholic beverages. Said supplemental taxes are due on or before the 20th day of each month. In the event that any permit holder fails to pay its monthly supplemental taxes when due, then the permit holder shall be assessed a late fee of \$25.00 per day until the supplemental taxes and all accrued late fees are paid in full.

Section 8: Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. All supplemental taxes and permit fees shall be deposited in the Rockport General Fund

Section 9: Due to the passage of Hot spring County Special Local Election legalizing the sale and manufacture of alcoholic beverages in Hot Spring County, in the 2022 general election, there is an immediate need to adopt regulating these sales and manufacture, therefore an emergency exists and this ordinance shall become effective upon its passage.

Section 10: Severability. If any section of this ordinance shall be declared unconstitutional or unlawful, only that section of this ordinance shall be affected and all other provision of the ordinance shall remain in full force and effect.

PASSED THIS 14TH DAY OF FEBRUARY 2023.