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ORDINANCE NO. 21,761

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AN ORDINANCE TO AUTHORIZE THE CREATION OF ENTERTAINMENT DISTRICTS WITHIN THE CITY OF LITTLE ROCK, ARKANSAS; TO ESTABLISH STANDARDS FOR THE CREATION OF PERMANENT OR TEMPORARY ENTERTAINMENT DISTRICTS; AND FOR OTHER PURPOSES.

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WHEREAS, pursuant to Ordinance No. 21,551 (February 20, 2018) and the Prior Tax Ordinances cited therein, the City of Little Rock, Arkansas, levies and collects a Gross Receipts Tax on prepared food and beverage and lodging under Ark. Code Ann. § 26-75-602 et seq.; and,

WHEREAS, the City of Little Rock, Arkansas, is located in a county authorized to sell alcoholic beverages; and,

WHEREAS, the City of Little Rock, Arkansas, is authorized by Act 812 of 2019 (“the Act”) to create Designated Entertainment Districts, of both a permanent and temporary nature, and to set reasonable standards for the regulation of alcohol possession within the boundaries of any such districts; and,

WHEREAS, under the Act, a Designated Entertainment District means a contiguous area located in a part of a city that is zoned for or customarily used for commercial purposes and contains any number and any combination of restaurants, taprooms, taverns, entertainment establishments, hospitality establishments, music venues, theaters, bars, art galleries, art studios, tourist destinations, distilleries, dance clubs, cinemas, or concert halls; and,

WHEREAS, the Act and this ordinance are intended to promote hospitality and tourism within the City, to highlight restaurant, nightlife entertainment and hospitality options to tourists, and to create standards for the regulation of alcohol possession within the boundaries of Designated Entertainment Districts.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. Purpose and Intent.

The purpose of an Entertainment District is to promote hospitality and tourism within the City and to highlight restaurant, nightlife entertainment, and hospitality options for tourists.

Section 2. Definitions.

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic Beverage means:

1 (a) Beer, ale, porter, stout, sake, or other similar fermented beverage of any name or description
2 containing 0.5% or more of alcohol by volume, brewed or produced from malt, wholly or in part,
3 or from any malt substitute; or,

4 (b) Wine, port, sherry wine, or vermouth wine of not less than 0.5% of alcohol by volume; or,

5 (c) A distilled spirit known as "ethyl alcohol", "ethanol", or "spirits of wine" in any form,
6 including all dilutions and mixtures of a distilled spirit, from whatever source or by whatever
7 process produced; or,

8 (d) Hard cider brewed from the fermented juices of fruit and containing more than 3% and not
9 more than 21% of alcohol by weight.

10 ***Open Alcoholic Beverage Container*** means a bottle, can, or other receptacle that:

11 (a) Contains any amount of Alcoholic Beverage; and

12 (b) Is either:

13 (1) open or has a broken seal; or,

14 (2) Not open or having a broken seal but with its contents already partially removed.

15 ***Public Places*** mean places in which the public as a class is invited, allowed or permitted to
16 enter, and includes streets, alleys, highways, government-owned or operated buildings or grounds,
17 sidewalks and thoroughfares.

18 **Section 3. General Standards for Establishment of Entertainment Districts.**

19 Any Entertainment Districts authorized to be created pursuant to this ordinance and Arkansas State
20 Law shall be:

21 (a) Subject to the requirements of this ordinance; and,

22 (b) Designated with a unique name in the ordinance or implementing resolution that
23 creates the District; and,

24 (c) Designated by type as either permanent or, as temporary -- if not to exist for longer than
25 five (5) consecutive calendar days; and,

26 (d) Comprised of a contiguous area of public places that is described by objective, physical
27 attributes and located in a part of the City that 1) is zoned for or customarily used for
28 commercial purposes; and 2) is immediately adjoining the requisite number of business
29 establishments required for its type.

30 **Section 4. Regulation of Possession of Alcohol within Boundaries of Designated Entertainment**
31 **Districts.**

32 Any Entertainment Districts established under this ordinance shall have operational rules
33 addressing the following subjects, all of which are designed to regulate a person's possession of an
34 Alcoholic Beverage within a District's boundaries:

1 (a) Established days and hours for when a person is permitted to possess or consume from an
2 Open Alcoholic Beverage Container; and,

3 (b) The source or sources of an Open Alcoholic Beverage Container permitted to be in one's
4 possession; and,

5 (c) Usage of identification wristbands, usage of uniform beverage containers, or both for those
6 persons who wish to possess or consume from an Open Alcoholic Beverage Container within the
7 District, or enter the District from an Alcoholic Beverage Control Division permitted establishment
8 while in possession of an Open Alcoholic Beverage Container.

9 **Section 5. Creation of Entertainment Districts.**

10 (a) A permanent Entertainment District shall be created only by a City Ordinance in
11 compliance with the terms and conditions of this ordinance; and,

12 (b) A permanent Entertainment District shall be limited to a designated, contiguous area of
13 public places immediately adjoining:

14 (1) Ten (10) or more private properties permitted for on-premises consumption by the Al-
15cohol Beverage Control Division; and,

16 (2) One (1) or more private properties offering a combined minimum of 100 hotel rooms;
17 and,

18 (b) A Temporary Entertainment District shall be created only by a City Resolution
19 implementing and in compliance with the terms and conditions of this ordinance.

20 **Section 6. Creation of Temporary Entertainment Districts.**

21 (a) Upon application, and after review by the Planning and Development Department, with
22 input from the Little Rock Police Department, the Planning and Development Department Director
23 may recommend adoption of a resolution for the creation of a Temporary Entertainment District
24 having an existence of not more than five (5) consecutive calendar days.

25 (b) An approved Temporary Entertainment District may encompass all or a portion of the
26 geographic boundaries of an existing Permanent Entertainment District; provided, that any
27 inconsistencies between the operational rules of such a Temporary Entertainment District and those
28 of an existing Permanent Entertainment District will controlled by the operational rules of the
29 Temporary Entertainment District.

30 (c) A person seeking creation of a Temporary Entertainment District shall file an application
31 with the Planning and Development Department Director on forms provided by the City and the
32 application shall be signed by the applicant and accompanied by a nonrefundable fee of Twenty-
33 Five Dollars (\$25.00).

1 (d) An application for creation of a Temporary Entertainment District shall be filed with the
2 Planning and Development Department Director at least thirty (30) and not more than 180 days
3 before the Temporary Entertainment District is proposed to commence.

4 (e) The application for a Temporary Entertainment District shall set forth the following
5 minimum information:

6 (1) The name, address and telephone number, and email address of the person or entity
7 seeking creation of a Temporary Entertainment District; and,

8 (2) A description, by objective, physical attributes, of the proposed Temporary
9 Entertainment District and,

10 (3) The requested dates and hours when a person will be permitted to possess or consume
11 from an Open Alcoholic Beverage Container within the proposed Temporary
12 Entertainment District; and,

13 (4) The name, address and telephone number, and email address of five (5) establishments
14 permitted for on-premises consumption by the Arkansas Alcoholic Beverage Control
15 Division that are immediately adjoining the proposed Temporary Entertainment
16 District; and,

17 (5) The name and physical address of all Arkansas Alcoholic Beverage Control Division
18 permittees who will receive and utilize District-approved containers, identification
19 wristbands, or both, during the existence of the proposed Temporary Entertainment
20 District, if so required by the Planning and Development Department Director; and,

21 (6) Drawings or exemplars depicting the proposed District-approved containers and
22 identification wristbands to be used by all Arkansas Alcoholic Beverage Control
23 Division permittees during the existence of the proposed Temporary Entertainment
24 District, if so required by the Planning and Development Department Director, and the
25 total number of each item that will be made available for their collective use; and,

26 (7) Any additional information that the applicant reasonably believes would be helpful to
27 the Planning and Development Department Director in order to plan for any City
28 services that may be required and to evaluate the application.

29 (f) Any Temporary Entertainment District recommended by the Planning and Development
30 Department Director and all persons located within its boundaries shall observe the following
31 operational rules, and any violation of them by persons shall be subject to a fine in accordance with
32 Section 1-9:

33 (1) No person shall possess or consume from an Open Alcoholic Beverage Container in
34 any designated Temporary Entertainment District except during the days and times
35 described in the resolution approving the District; or,

- 1 (2) The boundaries of the Temporary Entertainment District shall be posted continuously
2 in at least four (4) distinct locations within the geographical boundaries of the District,
3 from twenty-four (24) hours prior to and through the period of its existence; or,
- 4 (3) No person shall possess or consume from an Open Alcoholic Beverage Container
5 within the Temporary Entertainment District unless it is within a district-approved
6 container; or,
- 7 (4) The applicant for the Temporary Entertainment District fails to provide exemplars of
8 approved containers to the Chief of Police of the Little Rock Police Department prior
9 to the beginning date of the District; or,
- 10 (5) No person shall possess or consume from an Open Alcoholic Beverage Container when
11 within the Temporary Entertainment District unless he or she possesses a District-
12 approved identification wristband, if required in the Implementing resolution creating
13 the District; or,

14 **Section 7. Standards for Creation of Temporary Entertainment District.**

15 (a) The Planning and Development Department Director shall recommend an implementing
16 resolution for the creation of a Temporary Entertainment District as requested by the applicant if,
17 after consideration of the information contained in the application, and such other information as
18 may be otherwise be obtained, it is determined that:

- 19 (1) The Temporary Entertainment District will not substantially interrupt the safe and
20 orderly movement of other pedestrian or vehicular traffic contiguous to its location;
21 and,
- 22 (2) The concentration of persons within the Temporary Entertainment District will not
23 unduly interfere with proper Fire and Police protection of, or ambulance service to,
24 areas contiguous to its location; and,
- 25 (3) Adequate sanitation and other required health facilities are or will be made available in
26 or adjacent to its location; and,
- 27 (4) There is sufficient parking available in or near its location to accommodate the number
28 of vehicles reasonably expected during the time of the District's existence; and,
- 29 (5) No temporary entertainment district application for any of the same dates and locations
30 has already been approved or, was previously received and will be approved; and,
- 31 (6) No Temporary Entertainment District application for the same date, or within a time
32 frame within twenty-four (24) hours of the same date, has been previously received
33 and will be granted, which will require the use and deployment of public resources in
34 such a manner that when combined with the subsequent application, it is reasonably
35 determined that there would be an adverse effect upon the City's ability to provide such

1 resources and to protect the welfare and safety of persons and property, provided that
2 the mere expenditure of public funds for overtime payments for public employees shall
3 not be deemed an adverse effect upon the City's ability to provide public services; and,
4 (7) No event is scheduled elsewhere in the City where the public resources required for
5 that event are so great that the deployment of public services associated with the
6 Temporary Entertainment District would be adversely affected in a way detrimental to
7 the welfare and safety of persons and property.

8 (b) No application for the creation of a Temporary Entertainment District shall be denied
9 because of the basis of race, creed, color, national origin, political viewpoint, disability, or gender
10 of the applicant.

11 **Section 8. Notice of Denial of Application for Creation of Temporary Entertainment District.**

12 (a) The Planning and Development Department Director shall act promptly upon a timely filed
13 application for the creation of a Temporary Entertainment District but in no event shall recommend
14 that grant or denial of an application less than forty-eight (48) hours prior to the last meeting of the
15 Board of Directors at which the resolution to create the Temporary Entertainment District may be
16 adopted prior to the first date and hour requested by the applicant.

17 (b) If the Planning and Development Department Director disapproves the application, the
18 applicant shall be notified in writing as soon as possible, but in no event not less than forty-eight
19 (48) hours prior to the last meeting of the Board of Directors at which the resolution to create
20 Temporary Entertainment District may be adopted prior to the first date and hour requested by the
21 applicant.

22 (c) Notification in writing shall be deemed to have occurred when a letter is delivered in
23 person, by telefacsimile with verification of delivery, by mail with some form of return receipt, or
24 by e-mail with some indication that the message has been read.

25 **Section 9. Appeal Procedure for Denial of Application for Creation of Temporary**
26 **Entertainment District.**

27 (a) Any applicant shall have the right to appeal the denial of an application for creation of
28 Temporary Entertainment District to the Board of Directors. The denied applicant shall make the
29 appeal preferably within five (5) days after receipt of the denial, but in no event later than the date
30 of the last meeting of the Board of Directors at which the resolution to create the Temporary
31 Entertainment District may be adopted prior to the first date and hour requested by the applicant.

32 (b) An appeal must be in writing and filed with the city clerk. If there are less than five (5)
33 days prior to the requested first date and hour when a person will be permitted to possess or
34 consume from an Open Alcoholic Beverage Container within the proposed Temporary

1 Entertainment District, the applicant shall make the appeal by filing as soon as possible before the
2 said date a written notice with the City Clerk;

3 (c) The Board of Directors shall act upon the appeal at the next scheduled regular or recessed
4 meeting following receipt of the notice of appeal;

5 (d) The issue on appeal shall be whether the recommendation of the Planning and
6 Development Department Director that the application failed to meet the criteria set forth in this
7 ordinance was arbitrary and capricious based upon the information provided in the application;

8 **Section 10. Notice to Other Officials of Creation of Temporary Entertainment District.**

9 Immediately upon the creation of a Temporary Entertainment District by resolution, the Planning and
10 Development Department Director shall send notice about its creation and dates and hours to the following:

11 (1) The Mayor;

12 (2) The City Attorney;

13 (3) The City Manager;

14 (4) The heads of the City's respective Emergency Services Departments including Police,
15 Fire and Ambulance;

16 (5) The Public Works Department Director;

17 (6) The Directors of other Governmental Entities, or Law Enforcement Agencies, whose
18 Departments may be affected by the attendance of persons within the District,
19 including the Arkansas Alcoholic Beverage Control Division.

20 **Section 11. Other offenses.**

21 (a) It shall be unlawful for any person to possess or consume from an Open Alcoholic
22 Beverage Container in any Entertainment District unless it is a District-approved container and its
23 contents came from a permittee of the Alcohol Beverage Control Division located within or an
24 immediately adjoining the Entertainment District.

25 (b) It shall be unlawful for any person to bring into or remove an Open Alcoholic Beverage
26 Container from any Entertainment District.

27 **Section 12. Authority of the Chief of Police.** Nothing in this ordinance prevents the Chief of Police
28 of the Little Rock Police Department, or the Chief of the Little Rock Fire Department, to suspend the
29 operation hours of any Entertainment District if necessary to comply with local, State or Federal Laws, or
30 Fire Codes, or is necessary to protect the public health, safety and welfare.

31 **Section 13. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
32 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
33 adjudication shall not affect the remaining portions of this ordinance, which shall remain in full force and
34 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this
35 ordinance.

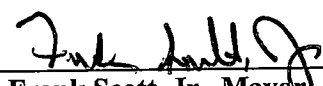
1 **Section 14. Repealer.** All laws, ordinances, or resolutions, or parts of the same that are inconsistent
2 with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

3 **PASSED: July 23, 2019**

4 **ATTEST:**

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6 _____
7 **Susan Langley, City Clerk**

APPROVED:

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9 _____
10 **Frank Scott, Jr., Mayor**

11 **APPROVED AS TO LEGAL FORM:**

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13 _____
14 **Thomas M. Carpenter, City Attorney**

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