

TITLE 7

PUBLIC PEACE, SAFETY AND MORALS

Chapters:

- 7.04 State Criminal Statutes and Penalties
- 7.08 Curfew
- 7.12 Loitering
- 7.16 Prohibited Weapons
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CHAPTER 7.04

STATE CRIMINAL STATUTES AND PENALTIES

Sections:

- 7.04.01 State criminal statutes adopted
- 7.04.02 State penalties adopted

7.04.01 State criminal statutes adopted Each and every act, matter or thing which the laws of the state of Arkansas make misdemeanors or violations is hereby prohibited within the corporate limits of the city and made unlawful under this ordinance. The criminal laws of the state of Arkansas, as now existing and as hereafter may be provided, insofar as same may make any act, matter or thing a misdemeanor or violation, are hereby adopted and incorporated into the Criminal Code of the ordinances of the city.

STATE LAW REFERENCE - See A.C.A. 14-55-501

7.04.02 State penalties adopted Each and every person who shall, within the corporate limits of the city, violate any of the provisions of the laws into this ordinance incorporated and adopted shall on conviction thereof by punished by fine or imprisonment or both, as the case may be, together with the costs of the proceeding of not less than the minimum nor more than the maximum penalty as prescribed by the corresponding state law in such cases make and provide; which penalty shall be enforced in the manner now prescribed by the law for the enforcement and collection of fines, forfeitures and penalties.

CHAPTER 7.08

CURFEW

Sections:

- 7.08.01 Civil emergencies
- 7.08.02 Congregating during state of emergency
- 7.08.03 Penalty

7.08.01 Civil emergencies The Mayor, any time a condition has arisen or is imminent which in his judgment constitutes a civil disturbance, riot, insurrection or time of local disaster, may declare a state of emergency and impose a curfew for such time and for such areas as he deems necessary to meet such emergency. Provided, however, such curfew shall not extend for over a period of forty-eight (48) hours unless extended by a majority vote of the members of the governing body.

7.08.02 Congregating during state of emergency No person shall congregate, operate any business or be upon the streets or other public ways, unless on official business for the city or state, in any area or areas designated by the Mayor as curfew areas in the city during the time of any declared emergency.

7.08.03 Penalty Any person violating any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and may be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or confinement in jail for not more than one (1) year, or both.

CHAPTER 7.12

LOITERING

Sections:

- 7.12.01 Illegal
- 7.12.02 Definitions
- 7.12.03 Penalty

7.12.01 Illegal It shall be unlawful for any person to loiter upon the sidewalks, streets, highways, alleys or other public places within the city.

7.12.02 Definitions

- A. A person commits the offense of loitering if he:
 - 1. lingers, remains or prowls in a public place or on the premises of another without apparent reason and under circumstances that warrant alarm or

concern for the safety of persons or property in the vicinity; and upon inquiry by a law enforcement officer, refuses to identify himself and give a reasonably credible account of his presence and purpose; or

2. lingers, remains, or prowls in or near a school building, not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or
3. lingers or remains in a public place or on the premises of another for the purpose of begging; or
4. lingers or remains in a public place for the purpose of unlawfully gambling; or
5. lingers or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual activity; or
6. lingers or remains in a public place for the purpose of unlawfully buying, distributing, or using a controlled substance; or
7. lingers or remains on or about the premises of another for the purpose of spying upon or invading the privacy of another.

B. Among the circumstances that may be considered in determining whether a person is loitering are that the person:

1. takes flight upon the appearance of a law enforcement officer; or
2. refuses to identify himself; or
3. manifestly endeavors to conceal himself or any object.

C. Unless flight by the actor or other circumstances make it impracticable, a law enforcement officer shall, prior to an arrest for an offense under subsection A (1) of this section, afford the actor an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.

D. It shall be a defense to a prosecution under subsection 1(a) that the law enforcement officer did not afford the defendant an opportunity to identify himself and explain his presence and conduct, or if

it appears at trial that an explanation given by the defendant to the officer was true, and if believed by the officer at that time, would have dispelled the alarm.

STATE LAW REFERENCE – A.C.A. 5-71-213

7.12.03 Penalty As set out in A.C.A. 5-71-213, loitering is a Class C misdemeanor punishable by a maximum fine of One Hundred Dollars (\$100.00).

CHAPTER 7.16

PROHIBITED WEAPONS

Sections:

7.16.01	Unlawful to carry, exchange
7.16.02	Unlawful activities
7.16.03	Penalty
7.16.04	Rights of defense
7.16.05	Unlawful possession
7.16.06	Definitions
7.16.07	Penalty
7.16.08	Bows, crossbows and archery devices
7.16.09	Ordinance Revoked
7.16.10	Regulations

7.16.01 Unlawful to carry, exchange It shall be unlawful for any person to carry any knife, the blade of which is over three (3) inches in length, or to carry any instrument commonly called a crabapple switch, dirk, dagger, pick or any other dangerous or deadly weapon within the city, and it shall further be unlawful for any firm or corporation to sell, barter, exchange or otherwise dispose of such knives, crabapple switches, dirks, daggers or picks, or instruments to be used for a weapon within the corporate limits of the city.

7.16.02 Unlawful activities From and after the passage of this Ordinance, it shall be unlawful for any person, adult or minor, to shoot, discharge or permit the shooting of any shotgun, rifle, pistol, or firearm firing a powder charge from a percussion cap, or rim fire, using a loaded shell, in the corporate limits of the City of Clarksville, except that the discharge of non-slug shotgun shells shall be permitted at approved sport shooting ranges and other properly zoned or permitted areas within the corporate limits of the City of Clarksville, Arkansas. (Ord. No. 22-881, Sec. 4)

7.16.03 Penalty Any person found guilty of violating any of the provisions of 7.16.01 hereof, shall upon conviction be subject to a fine of One Hundred Dollars (\$100.00) for the first offense, Two Hundred Dollars (\$200.00) for the second offense, and Four Hundred Dollars (\$400.00) for each offense thereafter. (Ord. No. 2006-533, Sec. 12.)

Any person found guilty of violating the provisions of this Ordinance shall, upon conviction be fined a sum not less than \$100.00 nor more than \$500.00, for each such offense. (Ord. No. 22-881, Sec. 5)

7.16.04 Right of defense Nothing in this ordinance shall be construed to prohibit any right of defense of person or property as defined in Article 2, Paragraph 5, of the Constitution of the State of Arkansas 1874. (Ord. No. 22-881, Sec. 6)

7.16.05 Unlawful possession It shall be unlawful for any person to possess a firearm while upon the Nature Trail located along the eastern and western banks of Spadra Creek within the city limits of Clarksville, Arkansas. (Ord. No. 140, Sec. 1.)

7.16.06 Definition The term “firearm” as used herein means an instrument used for the propulsion of shot, shell or bullets or any other projectile by the action of gun powder exploded within it. (Ord. No. 140, Sec. 2.)

“Sport shooting range” or “range” means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. (Ord. No. 22-881, Sec. 3)

7.16.07 Penalty Any person violating this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Ord. No. 140, Sec. 3.)

Pursuant to A.C.A. §16-105-501 and notwithstanding any other provision of law to the contrary, a person who operates or uses a sport shooting range within the corporate limits of the City of Clarksville, Arkansas shall not be subject to civil liability or criminal prosecution for noise or noise pollution resulting from the operation or use of the range if the range is in compliance with noise control ordinances of the City of Clarksville that applies to the range and its operation at the time the range was constructed and began operation. (Ord. No. 22-881, Sec. 7)

7.16.08 Bows, crossbows and archery devices

- A. From and after the passage of this ordinance it shall be unlawful for any person to hunt with a bow, crossbow, or other similar device within three hundred feet of the Clarksville Nature Trail or any recreational area within the city of Clarksville.
- B. Any person convicted of violating this ordinance shall be subject to a fine of One Hundred Dollars (\$100.00) for the first offense, Two Hundred Dollars (\$200.00) for the second offense, and Four Hundred Dollars (\$400.00) for each offense thereafter. (Ord. No. 2006-530, Secs. 1-2.)

7.16.09 Ordinance Revoked The City Council for Clarksville, Arkansas hereby revokes Ordinance No. 447 of January 13, 1964. (Ord. No. 22-881, Sec. 1)

7.16.10 Regulations The City Council for the City of Clarksville, Arkansas hereby adopts the following regulations regulating the use of firearms within the corporate limits of Clarksville, Arkansas. (Ord. No. 22-881, Sec. 2)

CHAPTER 7.20

FIREWORKS

Sections:

7.20.01	Sale of fireworks
7.20.02	Use of explosion of fireworks
7.20.03	Permitted use
7.20.04	Penalty

7.20.01 Sale of fireworks It shall be permissible for any person to store, offer for sale, expose for sale, or sell any fireworks, no matter by what name known, within the corporate limits of the city of Clarksville provided that they do so in compliance with all state and federal legislation, regulations, statutes, and codes. (Ord. No. 2009-598, Sec. 1.)

7.20.02 Use or explosion of fireworks It shall be unlawful for any person to use or explode any fireworks, no matter by what name known, within the corporate limits of the city of Clarksville, except for a public display conducted by parties approved by the Clarksville City Council at times and dates approved by the Clarksville City Council. (Ord. No. 2009-598, Sec. 2.)

7.20.03 Permitted use Notwithstanding the provisions of 7.20.02, it shall be lawful for any person to use or explode any fireworks, no matter by what name known, within the corporate limits of the city of Clarksville on the following dated during specified hours:

- A. July 4 from 10:00 a.m. to 11:00 p.m.
- B. December 31 from 10:00 p.m. to January 1 at 1:00 a.m.
(Ord. No. 2009-598, Sec. 3.)

7.20.04 Penalty Any person found guilty of violating the provisions of the ordinance shall upon conviction be fined in a sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00). (Ord. No. 2009-598, Sec. 4.)

7.20.03 Novelty lighters

- A. Prohibitions; inapplicability The retail sale, offer of retail sale, gift of or distribution of any novelty lighter within the territorial jurisdiction of the city of Clarksville is prohibited. The prohibition is inapplicable to:

1. Novelty lighters which are only being actively transported through the city;
 2. Novelty lighters located in a warehouse closed to the public for purposes of retail sales.
- B. Definition **Novelty lighter** means a lighter that has entertaining audio or visual effects, or that depicts through the use of logos, decals, art work, or other means, or resembles in physical form or function articles commonly recognized as appealing to or intended for use by children ten years of age or younger. This includes, but not limited to, lighters that depict or resemble cartoon characters, toys, guns, watches, musical instruments, vehicles, toy animals, food or beverages, or that play musical notes or have flashing lights or other entertaining features. A novelty lighter may operate on any fuel, including butane or liquid fuel.
- C. Exceptions The term “novelty lighter” excludes

1. Any lighter manufactured prior to 1980, and
 2. Any lighter which lacks, fuel; or
 3. Any lighter which lacks a device necessary to produce combustion or a flame.
- D. Enforcement The provisions of this section shall be enforced by any police officer, any Code Enforcement Officer, and any other city official authorized to enforce any of the provisions of the Clarksville Municipal Code.
- E. Penalties Any person or entity violating any of the provisions of this ordinance is guilty of an infraction, and upon conviction therefore, shall be subject to a fine or penalty of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). (Ord. No. 2007-554, Sec. 1.)

CHAPTER 7.24

CLAIMS AGAINST CITY

Sections:

- | | |
|---------|----------------------|
| 7.24.01 | Liability coverage |
| 7.24.02 | Settlement of claims |

7.24.01 Liability coverage The city shall carry liability coverage on all its motor vehicles in the minimum amounts prescribed in the Motor Vehicle Safety Responsibility Act. (A.C.A. 27-19-203, Et seq.)

STATE LAW REFERENCE A.C.A. 21-9-303; HDBK. 8-5-3

7.24.02 Settlement of claims all persons having claims against the city may file them with the Clerk/Treasurer. The Clerk/Treasurer shall present them to the Council. The Council may grant a hearing for the claimant and may authorize a settlement.

STATE LAW REFERENCE A.C.A. 21-9-302

CHAPTER 7.28

STORAGE AND HANDLING

OF VOLATILE COMBUSTIBLES

Sections:

- 7.28.01 Restriction on keeping
- 7.28.02 Volatiles never to be allowed to pass into drainage system
- 7.28.03 Penalty

7.28.01 Restriction on keeping Gasoline, naphtha, benzine, and other like volatile combustibles or their compounds in excess of a total of five (5) gallons, exclusive of that in tanks of automobiles, in combustion engines, or in approved portable wheeled tanks in public garages each not exceeding sixty (60) gallons capacity, shall not be kept within any building. Such total of five (5) gallons or less shall be kept only in cans approved by the Chief of the Fire Department. Any quantity in excess of five (5) gallons shall be kept only in a tank or tanks placed not less than two (2) feet beneath the surface of the ground or in an outside tank or tanks above ground and approved by the Chief of the Fire Department located not less than fifty (50) feet from the line of any adjoining property which may be built upon. The tank or tanks shall be adequately and properly diked with a dike having capacity not less than equal in volume to that of the tank or tanks surrounded. No underground tanks shall be placed, constructed or maintained under a street, public sidewalk or in a sidewalk area.

7.28.02 Volatiles never to be allowed to pass into drainage system In no instance shall gasoline, naphtha, benzine and other like volatile combustibles or their compounds be allowed to run upon the floor or fall or pass into the drainage system of the premises. Self-closing metal cans shall be used for all oily waste or waste oils.

7.28.03 Penalty Any person who shall violate or fail to comply with any of the provisions of this chapter, or who shall violate or fail to comply with any order or regulation, shall upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00). The imposition of one (1) penalty for violation of this chapter shall not excuse the violation or permit it to continue; and all

such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each day that any prohibited condition is maintained shall constitute a separate offense. The application of said penalty shall not be held to prevent the enforced removal of any prohibited condition as provided by this chapter.

CHAPTER 7.32

OUTSIDE FIRE SERVICE

Sections:

7.32.01	Authority to dispatch
7.32.02	Restrictions
7.32.03	Cost of air without mutual aid agreement
7.32.04	Mutual aid agreement
7.32.05	Payment of money collected

7.32.01 Authority to dispatch No Fire Department apparatus shall be taken beyond the corporate limits of the city to assist at any fire or for any other purpose, except by order of the Mayor or Fire Chief or such other person as they may designate, and subject to the restrictions and conditions hereinafter set forth. (Ord. No. 398, Sec. 1.)

7.32.02 Restrictions The Mayor or Fire Chief or such other person as they may designate are authorized, in their discretion, to aid in the extinguishing of fires in another city or town, public institutions, corporation, or other properties within a reasonable distance from the city or on property immediately adjacent to the city in which there is a possibility of fire spreading within the corporate limits, under the following conditions:

- A. A request from a city or incorporated town for assistance must come only from the Mayor, Fire Chief or such other person as may be designated by mutual agreement.
- B. Calls may be responded to only by such apparatus and men which in the judgment of the Mayor or Fire Chief or such other person as they may designate can be safely sent without unduly impairing the fire protection within the city, and when highways and weather conditions are favorable.
- C. The city, incorporated town, public institution, corporation, or individual requesting assistance must pay the charge for apparatus and service hereinafter provided unless there exists a mutual aid agreement.
- D. The city, incorporated town, public institution, corporation or individual must compensate the city for any loss or damage to such apparatus while answering such call, and be responsible to the members

of the Fire Department of the city for any injuries suffered or incurred by them while responding to such calls and while working at such fire, unless otherwise covered by insurance.

STATE LAW REFERENCE A.C.A.14-53-102

7.32.03 Cost of aid without mutual aid agreement Unless there exists a mutual aid agreement, every municipality, institution, corporation or individual requesting and receiving such services of the Clarksville Fire Department, beyond the corporate limits, shall pay for such services and the use of the fire fighting apparatus in the total sum of Fifty Dollars (\$50.00). This charge shall be appointed as follows: Twenty Dollars (\$20.00) to the city of Clarksville, Arkansas, and the remaining Thirty Dollars (\$30.00) to be divided equally among the firemen who provide such services. (Ord. No. 82, Sec. 1.)

7.32.04 Mutual aid agreement The Mayor and Chief of the Fire Department are hereby authorized to enter into mutual aid agreements with other municipalities, firms, corporations, or individuals, for the rendering of fire service, subject to the following conditions:

- A. That the parties with whom such mutual aid agreements are entered into shall agree to indemnify the city against any or all loss, cost and damage which it may suffer or sustain by reason of damage to any apparatus arising from any cause whatsoever while such apparatus is going to or from the scene of the fire or while at the scene of the fire. The duty to indemnify shall be performed within fifteen (15) days after demand.
- B. As to each fire driver injured while driving to or from the fire, or while at the scene of the fire, and as to each fireman helping at the fire, injured between the time he reports to the foreman of this company and the time his service ends, the person entering into such mutual aid agreements shall pay within fifteen (15) days after demand to the city a sum sufficient to cover the medical and hospital expenses by such injured driver or fireman. (Ord. No. 398, Sec. 5.)

7.32.05 Payment of money collected Money collected under the terms of 7.32.03 of this chapter shall be paid to the respective fire drivers and firemen as to whom such collections were made, and in proportion to the amount of time applicable to them respectively.

CHAPTER 7.36

FIRE EQUIPMENT OPERATION

Sections:

- 7.36.01 Yield to fire vehicles
- 7.36.02 Restrictions around fire equipment
- 7.36.03 Penalty

7.36.01 Yield to fire vehicles All operators of motor vehicles within the city are required to exercise caution upon sounding of the Clarksville siren fire alarm or fire truck siren or siren of any member of the city Volunteer Fire Department and to move said vehicle out of the traffic line so as to permit the unobstructed passage of all fire fighting trucks and equipment and vehicles in the use by members of the Fire Department. Said operators shall cause their vehicles to remain still until all fire equipment and personnel shall have passed through the street or streets being used. (Ord. No. 369, Sec. 1.)

7.36.02 Restrictions around fire equipment It shall be unlawful for any operator of a motor vehicle to park or leave the same within two (2) blocks of any fire truck or fire fighting equipment or personnel while on duty at any fire. Or to park a vehicle within one (1) block of any fire hydrant which is in use for fire. No driver of any vehicle other than one on official business shall follow any fire trucks or firemen's car traveling in response to an alarm closer than five hundred (500) feet. No operator of any vehicle shall drive over or upon any fire hose when laid down upon any street driveway or any place when being used for fire use without the consent of fire officials. (Ord. No. 369, Sec. 2.)

7.36.03 Penalty Any person found guilty of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Ord. No. 369, Sec. 3.)

CHAPTER 7.40

SOLICITING ON STREETS

Sections:

- 7.40.01 Permit required
- 7.40.02 Information required
- 7.40.03 Permit issued by Mayor
- 7.40.04 Penalty

7.40.01 Permit required No person, organization, firm or other party shall solicit donations on the streets of Clarksville, Arkansas, for any public charity or religious purpose whatsoever without having first secured a permit from the Mayor before doing any such soliciting. (Ord. No. 113, Sec. 1.)

7.40.02 Information required Before any person, organization, firm or group of persons shall be permitted to solicit as provided in the preceding section, they shall submit in writing to the Mayor an application stating the name and headquarters address of the group or organization they represent and solicit for and the names and addresses of any and all solicitors so engaged or to become engaged in soliciting in and upon the streets of the city of Clarksville, Arkansas. (Ord. No. 113, Sec. 2.)

7.40.03 Permit issued by Mayor The Mayor is hereby empowered to permit any such organization, firm or other group or party to solicit religious or charitable contributions upon the streets. Such permit so to do shall be issued in writing by the Mayor, shall be attested by the City Clerk and shall bear and show an impression of the city seal in addition to the signatures of the city Mayor and City Clerk. No charge or fee shall be made for any such permit. (Ord. No. 113, Sec. 3.)

7.40.04 Penalty any person, organization, firm, group or party failing to comply with this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), together with the costs of the proceeding. (Ord. No. 113, Sec. 4.)

CHAPTER 7.44

SOLICITING ON PRIVATE PROPERTY

Sections:

7.44.01	Going Upon Private Residential Property
7.44.02	Door to Door Solicitation at Private Residence
7.44.03	Revocation of Permit
7.44.04	Notice
7.44.05	Conduct of Due Process Hearing
7.44.06	Appeal to City Council
7.44.07	Penalty

7.44.01 Going Upon Private Residential Property No solicitor or vendor shall enter in or upon any house, building, or other structure upon any land or property without the prior consent of the owner or occupant hereof where there is placed or posted on the premises in a conspicuous position, at or near the usual means of ingress, a sign or other form of notice stating or indicating that the owner or occupant forbids or otherwise does not desire persons engaged in soliciting or any similar activity to enter upon the premises. (Ord. No. 16-764, Sec.1.)

7.44.02 Door to Door Solicitation at Private Residence

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

1. Charitable activity means any activity carried on for unselfish, civic or humanitarian motives or for the benefit of others and not for private gain.
2. Charitable organization means a non-profit organization holding a tax exemption certificate from the Internal Revenue Service pursuant to 5501 et seq., and any amendments thereto.
3. Peddler means any person who goes to the door of any private residence in the city, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale.
4. Solicitor means any person who goes to the door of any private residence in the city, not having been invited by the occupant thereof, for the purpose of taking or intending to take orders for the sale of goods, magazines, wares, merchandise or other personal property of any nature for future delivery or for services to be performed in the future.
5. Principal means the person or other legal entity whose goods, merchandise, personal property or services are being peddled or solicited. (Ord. No. 16-764, Sec.1.)

7.44.02.02 Posting "no soliciting/no peddling" decal or sign. A decal may be posted at the front of any private residence in the city and by posting said notification, any solicitor or peddler has notice that soliciting or peddling at this address is prohibited by city ordinance as provided for in 7.44.01. (Ord. No. 16-764, Sec.1.)

7.44.02.03 Principal permit. No peddling or solicitation shall be conducted within the city without a principal permit being issued. The cost for the principal to obtain a solicitor/peddler's permit is \$100.00, and shall be paid to the City Treasurer's office before any peddling or soliciting is conducted within the city. The permit shall expire on December 31 in the year the permit is issued. To obtain a permit, a representative of the principal shall provide a written signed application stating:

1. The name, address, telephone number, type of organization, and contact person for the principal applicant.
2. The nature of the products or services involved
3. The proposed method of operation in the city
4. A list of all persons who will peddle or solicit in the city on behalf of the principal.
5. A list of all vehicles to be used including their make, model, color, and license plate number. (Ord. No. 16-764, Sec.1.)

7.44.02.04 Permit for peddler/solicitors. In addition to the principal permit, each peddler or solicitor acting for the principal shall also obtain a permit from the City before peddling or soliciting within the city. The cost to obtain a peddler/solicitor permit is \$20.00. In applying for the permit each applicant shall provide the following:

1. The name of the principal applicant for whom they are going to act as a peddler or solicitor
2. The name, address, and telephone number of the person who is going to act as a peddler or solicitor, and in addition, they must also provide photo identification.
3. A signed statement under oath that the person applying to be a peddler/solicitor has not been convicted of felonies or any misdemeanors involving theft, sexual offenses, or violence.
4. A criminal background check authorization form giving the City of Clarksville authorization to perform a criminal background check. A permit will not be issued to any peddler or solicitor that has been convicted of any of the offenses set out above nor in prison during the last five years. The fee for the background check is \$75.00 for each peddler or solicitor.
5. For international students or other persons without United States Citizenship and working with a valid visa or other government-issued identification, a copy of the visa or other valid documentation and a nationwide crime index/background check will be performed by the city. (Ord. No. 16-764, Sec.1.)

7.44.02.05 Prohibition. It is unlawful for any solicitor or peddler to:

1. Peddle or solicit within the city without having a copy of this section on their person, as well as a copy of their permit issued by the City Clerk, as well as photo identification visible, which is provided by the principal, identifying the person peddling or soliciting Enter upon any private residence, knock on the door, ring the doorbell, or otherwise attempt to gain admittance at the residence when the premises' owner or tenant has posted at the primary entrance of the residence a decal or sign bearing the words "*no soliciting/no peddling" "no peddlers," "no solicitors," "no trespassing," or other words of similar import
3. Conduct the activities of peddler or solicitor and knock on the door, ring the doorbell, or otherwise attempt to gain admittance at the residence after sunset to 10:00 a.m.
4. Remain at the private residence when requested to leave, or to otherwise conduct business in a manner which a reasonable person would find obscene, threatening, intimidating or abusive.
5. Make any false or misleading statements about the product or service being sold, including untrue statements of endorsement
6. Claim to have the endorsement of the city based on the city having issued a permit to that person.
7. Fail to disclose his or her name and the name of the principal whom he represents at the outset of the initial conversation
8. Fail to immediately leave the premises or residence after having been asked by the owner or occupant thereof to do so. (Ord. No. 16-764, Sec.1.)

7.44.02.06 Exemptions.

1. Officers or employees of the City, County, State or Federal government, or any subdivision thereof shall be exempt from the requirements of this section when on official business.
2. A representative or employee of a newspaper of general circulation in Clarksville may leave a sample current copy of the newspaper with subscription information near the door of a private residence without being a "solicitor" as long as the representative/employee makes no efforts at that time to contact or speak with the resident. (Ord. No. 16-764, Sec.1.)

7.44.02.07 Free permits for nonprofit corporations not seeking donations. After supplying adequate proof to the city that the non-profit charitable organization is a charity with a current § 501 (c)(3) IRS exception, the City may issue the permits required by this section without charge to the persons desiring to exercise their free speech rights as long as no solicitations or donations are made and no donations accepted. (Ord. No. 16-764, Sec.1.)

7.44.02.08 Permits waived for political and religious free speech and for children through high school senior status.

1. Permits are waived for political or religious free speech allowing for the following:
 - a. Anyone going door to door is prohibited from going to the door of a citizen who has posted a "no solicitation" type sign.
 - b. They may only go door to door during the daytime/evening hours allowed in Section 7.44.02.05.
2. Children through high school senior status must abide by the restrictions found in Section 7.44.02.05. (Ord. No. 16-764, Sec.1.)

7.44.03 Revocation of permit Any permit issued pursuant to the provision of this section may be suspended or revoked for good cause by the City. Good cause for such suspension or revocation shall any violation of this section.

Examples of grounds that could support suspension or revocation of permit:

1. Valid complaints from residents.
2. Determining that you are in violation of the permit requirements.
3. You are operating in violation of any federal or state law or city ordinances.
4. The permit was procured through fraud or misrepresentation. (Ord. No. 16-764, Sec.1.)

7.44.04 Notice If the City has reason to believe that grounds exist that could justify the suspension or revocation of your permit, the City Clerk or his representative, shall mail a letter, by first class mail, to the Business Mailing Address shown on the application notifying the business owner of the possible grounds to suspend or revoke the permit. The letter will set a due

process hearing to be held not less than five (5) nor more than ten (10) business days from date of letter. The Clerk shall also telephone the business owner using the Business Phone number provided on the Application and provide the same information as is within the letter. (Ord. No. 16-764, Sec.1.)

7.44.05 Conduct of the Due Process Hearing.

1. The City shall provide a committee consisting of the Mayor or his representative, the City Clerk or her representative, and a resident of the City chosen at large. The city will provide reasonable space for the due process hearing and shall receive evidence from city employees or others about the grounds to suspend or revoke the permit.
2. The Permit Holder shall then be granted an opportunity to explain or provide evidence to rebut any allegations and to show why the permit should not be suspended or revoked.
3. After the Permit Holder has had a reasonable opportunity to explain his side, the Committee can do one of the following, depending on their judgement concerning the seriousness of any proven ground:
 - a. Revoke the Permit.
 - b. Suspend the Permit for not more than thirty (30) days.
 - c. Place the Permit Holder on probation status for not more than ninety (90) days on condition that the grounds causing the problems be remedied by the permit holder and not allowed to reoccur. If the Permit Holder complies with the probation, the probation status shall be lifted and no further action shall be taken. If the Committee determines that the business license owner has failed to correct the problems or new grounds for suspension or revocation have occurred, the Committee shall conduct a second due process hearing and consider all previous evidence as to whether or not the permit should be suspended or revoked.
 - d. Refuse to revoke or suspend the permit which shall remain valid. Any complaint about the events leading to the hearing shall not be considered again. (Ord. No. 16-764, Sec.1.)

7.44.06 Appeal to City Council Any person or entity whose permit has been suspended or revoked pursuant to 7.44.05, may appeal such suspension or revocation to the City Council by providing the City Clerk's Office with a written appeal. The City Council will review and conduct a hearing within ten business days of receipt of appeal. The permit owner may be present to present evidence and explanations as to why the permit should not be suspended or revoked. The City Council will then make one of the following determinations:

1. Determine their permit should be suspended for not more than thirty (30) days.
2. Determine their permit should be revoked.
3. Determine that no suspension or revocation is warranted. (Ord. No. 16-764, Sec.1.)

7.44.07 Penalty No business or other entity who is required by this chapter to obtain a

permit, shall operate without having and making available to the public a valid and current City of Clarksville Door to Door Solicitation Permit. Operating without a permit or operating in violation of any section of this code, shall be punishable by a fine of \$250.00 per day Each day a violation occurs is considered a separate offense. (Ord. No. 16-764, Sec.1.)

CHAPTER 7.52

FALSE FIRE AND BURGLAR ALARMS

Sections:

- | | |
|---------|----------------|
| 7.52.01 | Fire alarms |
| 7.52.02 | Burglar alarms |

7.52.01 Fire alarms Any entity, whether an individual or business, which has a fire alarm system shall be allowed to report three (3) false alarms per year without incurring any penalty. For every false alarm over three (3) per year permitted, said entity shall be fined Four Hundred Dollars (\$400.00), said sum being calculated to cover the cost incurred by the city in responding to said alarm. (Ord. No. 248, Sec. 1.)

7.52.02 Burglar alarms Each entity, whether an individual or a or business, which has a burglar alarm system shall be allowed to report two (2) false burglar alarms per month without incurring any penalty. For every false burglar alarm over the two (2) per month permitted, said entity shall be fined Fifty Dollars (\$50.00). (Ord. No. 99-398, Sec. 1.)

CHAPTER 7.56

SALES TAX ON HOTELS AND MOTELS

Sections:

- 7.56.01 Tax is levied
7.56.02 Collected by Commission

7.56.01 Tax is levied

- A. A tax of one percent (1%) is hereby levied on the portion of the gross receipts or gross proceeds received from the renting, leasing or otherwise furnishing of hotel, motel or short term condominium rental accommodations for sleeping, meeting or party room facilities for profit in the city of Clarksville, Arkansas, but such accommodations shall not include the rental or lease of such accommodations for periods of thirty (30) days or more; and
- B. A tax of one percent (1%) is hereby levied on the portion of the gross receipts or gross proceeds received by restaurants, cafes, cafeterias, delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store delis, and similar businesses from the sale of prepared food and beverages for on or off-premises consumption, except that such tax shall not apply to such gross receipts or gross proceeds of fraternal organizations qualified under Section 501 c(3) Internal Revenue Code. (A.C.A 16-75-602(a)(1)(A)(d)(1)(B). (Ord. No. 364, Sec. 1.)

7.56.02 Collected by Commission

- A. The one percent (1%) tax described in this ordinance hereof shall be paid by the persons, firms and corporations liable therefore and shall be collected by the Advertising and Promotion Commission of the city (hereinafter the "Commission"), or by a designated agent of the Commission, in the same manner and at the same time as the tax levied by the Arkansas Gross Receipts Act. A.C.A. 26-52-101, et seq. (A.C.A. 26-75-603(a)(1).
- B. The person paying the tax shall report and remit said tax on forms provided by the Commission and as directed by the Commission. The rules, regulations, forms of notice, assessment procedures, and the enforcement and collection of the tax under the Arkansas Gross Receipts Act shall, so far as is practicable, be applicable with respect to the enforcement and all actions shall be by, and through the proper Commission officials or agents. (A.C.A. 26-75-603(b).

- C. The tax levied by this article shall be collected from the purchaser or user of the food or accommodation by the person selling such food or furnishing such accommodation. Such person shall pay to the city by the 20th day of each month all collections of the tax for the preceding month, accompanied by reports on forms to be prescribed the Commission. (Ord. No. 364, Sec. 2.)

CHAPTER 7.60

ADVERTISING AND PROMOTION COMMISSION

Sections:

- 7.60.01 Commission
- 7.60.02 Use for local taxes

7.60.01 Commission created

- A. The membership of the Advertising and Promotion Commission consists of seven (7) members. Four (4) of those members are to be hotel, motel or restaurant owners or managers, two (2) are to be members of the City Council, and one (1) is to be from the public at large. (Ord. No. 15-748.)
- B. The members of the commission shall reside within the City of Clarksville, Arkansas, provided however, that should the Council be unable to fill the commission with qualified members who reside within the corporate limits of the City of Clarksville two (2) of the four (4) members selected from the hotel, motel, or restaurant owners or managers category may reside outside the corporate limits of the City of Clarksville, Arkansas, provided that they reside in Johnson County, Arkansas. (Ord. No. 15-748.)
- C. The four (4) hotel, motel, or restaurant members at the first meeting of the Commission, shall draw lots for terms so that:
 - 1. one (1) member shall serve for a term of one (1) year;
 - 2. one (1) member shall serve for a term of two (2) years;
 - 3. one (1) member shall serve for a term of three (3) years;
 - 1. one (1) member shall serve for a term of four (4) years;

All successors to these members shall be appointed for terms of four (4) years. (A.C.A. 26-75-605(b)(10)(2)(3)(4). (Ord. No. 364, Sec. 3.)

7.60.02 Use for local taxes All local taxes collected pursuant to this ordinance shall be used for the following purposes. The use or pledge of all, or any part of, the revenues derived from the tax for the purposes prescribed in this ordinance for the construction, reconstruction, repair maintenance, improvement, equipping, and operation of public recreation facilities. This revenue shall be used or pledged for the purposes authorized in this ordinance only upon the recommendation of the Commission and the approval of the Mayor and City Council. (A.C.A. 26-75-606(a)(1)(2)(3)(b) (Ord. No. 364, Sec. 4.)

CHAPTER 7.64

SIGNS

Sections:

- 7.64.01 Ord. No. 2001-425 repealed
- 7.64.02 Restrictions

7.64.01 Ord. No. 2001-425 repealed Ord. No 2001-425 which declared a temporary moratorium on the placement of signs exceeding ten (10) feet in height and on the placement of all billboards within the city limits of the city of Clarksville is hereby amended as follows:

- A. The provisions of Ord. No. 2001-425 are hereby repealed with the exception that there shall be no commercial billboards in the city limits of the city of Clarksville, Arkansas, other than those to be located in the Interstate 40 corridor, controlled by the state of Arkansas. Commercial billboards shall be permitted in that corridor only.

- B. Definitions:

Billboards: Any outdoor device or apparatus which is for lease or rent and is to be used for displaying, painting, messaging, or placing of placards, posters, or any other thing, with the purpose of displaying advertising, or informing the public of an establishment, contents of an establishment, its goods, or its services. (Ord. No. 2001-433, Sec. 1.)

7.64.02 Restrictions No sign shall be erected within the city limits of Clarksville which places a mobile home, shed, automobile, truck vehicle of any kind or any other like items on a pedestal pole of similar display that elevates the item more than three (3) feet above ground level. This ordinance is designed to control only the placement of the above listed and like items on poles, pedestals, etc., and is not designed to regulate actual signs, their size, lettering, coloring or other aspects of actual signage. (Ord. No. 325, Sec. 1.)

CHAPTER 7.68

SALE OF ALCOHOLIC BEVERAGES

Sections:

- | | |
|---------|-------|
| 7.68.01 | Times |
| 7.68.02 | Fine |

7.68.01 Times It shall be unlawful for any facility that serves alcoholic beverages to sell, offer for sale, or give away any alcoholic beverages, beer or wine before the hour of 10:00 a.m. and after the hour of 2:00 a.m. (Ord. No. 2004-495, Sec. 1.)

7.68.02 Fine Any facility that violates this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand dollars (\$1,000.00). (Ord. No. 2004-495, Sec. 2.)

CHAPTER 7.69

PRIVATE CLUB PERMIT

Sections:

- | | |
|---------|---|
| 7.69.01 | Title |
| 7.69.02 | Authority |
| 7.69.03 | Definitions |
| 7.69.04 | Permits Required |
| 7.69.05 | Application for Private Club Permits |
| 7.69.06 | Right of the City to Inspect Records |
| 7.69.07 | Fraud and Misrepresentation by Applicant |
| 7.69.08 | Payment of Fee |
| 7.69.09 | Business Opening Within One (1) Year From Permit; Issuance Required |
| 7.69.10 | Effect of Failure to Operate For One (1) Year |
| 7.69.11 | Dispensing Alcoholic Beverages Outside of Permitted Premises |
| 7.69.12 | Same Payment Dates, Proration |

7.69.13	Term of Permit
7.69.14	Transferability of Permits
7.69.15	Notice of Transfer of Business
7.69.16	Display of Permit
7.69.17	Suspension or Revocation of Permit
7.69.18	Type of Permit Covered by Ordinance and Hours of Operation
7.69.19	Levy of Alcoholic Beverage Supplemental Tax Under the Authority of A.C.A. §3-9-223(b)(1)
7.69.20	Levy of Alcoholic Beverage Supplemental Tax Under the Authority of A.C.A. §3-9-223(b)(2)
7.69.21	Penalty
7.69.22	Cumulative to Other City Taxes and Fees
7.69.23	Permit Application Approved

7.69.01 Title The title of this ordinance shall be “The Private Club Permit Ordinance for the City of Clarksville, Arkansas. (Ord. No. 22-885, Sec. 1)

7.69.02 Authority This ordinance is passed pursuant to the authority granted to the City of Clarksville by the State of Arkansas under A.C.A. §3-9-201 et seq, and specifically Act 1112 of 2017. (Ord. No. 22-885, Sec. 2)

7.69.03 Definitions

- a. **Alcoholic Beverage** – Means all intoxicating liquors of any sort, including beer and wine.
- b. **City** – Means the City of Clarksville, Arkansas.
- c. **Controlled Beverages** – Means all beverages of any kind subject to regulation under alcoholic beverage control law of the State of Arkansas and this ordinance.
- d. **On-Premise Consumption** – Means the sale or dispensing of alcohol by the drink or in broken or unsealed containers for consumption on the premise where sold or dispensed.
- e. **Permit** – Means any authorization issued by any law passed by the General Assembly of the State of Arkansas; the Alcoholic Beverage Control Division of the State of Arkansas or by the City pursuant to any Arkansas Alcoholic Beverage Control Division regulation or this ordinance whether described as a permit, license, or otherwise.
- f. **Permittee** – Means the person to whom a permit or license to sell, dispense, or distribute alcohol has been granted.
- g. **Person** – Means any natural person, partnership, association, corporation, syndicate, or company.
- h. **Police Chief** – Means the Chief of Police of the Clarksville Police Department or his/her designee.
- i. **Private Club** – Means a non-profit corporation organized and existing under the laws of this state authorized to serve alcohol by the State of Arkansas and the Alcoholic Beverage Control Division.

- j. **State** – Means the State of Arkansas.
(Ord. No. 22-885, Sec. 3)

7.69.04 Permits Required

- a. It shall be unlawful for any person to engage in the business of distributing, selling, or dispensing within any private club for on-premises consumption, any controlled beverage, within the City without a permit issued by the City, or with an expired permit.
- b. Only one location per application. (Ord. No. 22-885, Sec. 4)

7.69.05 Application for Private Club Permits

- a. An application for a private club permit required by this section 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 private club permit application. A copy of the private club permit application will be available at the City Clerk's office and on the City's website.
- b. Only one location per application.
- c. The application shall be submitted to the City of Clarksville City Clerk with a one-time, non-refundable application fee in the amount of one-thousand five hundred dollars (\$1500). This fee is separate from any licensing fees which may later be due to the City of Clarksville to operate a business in the City of Clarksville.
- d. No city permit will be issued until approved by the City Council.
- e. It shall be unlawful for any person to make any false statement or representation in any application required by this section or to give any false answer to any question contained therein.
- f. It shall be unlawful to operate a private club or sell alcoholic beverages for on-premises consumption in the City of Clarksville before being permitted by the appropriate state agency.
- g. Permits required by this section shall run for one (1) calendar year. Annual permit renewal fees of \$250.00 shall be due and payable starting December 1st thru December 31st of each year for the succeeding year beginning January 1st.
- h. The City will not issue or renew any permits pursuant to this section until all outstanding supplemental beverage taxes, if applicable, are paid.
- i. All permits issued by the City pursuant to this section shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the State for State permits.
- j. All fees, taxes, and penalties received by the City pursuant to this chapter shall be used for general purposes within the City of Clarksville pursuant to A.C.A. §3-9-223(f).

- k. Permits shall not be transferrable or assignable unless and until approval is granted by the Alcoholic Beverage Control Division and notice is provided to the City of Clarksville and all other requirements of this ordinance are met.
- l. A City permit, if granted, shall be specific to the proposed location and to the applicant listed in the application. (Ord. No. 22-885, Sec. 5)

7.69.06 Right of the City to Inspect Records The City Clerk or their designee of the City shall have the right to inspect and examine the records of any permittee subject to any tax or permit fee based on the gross sales 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, and Section 1.70(37). (Ord. No. 22-885, Sec. 6)

7.69.07 Fraud and Misrepresentation by Applicant

- a. Any person who acquires a permit or a renewal of the same in violation of this Section 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 this ordinance.
- 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. (Ord. No. 22-885, Sec. 7)

7.69.08 Payment of Fee

- a. The permit fee must be paid on the date of the delivery of the application to the city.
- b. The permit fee shall be paid to the City Clerk. (Ord. No. 22-885, Sec. 8)

7.69.09 Business Opening Within One (1) Year From Permit; Issuance Required All holders of permits shall, within one (1) year 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 one (1) year period shall serve as the automatic forfeiture and cancellation of the unused permit, and no refund of permit fee shall be made to the permit holder. The Clarksville City Council may authorize an extension of this time period in increments of ninety (90) days in the event of special circumstances as determined by the Clarksville City Council. (Ord. No. 22-885, Sec. 9)

7.69.10 Effect of Failure to Operate For One (1) Year Any holder of a permit who shall begin the operation of the business and dispensing the products as authorized by the permit who should fail to open the establishment and begin business as referred to above within the one (1) year period shall serve as automatic forfeiture and cancellation of the unused permit, unless an extension is granted pursuant to Section 9, and no refund of permit fee shall be made to the permit holder. (Ord. No. 22-885, Sec. 10)

7.69.11 Dispensing Alcoholic Beverages Outside of Permitted 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 permitted for such. (Ord. No. 22-885, Sec. 11)

7.69.12 Same Payment Dates, Proration All permit fees shall be paid between December 1st and December 31st of each year. Permits obtained after July 1st 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. (Ord. No. 22-885, Sec. 12)

7.69.13 Term of Permit No permit shall be issued for more than the remainder of the calendar year, and all shall expire at midnight, December 31st 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. (Ord. No. 22-885, Sec. 13)

7.69.14 Transferability of Permits

- a. Permits shall not be transferable, except as otherwise provided herein.
- b. All applicants for transfer of locations shall comply with the provisions herein set forth governing new permits. (Ord. No. 22-885, Sec. 14)

7.69.15 Notice of Transfer of Business Should any permit holder make a request to the Alcoholic Beverage Control Division to transfer their permit to another location, individual, or organization, the City Clerk and the Police Chief shall be notified in writing of such request within seven (7) days. (Ord. No. 22-885, Sec. 15)

7.69.16 Display of Permit Every person or organization issued a permit pursuant to this section shall be required to display this permit in the same location as is displayed the State Controlled Beverage permit. (Ord. No. 22-885, Sec. 16)

7.69.17 Suspension or Revocation of Permit

- a. Whenever the State shall revoke a 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. Should any person, firm or corporation that operates a business which is subject to the requirements of the City of Clarksville Tax Ordinance No. 22-885, as amended, and its enabling statutes, fail to obtain any permits required for that type of business, then the City Alcohol Beverage Permit shall thereupon be automatically revoked.
- c. Should any person, firm or corporation that operates a business which is subject to the requirements of Ordinance No. 22-885, as amended, and its enabling statutes, become subject to unsatisfied certificates of indebtedness filed pursuant to the

City of Clarksville ordinances and statutes, then the City Alcohol Beverage Permit shall thereupon be automatically revoked. (Ord. No. 22-885, Sec. 17)

7.69.18 Type of Permit Covered by Ordinance and Hours of Operation

- a. **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.
- b. **Hours of operation.** Hours of operation shall be in conformance with the state statute, including Title 3 of the Arkansas Code relating to Alcoholic Beverages. (Ord. No. 22-885, Sec. 18)

7.69.19 Levy of Alcoholic Beverage Supplemental Tax Under the Authority of A.C.A. § 3-9-223(b)(1)

- a. There is hereby imposed and levied under the authority of A.C.A. § 3-9-223(b)(1) a City tax of five percent (5%) upon the annual gross proceeds or annual gross receipts which are derived by such private club from charges to the members or their guests for the following services drawn from the private stocks of the members as provided for in A.C.A. § 3-9-221, for consumption only on the premises where served:
 - (1) For the preparation and serving of mixed drinks, and
 - (2) For the cooling and serving of beer, light wine, and wine.
- b. The city's supplemental tax in this Section is in addition to the state supplemental tax on private clubs and shall be paid to the City Treasurer of the City, shall be due monthly at the same time that the state supplemental tax is due, and shall be accompanied by one (1) copy of the state supplemental tax return. If any permittee shall fail to remit the City supplemental tax within the time-period that the state supplemental tax is due, a penalty of ten percent (10%) of the supplemental tax due shall be due and payable in addition to the supplemental tax. (Ord. No. 22-885, Sec. 19)

7.69.20 Levy of Alcoholic Beverage Supplemental Tax Under the Authority of A.C.A. § 3-9-223(b)(2)

- a. In addition to Section 19, there is hereby imposed and levied under the authority of A.C.A. § 3-9-223(b)(2) a City supplemental tax of two percent (2%) upon the annual gross receipts which are derived by such private club from charges to the members or their guests for the following drawn from the private stocks of the members as provided for in A.C.A. § 3-9-221, for consumption only on the premises where served:

(1) For the preparation and serving of mixed drinks.

- b. The city's supplemental tax in this Section is in addition to the state supplemental tax on private clubs and shall be paid to the City Treasurer of the City, shall be due monthly at the same time that the state supplemental tax is due, and shall be accompanied by one (1) copy of the state supplemental tax return. If any permittee shall fail to remit the City supplemental tax within the time period that the state supplemental tax is due, a penalty of ten percent (10%) of the supplemental tax due shall be due payable in addition to the supplemental tax. (Ord. No. 22-885, Sec. 20)

7.69.21 Penalty

- a. Any person violating the provisions of this Ordinance or any person who makes a false affidavit or statement or report or application to the City as part of the procedures of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction be fined a sum, up to, but not exceeding:

- (1) One thousand dollars (\$1,000.00) for the first offense.
 (2) Two thousand dollars (\$2,000.00) for the second offense.
 (3) Four thousand dollars (\$4,000.00) for each subsequent offense after the second offense.
 (4) Plus, court costs and applicable fees.

- b. If it is found that any violation of this Ordinance is found to be continuous in respect to time, the fine or penalty for allowing the continuous thereof, in violation of this Ordinance, shall not exceed five hundred dollars (\$500.00) for each day that it is unlawfully continued, plus court costs and applicable fees. (Ord. No. 22-885, Sec. 21)

7.69.22 Cumulative to Other City Taxes and Fees The fees and taxes assessed by this ordinance shall in no way bar collection for any other federal, state, or city taxes or fees. (Ord. No. 22-885, Sec. 22)

7.69.23 Permit Application Approved

1. That the application for private club permit is hereby approved for Michael B. Powell, as president for Bent Canoe, Inc., located at 1100 East Main Street, Clarksville, Arkansas. (Ord. No. 20-846, Sec. 1)

That no private club operations will begin unless and until a permit operate a private club is issued by the Arkansas Alcoholic Beverage Division. (Ord. No. 20-846, Sec. 2)

That the approval and permit are subject to suspension or revocation by the City in the event Michael B. Powell or Bent Canoe, Inc., violates Clarksville ordinances pertaining to private club permits or State Law. (Ord. No. 20-846, Sec. 3)

CHAPTER 7.72

SEXUALLY ORIENTED BUSINESSES

Sections:

7.72.01	Rationale and findings
7.72.02	Definitions
7.72.03	Classifications
7.72.04	License required
7.72.05	Issuance of license
7.72.06	Fees
7.72.07	Inspection

7.72.08	Expiration of license
7.72.09	Suspension
7.72.10	Revocation
7.72.11	Hearing; license denial, suspension, revocation; appeal
7.72.12	Transfer of license
7.72.13	Hours of operation
7.72.14	Regulations pertaining to exhibition of sexually explicit films on premises
7.72.15	Loitering and exterior lighting and monitoring requirements
7.72.16	Penalties and enforcement
7.72.17	Applicability of ordinance to existing businesses
7.72.18	Prohibited activities
7.72.19	Scienter required to prove violation or business licensee liability
7.72.20	Failure of city of Clarksville, Arkansas to meet time frame not to risk applicant/licensee rights
7.72.21	Location of sexually oriented businesses

7.72.01 Rationale and findings

- A. Purpose It is the purpose of this section to regulate sexually oriented businesses in order to promote the health, safety, moral and general welfare of the citizens of the city of Clarksville, Arkansas, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city of Clarksville, Arkansas. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
- B. Findings and rationale Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Clarksville City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.* 124 S.Ct. 2219 (June 7, 2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986) *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); and *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F. 3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. c. Village of Somerset*, 316 F. 3d 702 (7th Cir. 2003); *H and A Land Corp. v. City of Kennedale, TX*, 480 F.3d 336)5th Cir. 2000)

And based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Houston, Texas – 1983, 1997; Phoenix, Arizona – 1979, 1995-98; Chattanooga Tennessee – 1999-2003; Minneapolis, Minnesota – 1980; Los Angeles, California – 1997; Whittier, California – 1978; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Littleton, Colorado 2004; Oklahoma City, Oklahoma – 1986; Dallas, Texas – 1997; Greensboro, North Carolina – 2003; Amarillo, Texas – 1997; New York New York Times Square – 1994; and Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, state of Minnesota), the Association of Adult Businesses with Secondary Effects; Legal Doctrine, Social Theory and Empirical Evidence, (Alan C. Weinstein and Richard McCleary, 2011); Rural Hotspots – The case of Adult Businesses, (Richard McCleary, 2008); Do “Offsite” Adult Businesses Have Secondary Effect: Legal Doctrine, Social Theory and Empirical Evidence, (Richard McCleary and Alan C. Weinstein, 2009); Stigma management of male and female customers to a non-urban adult novelty store (Kristen Hefley 2006); Survey of Florida Appraisers, Effects of Land uses on market values Palm Beach County, Florida, (Duncan and Associates, 2008); Survey of Texas Appraisers, Secondary Effects of Sexually Oriented Businesses on market value, (Connie B. Coger FAICP and Eric Damian Kelly, Ph.D., FAICP, 2008); Survey of Appraisers, Fort Worth and Dallas – Effects of Land Uses on Surrounding Property Values, City of Fort Worth, Texas (Duncan and Associates, 2004). (Ord. No. 2013-694, Sec. 1.)

The Clarksville City Council finds:

- A. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.
- B. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented business, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.

- C. Each of the foregoing negative secondary effects constitutes a harm which the city of Clarksville, Arkansas, has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city of Clarksville, Arkansas's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city of Clarksville, Arkansas's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city of Clarksville, Arkansas finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects. (Ord. No. 2013-694, Sec. 1.)

7.72.02 Definitions For the purposes of this ordinance, the words and phrases defined in the sections hereunder shall have the meanings herein respectively ascribed to them unless a different meaning is clearly indicated by the context.

Adult bookstore or Adult video store means a commercial establishment which as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following: books magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities or specified anatomical areas."

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear semi-nude.

Adult motel means a motel, hotel, or similar commercial establishment which:

- A. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the display of "specified sexual activities" or "specified anatomical areas"; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- B. offers a sleeping room for rent for a period of time that is less than 10 hours; or
- C. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult motion picture theater means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

Characterized by means describing the essential character or quality of an item. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-18 or R by the Motion Picture Association of America.

Employ, employee and employment describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time or part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Enforcement Officer means the city of Clarksville, Arkansas' Police Chief.

Establish or establishment shall mean and include any of the following:

- A. The opening or commencement of any sexually oriented business as a new business;
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- C. The addition of any sexually oriented business to any other existing sexually oriented business.

Hearing body shall mean the City Council of the city of Clarksville, Arkansas.

Influential interest means any of the following

- A. the actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business,
- B. ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business, or
- C. holding an office (e.g., president, vice-president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

Licensee shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In case of an "employee," it shall mean the person in whose name the sexually oriented business employee license has been issued.

Municipality body means the City Council of the city of Clarksville, Arkansas.

Municipality type means city of Clarksville, Arkansas.

Nudity or a state of nudity means the showing of the human male or female genitals, public area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operate or cause to operate shall mean to cause to function or to put or keep in a state of doing business. "Operator" means any person on the premises of a sexually oriented business who causes that business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part-owner, or licensee of the business.

Person shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a business license pursuant to 7.56.04 of this ordinance.

Principal purpose means that the commercial establishment:

- A. has a substantial portion of its displayed merchandise which consists of said items, or
- B. has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or
- C. has a substantial portion of the retail value of its displayed merchandise which consists of said items, or
- D. derives a substantial portion of its revenues from the sale or rental, for any form of consideration of said items; or
- E. maintains a substantial section of its interior business space for the sale or rental or said items; or
- F. maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

Regularly means and refers to the consistent and repeated doing of the act so described.

Semi-nude model studio means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a modeling class operated:

- A. By a college, junior college, or university supported entirely or partly by taxation;
- B. By a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or
- C. In a structure:
 - 1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - 2. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

Semi-nude or state of semi-nudity means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at the point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Sexual device means any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or service, nor shall this definition be construed to include commercial establishments which do not restrict access to any portion of their premises by reason of age.

Sexual encounter center shall mean a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact

in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is semi-nude.

Sexually oriented business means an "adult bookstore or adult video store," and "adult cabaret," an "adult motel," an "adult motion picture theater," a "semi-nude model studio," "sexual device shop," or a "sexual encounter center."

Specified anatomical areas means and includes:

- A. Less than completely and opaquely covered; human genitals, public region, buttock; and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal activity means:

- A. any of the following specified crimes for which less than five years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
 - 1. Sex crimes as defined in A.C.A. 5-14-101, *et seq.*
 - 2. Prostitution crimes as defined in A.C.A. 5-70-101, *et seq.*
 - 3. Obscenity crimes as defined in A.C.A. 5-68-101, *et seq.*
 - 4. Drug crimes as defined in A.C.A. 5-64-101, *et seq.*
 - 5. Racketeering as defined in A.C.A. 5-74-101, *et seq.*
- B. any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- C. any offense in another jurisdiction that, had the predicate act(s) been committed in Arkansas, would have constituted any of the foregoing offenses.

Specified sexual activity means any of the following:

- A. intercourse, oral copulation, masturbation or sodomy; or
- B. excretory functions as a part of or in connection with any of the activities described in (A) above.

Substantial means at least thirty-five percent (35%) of the item(s) so modified.

Transfer of ownership or control of a sexually oriented business shall mean any of the following:

- A. the sale, lease, or sub-lease of the business;
- B. The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means, or
- C. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Viewing room shall mean the room, booth, or area where a patrol of sexually oriented business would ordinarily be positioned while watching a film, video cassette, or other video reproduction. (Ord. No. 2006-534, Sec. 2.)

7.72.03 Classification The classifications for sexually oriented businesses shall be as follows:

- A. Adult bookstores or adult video stores;
- B. Adult cabarets;
- C. Adult motel;
- D. Adult motion picture theater;
- E. Semi-nude model studio;
- F. Sexual device shop;
- G. Sexual encounter center. (Ord. No. 2006-534, Sec. 3.)

7.72.04 License required

- A. It shall be unlawful for any person to operate a sexually oriented business in the city of Clarksville without a valid sexually oriented business license.
- B. It shall be unlawful for any person to be an "employee" as defined in this ordinance, of a sexually oriented business in the city of Clarksville without a valid sexually oriented business employee license.
- C. An applicant for a sexually oriented business license or sexually oriented business employee license shall be filed in person at the office of the city of Clarksville Police Chief. Application will be made on a form provided by the Chief of Police. The application shall be signed as required by subsection (3) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in section 1 through 7 below, accompanied by the appropriate fee identified in section 6.

1. The applicant's full true name and any other names used by the applicants in the preceding five (5) years.
2. Current business address or another mailing address of the applicant.
3. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
4. If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.
5. If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.
6. A statement of whether an applicant has been convicted of or has pled guilty or *nolo contendere* to a specified criminal activity as defined in this ordinance, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
7. A statement of whether any sexually oriented business in which applicant has had an influential interest, has, in the previous five (5) years (and at the time during which the applicant had the influential interest):
 - a. been declared by a court of law to be a nuisance; or
 - b. been subject to a court order of closure or padlocking.

The information provided pursuant to section 1 through 7 of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the Clarksville Police Chief within ten (10) working days of change of circumstances which would render the information originally submitted false or incomplete.

- D. An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply with section 14 and 18 of

this ordinance shall submit a diagram indicating that the interior configuration meets the requirements of those sections.

- E. If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant. Each applicant must be qualified under section 5 and each applicant shall be considered a licensee if a license is granted.
- F. The information provided by an applicant in connection with an application for a license under this ordinance shall be maintained by the office of the Clarksville Police Chief on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by court order. (Ord. No. 2006-534, Sec. 4.)

7.72.05 Issuance of license

- A. Upon the filing of a completed application under 7.72.04 (C) sexually oriented business license, the Clarksville Police Chief shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the city of Clarksville, Arkansas, to deny or grant an annual license. Within twenty (20) days of the filing date of a completed sexually oriented business license application, the Clarksville Chief of Police shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The Clarksville Chief of Police shall issue a license unless:
 - 1. An applicant is less than eighteen (18) years of age.
 - 2. An applicant has failed to provide information as required by 7.72.04 for issuance of a license or has falsely answered a question or request for information on the application form.
 - 3. The license application fee required by this ordinance has not been paid.
 - 4. The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements of this ordinance or is not in compliance with locational requirements of this ordinance or the locational requirements of any other part of the city of Clarksville Code.
 - 5. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):

- a. been declared by a court of law to be a nuisance; or
 - b. been subject to an order of closure or padlocking.
 6. An applicant has been convicted of or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this ordinance.
- B. Upon the filing of a completed application under 7.72.04 (C) for a sexually oriented business employee license, the Clarksville Police Chief shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the city of Clarksville, Arkansas, to deny or grant an annual license. Within twenty (20) days of the filing date of a completed sexually oriented business employee license application, the Chief of Police shall either issue a license or issue a written notice of intent to deny a license to the applicant. The Chief of Police shall approve the issuance of a license unless:
1. The applicant is less than eighteen (18) years of age.
 2. The applicant has failed to provide information as required by 7.72.04 for issuance of a license or has falsely answered a question or request for information of the application form.
 3. The license application fee required by this ordinance has not been paid.
 4. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest).
 - a. been declared by a court of law to be a nuisance; or
 - b. been subject to an order of closure or padlocking.
 5. The applicant has been convicted of or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this ordinance.
- C. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing. (Ord. No. 2006-534, Sec. 5.)

7.72.06 Fees The initial license and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as follows: Three Hundred Dollars (\$300.00) for the initial fee for a sexually oriented business license and Three Hundred Dollars (\$300.00) for annual renewal; Seventy-Five Dollars (\$75.00) for the initially sexually oriented business employee license and Seventy-Five Dollars (\$75.00) for the annual renewal. All fees to be paid on or before January 31st of each year. (Ord. No. 2006-534, Sec. 6.)

7.72.07 Inspection

- A. Sexually oriented businesses and sexually oriented business employees shall permit the Chief of Police and his or her agents to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this ordinance, during those times when the sexually oriented business is occupied by patrons or is open to the public. This section shall be narrowly construed by the city of Clarksville, Arkansas, to authorize reasonable inspections of the licensed premises pursuant to this ordinance, but not to authorize a harassing or excessive pattern of inspections.
- B. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation. (Ord. No. 2006-534, Sec. 7.)

7.72.08 Expiration of license

- A. Each license shall remain valid for one calendar year unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in 7.72.04 and 7.72.06.
- B. Application for renewal should be made pursuant to the procedures set forth in 7.72.04 at least ninety (90) days before the expiration date, and when made less than ninety (90) days before the expiration date, the expiration of the license will not be affected. (Ord. No. 2006-534, Sec. 8.)

7.72.09 Suspension

- A. The city of Clarksville, Arkansas, shall issue a written letter of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days if the sexually oriented business license has knowingly violated this ordinance or has knowingly allowed an employee to violate this ordinance.

- B. The city of Clarksville, Arkansas, shall issue a written letter of intent to suspend a sexually oriented business employee license if the employee has knowingly violated this ordinance. (Ord. No. 2006-534, Sec. 9.)

7.72.10 Revocation

- A. The city of Clarksville, Arkansas, shall issue a letter of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if the licensee knowingly violated this ordinance or has knowingly allowed an employee to violate this ordinance and the licensee's license has been suspended within the previous twelve-month (12) period.
- B. The city of Clarksville, Arkansas, shall issue written intent to revoke a sexually oriented business license or a sexually oriented business employee license as applicable, if:
 - 1. The licensee has knowingly given false information in the application for the sexually oriented business license.
 - 2. The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises.
 - 3. The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises.
 - 4. The licensee has knowingly or recklessly operated the sexually oriented business during a period of time when the license was finally suspended or revoked; or
 - 5. The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity to occur in or on the licensed premises.
- C. The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.
- D. When, after the notice and hearing procedure described in 7.72.11, the Clarksville City Council revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for one (1) year from the date revocation becomes effective. (Ord. No. 2006-534, Sec. 10.)

7.72.11 Hearing: denial, revocation, and suspension; appeal

- A. When the Chief of Police issues a written notice of intent to deny, suspend, or revoke a license, the Chief of Police shall immediately send such notice, which shall include the specific grounds under this ordinance for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the Chief of Police for the respondent. The notice shall specify a date, not less than ten (10) days nor more than twenty(20) days after the date the notice is issued on which the Clarksville City Council shall conduct a hearing on the Chief of Police's intent to deny, suspend, or revoke the license.

At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the Chief of Police's witnesses. The Chief of Police shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two (2) days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The Clarksville City Council shall issue a written decision, including specific reasons for the decision pursuant to this ordinance, to the respondent within five (5) days after the hearing.

If the decision is to deny, suspend, or revoke the license, the decision shall not become effective until the thirtieth (30th) day after it is rendered, and the decision shall include a statement advising the respondent of the right to appeal such decision to a court of competent jurisdiction. If the Clarksville City Council's decision finds that no ground exist for denial, suspension, or revocation of the license, the Clarksville City Council shall, contemporaneously with the issuance of the decision, order the Chief of Police to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the Chief of Police shall contemporaneously therewith issue the license to the applicant.

- B. If any court action challenging the Clarksville City Council's decision is initiated, the Clarksville City Council shall prepare and transmit to the court a transcript of the hearing within ten (10) days after receiving written notice of the filing of the court action. The Clarksville City Council shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings. The following shall apply to any sexually oriented business that is in operation as of the effective date of this ordinance. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the city of Clarksville, Arkansas'

enforcement of the denial, suspension or revocation, the city of Clarksville, Arkansas, shall immediately issue the respondent to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the respondent's appeal or other action to restrain or otherwise enjoin the city of Clarksville, Arkansas' enforcement. (Ord. No. 2006-534, Sec. 11.)

7.72.12 Transfer of license A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application. (Ord. No. 2006-534, Sec. 12.)

7.72.13 Hours of operation No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day. (Ord. No. 2006-534, Sec. 13.)

7.72.14 Regulations pertaining to exhibition of sexually explicit films or videos

- A. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
1. Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior or the premises to an accuracy of plus or minus six (6) inches. The Chief of Police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to paragraph 1 of this subsection.
3. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
4. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.
5. It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - a. That the occupancy of viewing rooms is limited to one person
 - b. That sexual activity on the premises is prohibited.
 - c. That the making of openings between viewing rooms is prohibited.
 - d. That violators will be required to leave the premises.
 - e. That violations of subparagraphs (a), (b) and (c) of this paragraph are unlawful
6. It shall be the duty of the operator to enforce the regulations articulated in (5) (a) through (e) above.
7. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure

that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty. (Ord. No.2006-534, Sec. 14.)

7.72.15 Loitering, exterior lighting, visibility, and monitoring requirements

- A. It shall be the duty of the operator of a sexually oriented business to:
 - 1. post conspicuous signs stating that no loitering is permitted on such property;
 - 2. designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every ninety (90) minutes or inspecting such property by use of video cameras and monitors; and
 - 3. provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.
- B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.
- C. No sexually oriented business shall erect a fence, wall, or other barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right-of-way. (Ord. No. 2006-534, Sec. 15.)

7.72.16 Penalties and enforcement

- A. A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be guilty of a Class A misdemeanor, and, upon conviction, shall be punishable by 0 days to 1 years in jail and/or 0 to \$1,000.00 fine. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.

- B. The city of Clarksville, Arkansas' legal counsel is hereby authorized to institute civil proceedings necessary for the enforcement of this ordinance to prosecute, restrain, or correct violations hereof. Such proceedings, including injunction, shall be brought in the name of the city of Clarksville, Arkansas, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this ordinance, or any of the laws or ordinances in force in the city of Clarksville, Arkansas, or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred. (Ord. No. 2006-534, Sec. 16.)

7.72.17 Applicability of ordinance to existing businesses It is unlawful for a sexually oriented business to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations.

- A. It shall be a violation of this ordinance for a patron, employee, or any other person to knowingly or intentionally, in a sexually oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.
- B. It shall be a violation of this ordinance for a person to knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six (6) feet from any patron or customer and on a stage at least eighteen (18) inches from the floor in a room of at least one thousand (1,000) square feet.
- C. It shall be a violation of this ordinance for any employee who regularly appears semi-nude in a sexually oriented business to knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business.
- D. It shall be a violation of this ordinance for any person to sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.
- E. A sign in a form to be prescribed by the Chief of Police, and summarizing the provisions of paragraphs (A), (B), (C) and (D) of this section, shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry. (Ord. No. 2006-534, Sec. 18.)

7.72.19 Scienter required to prove violation or business licensee liability This ordinance does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this ordinance. Notwithstanding anything to the contrary, for the purposes of this ordinance,

an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for the purposes of finding a violation of this ordinance, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act. (Ord. No. 2006-534, Sec. 19.)

7.72.20 Failure of the city of Clarksville, Arkansas, to meet deadline not to risk applicant/licensee rights In the event that a city of Clarksville, Arkansas, official is required to take an act or do a thing pursuant to this ordinance within a prescribed time, and fails to take such act or do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the city of Clarksville, Arkansas, official under this ordinance, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the city of Clarksville, Arkansas, of an applicant or licensee's application for sexually oriented business license or a sexually oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the city of Clarksville, Arkansas' action has passed. (Ord. No. 2006-534, Sec. 20.)

7.72.21 Location of sexually oriented businesses

- A. Sexually oriented businesses shall not be required to obtain a conditional use permit. Sexually oriented businesses shall be permitted subject to the following limitations:
- B. It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city of Clarksville, unless said sexually oriented business is at least:
 - 1. Seven hundred fifty (750) feet from any parcel occupied by another sexually oriented business or by a business licensed by the state of Arkansas to sell alcohol at the premises; and
 - 2. Seven hundred fifty (750) feet from any parcel occupied by a house of worship, licensed day-care center, public or private elementary or secondary school, public bar, or any residence.
- C. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-

of-way associated with any of the land use(s) identified in section A(1) – A(2) above.

- D. Notwithstanding anything to the contrary in the city of Clarksville’s Code, a non-conforming sexually oriented business, lawfully existing in all respects under law prior to the effective date of this ordinance may continue to operate for three (3) years following that date in order to make a reasonable recoupment of its investment in its current location. At the conclusion of said three (3) years, the use will no longer be recognized as a lawful non-conforming use, provided that a non-conforming sexually oriented business may apply for one or more six (6) month extensions of the original three (3) year period upon a showing financial hardship. An application for an initial extension based upon financial hardship (“hardship exception”) shall be made at least sixty (60) days before the conclusion of the aforementioned three year (3 yr.) period. If a hardship extension is granted, subsequent applications or hardship extensions shall be made at least sixty (60) days before the conclusion of the non-conforming sexually oriented business’s current extension period.

- E. An application for a hardship extension shall be filed in writing with the Chief of Police, and shall include evidence of purchase and improvement costs, income earned and lost, depreciation, and costs of relocation. Within ten (10) days after receiving the application, the Chief of Police shall schedule a public hearing on the application before the Clarksville Planning and Zoning Commission, which public hearing shall be conducted within thirty (30) days after the Chief of Police’s receipt of the application. Notice of the time and place of such public hearing shall be published at least ten (10) days before the hearing in a newspaper of general circulation published within the city of Clarksville, Arkansas, and shall contain the particular location for which the hardship extension is requested. The Clarksville Planning and Zoning Commission shall issue a written decision within ten (10) days after the public hearing on the application for a hardship extension. The hardship extension shall be granted upon a showing that the non-conforming sexually oriented business is unable to recoup its investments, made prior to the effective date of this ordinance, in its current location unless the hardship extension is granted.

- F. Exterior portions of sexually oriented businesses.
 - 1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment

2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.
3. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
 - a. The establishment is a part of a commercial multi-unit center; and
 - b. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
4. Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

G. Signage

1. Notwithstanding any other city ordinance, code, or regulation to the contrary, it shall be unlawful for the operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.
2. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
 - a. not contain any flashing lights;
 - b. be a flat plane, rectangular in shape;
 - c. not exceed seventy-five (75) square feet in area; and
 - d. not exceed ten (10) feet in height or ten (10) feet in length.
3. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.

- 4. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
- 5. Secondary signs shall have only one (1) display surface. Such display surface shall:
 - a. be a flat plane, rectangular in shape;
 - b. not exceed twenty (20) square feet in area;
 - c. not exceed five (5) feet in height and four (4) feet in width; and
 - d. be affixed or attached to any wall or door of the enterprise.
- 6. The provisions of item (A) of subsection (2) and subsection (3) and (4) shall also apply to secondary signs. (Ord. No. 2006-534, Sec. 21.)

CHAPTER 7.76

PROHIBITED SUBSTANCES

Sections:

- 7.76.01 Unlawful to sell
- 7.76.02 Unlawful to use
- 7.76.03 Exception
- 7.76.04 Unlawful to ingest
- 7.76.05 Reasonable cause
- 7.76.06 Medical purposes

7.76.01 Unlawful to sell It is hereby declared to be unlawful for any person to give, barter, or sell to a minor, within the city limits of the city of Clarksville, Arkansas:

- A. Salviadinorum or salvinorum A: All parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.
- B. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo(c)chromen-1-ol.....
Some trade or other names: HU-210

- C. 1-Pentyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-018/spice
- D. 1-Butyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-073
- E. N-BENZYLPIPERAZINE.....
Some trade or other names: BZP
- F. 1-(3[triflouromethylphenyl]) piperazine.
Some trade or other names: TFMPP
- G. Or any similar substance.
(Ord. No. 2010-607, Sec. 1.)

7.76.02 Unlawful to use It is unlawful for a minor to use, possess, purchase, or attempt to purchase within the city limits of the city of Clarksville, Arkansas:

- A. Salviadivinorum or salvinorum A: All parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.
- B. (6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo(c)chromen-1-ol.....
Some trade or other names: HU-210
- C. 1-Pentyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-018/spice
- D. 1-Butyl-3-(1-naphthoyl) indole.....
Some trade or other names: JWH-073
- E. N-BENZYLPIPERAZINE.....
Some trade or other names: BZP
- F. 1-(3[triflouromethylphenyl]) piperazine.
Some trade or other names: TFMPP
- G. Or any similar substance.
(Ord. No. 2010-607, Sec. 2.)

7.76.03 Exception It is not an offense under 7.76.02 of this ordinance if

- A. The minor was acting at the direction of an authorized agent of the city of Clarksville to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance to minors;
- B. The minor was acting as an agent of a retail provider within the scope of employment. (Ord. No. 2010-607, Sec. 3.)

7.76.04 Unlawful to ingest It is unlawful for any person to knowingly breathe, inhale or drink any compound, liquid or chemical listed within this ordinance, or a similar substance for the purpose of inducing a condition of intoxication, stupefaction, giddiness, paralysis, irrational behavior, or in any manner, changing, distorting or disturbing the auditory, visual or mental process. (Ord. No. 2010-607, Sec. 4.)

7.76.05 Reasonable cause It is unlawful for any person to knowingly, within the city limits of the city of Clarksville, sell, offer for sale, deliver, give, or possess with the intent to sell, deliver or give to any other person any, compound, liquid or chemical set forth herein, or other substance that will induce a condition of intoxication through breathing or inhalation if he or she has reasonable cause to believe that the compound, liquid or chemical sold, offered for sale, delivered, given or possessed with the intent to sell, or give will be used for the purpose of violating this ordinance. (Ord. No. 2010-607, Sec. 5.)

7.76.06 Medical purposes This ordinance does not apply to any person who commits any act described in this ordinance pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This ordinance likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose. (Ord. No. 2010-607, Sec. 6.)

7.76.07 Fine Any person found to be in violation of this ordinance will be guilty of a misdemeanor and subject to a fine not to exceed One Thousand Dollars (\$1,000.00) for a first offense or up to double that sum for each repetition of such offense. In the event the violation would also be punishable by state law, a term of imprisonment consistent with the comparable state legislation may be imposed by the court. (Ord. No. 2010-607, Sec. 7.)

CHAPTER 7.80

ENTERTAINMENT DISTRICTS ESTABLISHED

Sections:

7.80.01	Creation of Entertainment Districts
7.80.02	Regulations
7.80.03	Permits
7.80.04	Notice

7.80.01 Creation of Entertainment Districts That pursuant to the authority granted by Act 812 of 2019, entertainment districts to be known as the “The Levee Entertainment District” and “The Country Club Entertainment District” (hereinafter individually and collectively referred to as “District”) are hereby created and established within the boundaries as set forth and designated on the maps that are attached as Exhibit A and incorporated by reference. (Ord. No. 23-907, Sec. 1)

7.80.02 Regulations That the following regulations shall apply to and within the District:

(a) Restaurants, bars, Private Clubs within District boundaries, as well as vendors at special events within district boundaries, may serve alcoholic beverages (pursuant to all applicable laws, regulations, licensing, and permits) that may be carried out of the establishment and consumed within the designated boundaries of the District Monday – Friday between the hours of 4:00 p.m. and 10:00 p.m. and Saturday – Sunday between the hours of 10:00 a.m. and 10:00 p.m., as long as the beverage is contained in a designated District cup, which shall not exceed 16 oz. in size and shall be provided by a participating business within the District.

(b) Participating businesses within the District will be required to provide wristbands verifying that the individual has shown valid identification that they are of legal age to consume alcoholic beverages. Individuals without wristbands will not be permitted to consume alcoholic beverages outside of the establishment where the beverage was purchased. Wristbands shall include the name of the establishment that verified legal age.

(c) The boundaries of the District will be designated by signage placed on the sidewalk within the District.

(d) Waste and recycling receptacles will be placed at District boundaries and high traffic areas as needed.

(e) An informational document will be prepared showing the boundaries of the District, participating bars and restaurants, the regulation of the District, and frequently asked questions. This document will be available on the Area Chamber of Commerce and City of Clarksville websites as well as other platforms.

(f) Participating businesses shall not allow alcoholic beverages to be removed from the premises in glass containers and it shall be a violation for any person to possess alcoholic beverages in glass containers on the streets, sidewalks, rights-of-way, and parking lots located within the District.

(g) No alcoholic beverages purchased outside the District are allowed in open containers in the District.

(h) Consumption of alcoholic beverages in a motor vehicle is prohibited. It shall be unlawful for any person to consume any alcoholic beverage while in the confines of a motor vehicle that is located upon any public street, parking lot, or other place in which the public has or is permitted to have access within the District.

(i) No person shall be permitted to leave the District with an open alcoholic beverage container. All unfinished quantities of alcoholic beverages must be properly disposed of prior to the individual leaving the District.

(j) Establishments within the boundaries of the District, including those that do not serve alcoholic beverages, shall clearly indicate their participation in the District with prominently displayed window signage. No individual possessing an alcoholic beverage shall enter an establishment that does not indicate its participation in the District. By failing to display window signage indicating participation, a business within the boundaries of the District is acknowledging that it does not allow District beverages within its premises.

(k) The City of Clarksville shall create, keep, and distribute the official logos and designs for all District cups, wristbands, and signage, etc. Establishments within the boundaries of the District shall procure District cups, wristbands, and signage by coordinating with the City of Clarksville. (Ord. No. 23-907, Sec. 2)

7.80.03 Permits Vendors of special events within the designated entertainment districts who have been authorized to serve alcohol by the Arkansas Beverage Control Division of the Department of Finance and Administration and who also wish to serve alcohol within the entertainment districts as set forth in this Ordinance shall make application to the City for a special event permit at least 60 days prior to the special event taking place within the entertainment districts and receive the approval of the City Council. The City Council shall consider the special event permit(s) during a regular or special meeting of the City Council prior to the special event taking place. Approval of a special event permit under the provisions of this Ordinance shall require a majority vote of the City Council. (Ord. No. 23-907, Sec. 3)

This Ordinance does not diminish the requirements or authority of the Alcoholic Beverage Control Division of the Department of Finance and Administration concerning permits issued within the designated entertainment district, including special event permits and

establishments within the District must comply with all applicable laws and regulations regarding the sale and distribution of alcoholic beverages. (Ord. No. 23-907, Sec. 4)

7.80.04 Notice Pursuant to Ark. Code. Ann. §14-54-1412(b)(4), the City Clerk shall, within ten (10) days from the passage of this Ordinance, provide notice of the creation of this Entertainment District to the Alcoholic Beverage Control Division of the Department of Finance and Administration. (Ord. No. 23-907, Sec. 5)