

ORDINANCE NO. _____

AN ORDINANCE AMENDING NLRMC § 6-40 TO CONFORM WITH ACT 294 OF 2009; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the State of Arkansas recently adopted Act 294 of 2009 authorizing a holder of an on-premises alcohol permit to operate on Sunday between the hours of 10:00 a.m. and 12:00 midnight; and

WHEREAS, Section 6-40 of the North Little Rock Municipal Code (“NLRMC”) presently restricts the on-premise sale of alcohol to the hours of 12:00 noon and 10:00 p.m.; and

WHEREAS, the City should amend Section 6-40 of the NLRMC for the predictable implementation of Act 294 of 2009.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Section 6-40 of the North Little Municipal Code is hereby amended as follows:

Sec. 6-40. Sale of alcoholic beverages by the drink, prohibited times; exceptions.

~~(a)~~ It shall be unlawful for any person to sell, offer for sale or give away any alcoholic beverage by the drink:

- a. Between 2:00 a.m. and 7:00 a.m., Tuesday through Saturday;
- b. ~~At any time on Sunday~~ Between 1:00 a.m. and 10:00 a.m. on Sunday; or
- c. Before 7:00 a.m. Monday morning,

except as such sales are authorized by state law A.C.A. § 3-9-215 and A.C.A. tit. 3, ch. 9, subch. 4 (A.C.A. § 3-9-401 et seq.) and by subsection ~~(b)~~ of this section.

~~(b) Hotels and restaurants that possess a permit for on-premises consumption of alcoholic beverages, and that obtain a state license to do so, may sell alcoholic beverages for on-premises consumption on Sundays between the hours of 12:00 noon and 10:00 p.m.~~

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: Emergency clause. Just as the State of Arkansas has adopted Act 294 of 2009 incorporating an emergency clause to protect business and industry in Arkansas, this City Council finds it is necessary for this ordinance to become effective immediately for the predictable implementation of Act 294.

PASSED:

SPONSOR:

Mayor Patrick H. Hays

APPROVED:

Mayor Patrick H. Hays

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY