

**AN ORDINANCE ESTABLISHING ALCOHOLIC BEVERAGE PERMIT FEES,  
LEVYING TAXES, AND PROCEDURES INSIDE THE MUNICIPAL CORPORATE  
LIMITATIONS OF THE CITY OF LOCKESBURG, ARKANSAS.**

WHEREAS, this ordinance shall be known as the Ordinance Establishing Alcoholic Beverage Licenses Fees, Levying Taxes, and Procedures Inside the Municipal Corporate Limitations of the City of Lockesburg, Arkansas;

WHEREAS, alcohol beverage permits issued to vendors inside the City of Lockesburg, Arkansas must be as authorized by the State of Arkansas and in concert with permits issued by the State and pursuant to these procedures;

**NOW, THEREFORE, BE IT ORDAINED BY THE LOCKESBURG CITY COUNCIL:**

**SECTION I. LICENSE FEE**

(a) *License Fee.* In addition to the permit fee levied by the State of Arkansas, the City of Lockesburg, Arkansas hereby levies the following fees on applicants for permits for on-premises consumption of alcoholic beverages and off-site sales pursuant to the terms of Act 132 of 1969, as amended A.C.A. 3-9-214, to wit:

(b) *Annual License.* An annual license fee in the amount provided in Section I (a) shall be paid to the City of Lockesburg, Arkansas on or before December 31 for the next permit year. The fee for a new permit issued after January 1 shall be pro-rated.

(c) *Beer and Wine Permit.* Any permit issued pursuant to this Section shall include authority to sell beer and native and imported wine as authorized by A.C.A. 3-9-211.

(d) License Fee for all retailers including off-site consumption sales as well as on-site consumption sales shall be a yearly fee of twenty-five dollars (\$25.00).

(e) The permit holder shall provide evidence to the Lockesburg City Clerk to demonstrate his or her sales for the prior year each time he or she renews his application for a permit under this section.

(f) *Violation Notification.* The City Clerk or her designee charged with the duty of collecting the license fee shall notify the director of the ABC of the identity of retailers failing to comply with the provisions of this section. The director shall then notify wholesale dealers to discontinue sales

to delinquent retailers. When the license fee is paid, the City Clerk shall notify the director of the ABC that the retailer has paid the fee. Any wholesaler who continues to sell to a retailer after notification from the director to discontinue sales shall be subject, upon conviction, in the Sevier County District Court, or any other court of competent jurisdiction, to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or any other fine or penalty as may hereafter be enacted by the Lockesburg City Council.

*(g) Permit Required.* Before any person shall be authorized to offer for sale at retail the liquors as defined in A.C.A. Title 3, Subchapter 5 (beer and light wine), he or she shall apply to and secure from the Lockesburg City Clerk a "Retail Beer Alcoholic Beverage Permit." A permit shall not be granted or issued until the retailer exhibits a state permit granted or issued to him by the State ABC. The state permit shall be prima facie evidence of the retailer's right to apply for and purchase a city permit.

## **SECTION II. LICENSE ISSUANCE AND FORM.**

(a) Upon payment of the required permit fees(s) the Lockesburg City Clerk or her designee shall issue an alcoholic beverage permit of the type(s) required herein in a form to be prescribed by the City Clerk. Alcoholic beverage permits shall be effective for a calendar year and must be renewed annually before December 31 for the next year. Alcoholic beverage permit(s) shall be publicly displayed at the location where the alcohol is sold. Alcoholic beverage permits are not transferable. Every permit holder shall comply with all applicable laws and regulations of the State of Arkansas, the ABC and the City of Lockesburg. Alcoholic beverage permits may be revoked or suspended as authorized by law.

## **SECTION III. TAX LEVYING**

(a) *Supplemental Tax.* In addition to the license fees in Section I (a) hereof: the City of Lockesburg, Arkansas hereby levies a supplemental tax of three percent (3%) upon the gross proceeds or gross revenues from all sales of alcoholic beverages made pursuant to the terms of A.C.A. 3-9-214. Said supplemental tax shall be reported and paid to the City of Lockesburg, Arkansas and paid in the same manner at the same time as the gross receipts tax under the Gross Receipts Tax Act of 1941, as amended.

## **SECTION IV. COLLECTION.**

(a) The City Clerk shall develop a procedure for the reporting and collection of the supplemental taxes authorized by this Ordinance.

**SECTION V. LICENSE ISSUANCE AND FORM.**

(a) Upon payment of the required permit fees(s) the Lockesburg City Clerk or her designee shall issue an alcoholic beverage license of the type(s) required herein in a form to be prescribed by the City Clerk. Alcoholic beverage permits shall be effective for a calendar year and must be renewed annually before December 31 for the next year. Alcoholic beverage permit(s) shall be publicly displayed at the location where the alcohol is sold. Alcoholic beverage permits are not transferable. Every permit holder shall comply with all applicable laws and regulations of the State of Arkansas, the ABC and the City of Lockesburg. Alcoholic beverage permits may be revoked or suspended as authorized by law.

**SECTION VI. REPEALED.**

(a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION VII. EFFECTIVE DATE.**

(a) There is a great need for the City of Lockesburg to have the authority to regulate the manufacture and sale of vinous, spirituous or malt liquors within such city; therefore, this ordinance needs to become effective immediately in order for the City of Lockesburg to protect the welfare of the citizens through such regulation. Delaying the enactment of such regulation serves no legitimate public interest. Therefore, an emergency is declared to exist by the City Council, and as a result this Ordinance shall be in full force and effect upon passage and approval.

PASSED THIS 25th DAY OF JANUARY 2021.

**APPROVED:**

  
\_\_\_\_\_  
DANNY RUTH, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
BECKY JEGSTRUP

City of Lockesburg  
Alcohol Beverage Permit  
Retail Beer Off Premises  
*This Is To Certify That*

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**Owner**

**Business Name & Address**

Has paid the amount of \$ 25.00 in accordance with the City's Ordinance # 2021-1 and is hereby authorized to sell retail beer and wine on premises within the corporate limits of the City for the calendar year ending December 31, \_\_\_\_\_

Date Issued \_\_\_\_\_

This form shall be displayed in a

Conspicuous Place

Permit # \_\_\_\_\_

Clerk

Mayor

COPY

This permit is NOT TRANSFERABLE or assignable and may be revoked at any time pursuant to Law.  
This permit shall remain valid until suspended, cancelled, or revoked.