



## **City Requirements for Alcohol Permit**

In addition to the State requirements for an Alcohol Permit, the City of Russellville has some fees and requirements associated with an Alcohol Permit that you need to be aware of as well.

Should the ABC Board approve your Alcohol Permit you will be required to remit an annual fee to the City of Russellville in the amount of \$250.00 on or before January 1<sup>st</sup> of each year. If you receive your Alcohol Permit after January 1<sup>st</sup>, the \$250.00 fee will be prorated for that year. You will also be required to pay a supplemental tax to the City of Russellville in the amount of 5% of the gross proceeds or gross receipts from the sale of mixed drinks, beer or wine. This amount must be remitted to the City at the time you file your Arkansas Excise Tax with the State. A copy of that excise tax form must also accompany the check you send to the City of Russellville. Both of these fees must be sent to City of Russellville, Finance Department, 203 S. Commerce, Russellville, Arkansas, 72801.

The amount of your business permit will also increase should you receive an Alcohol Permit. The amount of your business permit will be based on the number of employees you have plus an additional \$500.00 for serving alcohol in your establishment. This fee will be due annually on or before January 31<sup>st</sup> of each year and will be payable to City of Russellville, Community Development, 203 S. Commerce, Russellville, Arkansas 72801.

Enclosed with this letter are copies of Ordinance #1811 and #1278 which set out the above referenced fees. Should you have any questions regarding these fees please contact our Finance Department at 479-968-2237.

To obtain an application for an Alcohol Permit you must contact the Alcoholic Beverage Control Board in Little Rock at 501-682-1105.

ORDINANCE NO. # 1278

AN ORDINANCE LEVYING A PERMIT FEE AND GROSS RECEIPTS TAX ON PRIVATE CLUBS IN WHICH ALCOHOLIC BEVERAGES MAY BE SERVED WITHIN THE CITY OF RUSSELLVILLE, ARKANSAS, PURSUANT TO THE TERMS AND CONDITIONS OF ACT 132 OF 1969

WHEREAS, Act 132 of 1969, codified in part at Ark. Code Ann. 3-9-223(f), empowers cities and incorporated towns to levy additional permit fees and/or supplemental taxes on private clubs which serve alcoholic beverages; and

WHEREAS, the City desires to levy a permit fee and a supplemental tax in accordance with the terms of said code provisions.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:

SECTION 1. Any private club, as defined by Ark. Code Ann. 3-9-202, in the City of Russellville which applies for and receives a permit from the Alcoholic Beverage Control Board in accordance with Section 10 of Act 132 of 1969 shall pay to the City of Russellville, at the City Treasurer's office, an annual permit fee of \$250.00 on a calendar year basis. An annual renewal fee in the same amount shall be paid to the City Treasurer on or before January 1 of each year. This ordinance shall also apply to all private clubs in existence at the time of the passage of this ordinance.

The fee for permits applied for and received after January 1 of any year shall be prorated on a monthly basis for that particular year.

In addition there is hereby levied a supplemental tax of five per cent (5%) upon the gross proceeds or gross receipts derived by such private club from the charges to members for the serving of mixed drinks or for the cooling and serving of beer and wine for consumption only on the premises where served. Said supplemental tax shall be reported and paid to the City Treasurer in the same manner and at the same time as reported and paid to the Commissioner of Revenues, State of Arkansas. All fees and taxes provided for herein shall be placed in the City's general fund.

SECTION 2: It shall be the duty of the owner (or owners) and/or the manager of said private club to pay this fee on or before February 1 of each calendar year. Those clubs coming into existence within a calendar year shall pay said permit fee within one month of receiving their permit from the Alcoholic Beverage Control Board. Failure to pay said fee to the City of Russellville by the 1st day of February of each calendar year, or within one month of receiving the permit from the Alcoholic Beverage Control Board, shall be considered a misdemeanor offense, and anyone convicted of this offense shall be subject to a fine of between \$25.00 and \$250.00. Each day that the club owner or manager fails to pay said permit fee after the deadline shall be considered a separate offense.

SECTION 3. If any permittee shall fail to remit the supplemental tax on gross receipts within the time provided by said Act 132, a penalty of twenty-five per cent (25%) thereof shall be due and payable. If such taxes, plus penalty, are not paid within thirty (30) days from the due date, the City Council shall direct that the private club's local permit be revoked. Should the local permit be revoked, the City Council shall request that the Director of the Alcohol Beverage Control Division revoke the private club's state permit. Additionally, the city attorney shall seek recovery of all unpaid taxes and penalties due from the private club.

SECTION 4. If any provision of this Ordinance or any word, phrase or paragraph thereof is held invalid, such invalidity shall in no way affect other provisions of this ordinance and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, nothing therein shall be construed as repealing or amending the existing privilege tax ordinances of this City.

SECTION 6. Whereas, various private clubs have been authorized by the State of Arkansas to serve alcoholic beverages for on-premises consumption upon the payment of permit fees and gross receipts taxes as levied by the State of Arkansas and cities affected. And, whereas, certain private clubs in the City of Russellville have been issued permits for such purposes and it is desirable that the City of Russellville's tax and permit fee measure herein contained become effective immediately.

Now, therefore, an emergency is declared to exist and this ordinance being necessary for the preservation of public peace, health and safety shall become effective and be in full force from and after its passage.

PASSED:

  
\_\_\_\_\_  
VERNON HOWARD  
MAYOR

ATTEST:

  
\_\_\_\_\_  
JOHN KROENCKE  
CITY CLERK - *acting*

**ORDINANCE NO. 1811**

**AN ORDINANCE REQUIRING BUSINESSES TO OBTAIN A PERMIT TO OPERATE WITHIN IN THE CITY LIMITS OF RUSSELLVILLE, REPEAL ORDINANCE NOS. 1406 & 1467, AND FOR OTHER PURPOSES**

**WHEREAS**, Ordinance Nos. 1406 and 1467 were adopted to require a “Business Permit” for all persons, partnerships, associations, companies and corporations engaging in operating a business within the city limits of Russellville; and

**WHEREAS**, the City Council has determined it is the best interest of the City of Russellville that these ordinances be repealed and replaced.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS:**

**SECTION 1: Title.** This ordinance shall be known as the City of Russellville Business Permit Ordinance.

**SECTION 2: Authority.** This ordinance is passed pursuant to the authority granted to the City of Russellville by the State of Arkansas under Ark. Code Ann. §§14-43-601, 14-43-602, 14-54-103, 14-55-101, 14-55-102, and 26-77-101 et seq.

**SECTION 3: Definitions.** The following words, terms, and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

**a. *Full-time employees*** means all owners or managers receiving compensation of any kind and all salaried employees and hourly wage employees working over 32 hours per week or working over 1,000 hours per year, and employees compensated by commission, piecework or other manner based upon productivity. Self-employed persons that fall into the criteria mentioned in the preceding line shall also count as full-time employees.

**b. *Part-time employees*** means all employees who do not qualify as full-time employees. For the purpose of the counting part-time employees in determining the permit fee, two (?) part-time employees shall count as one (1) full-time employee.

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- c. *Person* means any individual, partnership, limited liability company, corporation, association, firm, or other entity of any kind.

**SECTION 4: Purpose and Intent.** Pursuant to the authority vested in the City of Russellville by the State of Arkansas, it is the purpose and intent of this ordinance to declare that the carrying on of any trade, business, vocation, or occupation of whatever kind or nature within the corporate limits of the city is hereby declared to be a special privilege. It is also the purpose and intent of the City to require any person who maintains a business location or presence within the city or engages in any trade, business, vocation, or occupation of whatever kind or nature within the corporate limits of the city, regardless of whether or not all functions peculiar to the business are affected within the city, to obtain an annual permit. The purposes of the business permit requirement are to register all businesses; to ascertain the owner or person responsible for the business in case of an emergency; to enhance zoning and code enforcement in all commercial and residential area of the City; and to aid city officers in enforcing other State and local laws.

**SECTION 5: Permit Required.** The City Council of the City of Russellville has determined that it is in the best interest of the City to require that all persons engaging in or operating a business within the city limits of the City of Russellville to obtain an annual business permit prior to engaging in business.

No person shall be permitted to operate nor shall a permit be issued to any business, trade, vocation, or occupation of whatever kind or nature within the city if said person, firm or corporation is in any way indebted to the city of Russellville. Upon application for business permit, all businesses required to collect sales and use taxes under the Arkansas Gross Receipts Act and/or advertising and promotion sales taxes shall provide proof of registration with the applicable authority for the collection of said taxes.

Any person who conducts business at multiple locations such that each location or outlet is a separate business operation, even if a single business name or ownership, shall obtain a business permit for each location.

**SECTION 6: Exemptions.** The following shall be exempt from the provisions of this Ordinance:

- (1) Fall Fest.
- (2) Taste of the Valley
- (3) Valley Fest
- (4) Any other city sponsored festival.

**SECTION 7: Permit Procedures.** All permits required by this ordinance shall be obtained from and issued by the Public Works Department, Building Official Division. Permits shall be issued by the calendar year. Any person carrying on of any business,

trade, vocation, or occupation of whatever kind or nature within the corporate limits of the City of Russellville, Arkansas shall obtain a permit prior to January 31. Any new person carrying on of any business, trade, vocation, or occupation of whatever kind or nature within the corporate limits of the City of Russellville, Arkansas after January 31 shall pay a monthly prorated permit fee.

Applications for business permit renewal will be distributed in December or must be obtained from the Building Official's office. Each application shall be completed by the owner, manager, or person responsible for the operation of the business and returned to the Building Official's office no later than January 31 with the calculated fee. Any business permit not received prior to January 31 shall be delinquent and ten percent (10%) of the unpaid fee shall be added as a penalty for nonpayment. In February of each year, a list of delinquent business permits shall be published once a week for two consecutive weeks in a newspaper having general circulation within the corporate limits of this city. This shall serve as notice of delinquency.

**SECTION 8: Fee Determination.** Any person carrying on of any trade, business, vocation, or occupation of whatever kind or nature within the corporate limits of the city shall pay the associated fee for the permit required by this Ordinance based on the table listed below.

The number of employees that any trade, business, vocation, or occupation of whatever kind or nature employs within the corporate limits of the city shall determine the permit fee and shall be based upon the following schedule:

0-3 employees	\$25.00
4-10 employees	\$50.00
11-25 employees	\$100.00
26-99 employees	\$200.00
100 or more employees	\$400.00

If any trade, business, vocation, or occupation of whatever kind or nature within the corporate limits of the city engages in the business of selling or serving alcohol for retail sales shall pay based on the table above and also an additional \$500.00 for its permit fee.

**SECTION 9: Delinquent Penalty.** If the business permit fee required by this Ordinance is not paid within sixty (60) after such becomes due, it shall be delinquent and a penalty of thirty percent (30%) shall be added to the business permit fee.

**SECTION 10: Transient Merchants.** Persons doing business on a transient or itinerant basis or soliciting sales to the ultimate consumer shall be required to post a performance bond in an amount equal to two thousand five-hundred dollars (\$2,500.00) for the transient or itinerant merchant to conduct business before they shall be permitted

to do business within the corporate limits of the City of Russellville. It is the intent of the City Council that the provisions of this ordinance are in addition to the requirements of Ordinance Nos. 1082 and 1245, relating to Transient Merchants, and that this ordinance in no way replaces or repeals the requirements thereof.

Transient merchants will be required to designate on their permit application the location of their roadside business. No permit shall be issued unless the transient merchant produces, at the time of the application, written permission from the property owner allowing the transient merchant to conduct his business at said location.

**SECTION 11: Itinerant Merchants:** It shall be unlawful for any person not having an established business in the City of Russellville:

(1) to haul or bring into the city, either directly or indirectly, any goods, wares, merchandise, provisions, fruits, or other food products, with the intention of selling or disposing of same from any truck or vehicle, railroad car, room, store, warehouse, building, lot or in any other manner, whatsoever, either at wholesale or retail, without first obtaining a permit for such purpose, as herein provided; or

(2) to solicit orders therefore from house to house, or from store to store, or taking orders for the future delivery thereof, or selling directly or otherwise, at wholesale, retail, without a bona fide intention of selling or disposing of such goods, wares, fish, meats, provision, fruits, food products, or other such property, through a regularly established place of business within the city, without first obtaining a permit for such purpose, as herein provided.

Itinerant merchants, peddlers and other "roadside vendors" will be required to designate on their permit application the location of their roadside business. No permit shall be issued unless the roadside vendor produces, at the time of the application, written permission from the property owner allowing the vendor to conduct his business at said location.

**SECTION 12: Garage/Yard Sales.** Property owners shall be allowed to, on a limited basis, carry on the sale of merchandise in the form of garage sales, porch sales, rummage sales or any similar type sales as long as the provisions of this ordinance are followed.

The property sold at the sale must be personal property owned by the person or persons conducting said sale, and shall not be property that was purchased for the purpose of resale. No permit shall be required for a garage sale or other similar sale. Said sales shall be for a maximum of three (3) days and no person shall engage in garage sales of this nature more than three (3) times per year.

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No signs advertising said sale will be placed on utility poles, trees or street right-of-way and no such signs will be placed on private property without written authorization by the owner of said private property. Any signs put up shall be removed within twenty-four (24) hours after termination of sale.

**SECTION 13: Permit Revocation.** If any holder of a business permit is found to be in violation of the provisions of this ordinance; to be maintaining a nuisance or unsanitary premises; to be engaging in or permitting disorderly conduct on the premises where the business is permitted; or to be found violating the City's Zoning or Land Subdivision and Development Codes, the Code Enforcement Officer is hereby authorized to serve notice of the city's intention to revoke such license. No new business permit shall be issued to the former permittee, and, the former permittee, their heirs, successors and assigns, shall not operate the same or similar business within the city until such condition which led to the revocation is corrected.

**SECTION 14: Enforcement.** The city code enforcement officer, building official working under the direction of the Director of Public Works, and police officers working under the direction of the Chief of Police are hereby authorized to enforce the provisions of this ordinance.

**SECTION 15: Non-transferable.** No permit issued under this ordinance shall be transferred, except from one location to another location, and no permit shall be transferred in any event from one business to another.

**SECTION 16: Display.** Each permit shall be posted in a conspicuous place where such business is carried on and the holder of such permit shall immediately show the same to any officer of the city upon being requested to do so.

**SECTION 17: Penalties.** Any person violating the provisions of this ordinance and/or any person who makes false affidavit or statement or report or application to the city as a part of the procedures of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be fined in an amount not more than \$500.00. If a violation is found to be continuing in nature, then the fine shall be not more than \$250.00 for each day the violation is found to have occurred.

**SECTION 18: Severability.** The provisions of this ordinance are hereby declared to be severable, and if any provision shall for any reason be declared by a court of competent jurisdiction to be illegal or invalid, such holding shall not affect the validity of the remainder of this ordinance.

**SECTION 19: Repealer.** All ordinance or parts of ordinance in conflict with this ordinance including Ordinance Nos. 1406 and 1467 are hereby repealed.

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**SECTION 20: Effective Date.** This ordinance shall become effective thirty (30) days after passage and publication.

ORDAINED, this 20<sup>th</sup> day of November, 2003.

Raye Turner  
Raye Turner, Mayor

Attest:

Kathy Collins  
Kathy Collins, City Clerk



Approved as to form:

Trey Smith  
Trey Smith, City Attorney

CLERK'S CERTIFICATE OF RECORD  
STATE OF ARKANSAS - COUNTY OF POPE  
I, FERN TUCKER, Circuit Clerk and Recorder of the County aforesaid do  
hereby certify that this instrument was filed for record the 05 day of  
Nov 2003 at 2:30 o'clock P, and the same is now duly  
recorded in Record Book 03-91-162-67 Page          Witness my  
hand and the seal of said court this the 05 day of Nov 2003  
Fern Tucker - Circuit Clerk and Recorder  
By Virginia Lee Grayson



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