

AN ORDINANCE ESTABLISHING A PERMANENT CHAFFEE CROSSING ENTERTAINMENT DISTRICT AND RULES RELATED THERETO WITHIN THE CITY OF FORT SMITH AS AUTHORIZED BY ACT 812 OF 2019; PROVIDING FOR THE REPEAL OF ANY ORDINANCE IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

WHEREAS, the 92nd Arkansas General Assembly enacted Act 812 of 2019 authorizing the establishment of designated entertainment districts to promote hospitality and tourism and establish areas of a city or town that highlight restaurant, entertainment, and hospitality options; and

WHEREAS, such designated entertainment districts may be established in contiguous areas of the city that are customarily used for commercial purposes and contain any combination of restaurants, taprooms, taverns, entertainment establishments, hospitality establishments, music venues, theaters, bars, art galleries, art studios, tourist destinations, distilleries, dance clubs, cinemas, or concert halls; and

WHEREAS, it is the intent of this ordinance to designate a specific Permanent Entertainment District with a defined footprint.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Fort Smith, Arkansas, that:

Section 1. Permanent Entertainment Districts. There is hereby designated a permanent entertainment district pursuant to A.C.A. Section 14-54-1412(b) specifically designated as The Chaffee Crossing Entertainment District as depicted on the Exhibit A to this ordinance, which is hereby incorporated herein, and further defined as follows:

- a. All public rights-of-way adjacent to and all of that area contained within the boundaries of Taylor Avenue on the northeast, Fort Chaffee Boulevard on the east, Ward Avenue on the south, and Terry Street on the west and northwest; and
- b. All public rights-of-way adjacent to and all of that area contained within the boundaries of Ward Avenue on the north, the railroad right-of-way between Fort Chaffee Boulevard and Collier Street on the east, Darby Avenue on the south, and Terry Street on the west; and
- c. All public and private rights-of-way adjacent to and all of that area contained within the boundaries of Darby Avenue on the north, Ellis Street on the east, Sagebrush Lane on the south, and Terry Street on the west; and
- d. All public and private rights-of-way adjacent to and all of that area contained within the boundaries of Darby Avenue on the north, Fort Chaffee Boulevard on the east, Roberts Boulevard on the south, and Ellis Street on the west; and
- e. The area contained within the boundary described as follows:

Part of the Northwest Quarter of the Northeast Quarter, Section 9, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas. Being more particularly described as follows:

Commencing at the northeast corner of said Section 9, said point being marked with an existing railroad spike; Thence along the north line of said Northeast Quarter, N87°17'45"W, 849.97 feet to a point on the easterly right-of-way line of Fort Chaffee Boulevard as described in Document Number 2014F-16552, being filed for record November 25, 2014; Thence along said easterly right-of-way line, S44°05'07"W, 1016.83 feet to the Point of Beginning, said point being marked with an existing 1/2" rebar with cap stamped MWC 1369; Thence leaving said easterly right-of-way line, S45°48'31"E, 71.63 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence S44°02'24"W, 329.98 feet to an existing 1/2" rebar with cap stamped MWC 1369; Thence N45°48'31"W, 71.89 feet to a point on said easterly right-of-way line, said point being marked with an existing 1/2" rebar with cap stamped MWC 1369; Thence along said easterly right-of-way line, N44°05'07"E, 329.98 feet to the Point of Beginning. Containing 0.54 acres, more or less.

Section 2. The following rules shall apply to the permanent entertainment district known and designated as The Chaffee Crossing Entertainment District:

- a. Alcoholic beverages lawfully sold by an establishment within the designated entertainment district properly licensed for the sale of alcoholic beverages are permitted for consumption within the permanent entertainment district and adjacent public rights-of-way, subject to the rules established by this ordinance.
- b. All alcoholic beverages sold as allowable for consumption within the permanent entertainment district shall be in a paper or plastic cup, no larger than 16 fluid ounces in size, on which the names or logos of the participating establishments and/or any specific event has been commercially or professionally printed. All participating establishments shall use the same cup design, which may be redesigned or modified from time to time to reflect a date, year, event or a change in color.
- c. No alcoholic beverages in bottles, glass, or cans are permitted for consumption outside of licensed establishments in the permanent entertainment district except where such may be permitted by specific license or permit authorized by the State of Arkansas Division of Alcoholic Beverage Control.
- d. No person shall be in possession of more than one alcoholic beverage at any time.
- e. Consumption or possession of an alcoholic beverage is not permitted in or on a vehicle parked in any public right-of-way within any permanent entertainment district.
- f. The physical boundaries of the permanent entertainment district shall be clearly marked with pavement markings and/or signage. The public, including law enforcement, must be able to clearly discern when patrons are entering or exiting the entertainment district.
- g. These rules and provisions regarding a permanent entertainment district are not intended to and do not supersede, eliminate or otherwise impede the enforcement or conditional permitting of any other state or local law or regulation regarding the sale or consumption of alcohol or alcoholic beverages. For instance, rules against public intoxication or any other related offense are applicable to permanent entertainment districts.

- h. The hours of operation for The Chaffee Crossing Entertainment District shall be seven days per week from 10:00 a.m. to 12:00 a.m. Midnight each day.
- i. Participating businesses shall utilize a unique (in color or design) wristband for each day of the week. Wristbands will be issued upon verifying the patron is at least 21 years of age, and patrons must wear the wristband in order to carry alcoholic the beverage about the entertainment district.

Section 3. Temporary Entertainment District. There is hereby designated a temporary entertainment district pursuant to A.C.A. Section 14-54-1412(b) within the same footprint as described in Section 1, but which must be activated for hours of operation outside of those hours of operation established for Permanent Entertainment Districts in Section 3, but no later than 2:00 a.m.. Such Temporary Entertainment District must specify its dates and hours of operation in its Special Events Permit application process, and all other rules of Section 2 apply to the Temporary Entertainment District when activated.

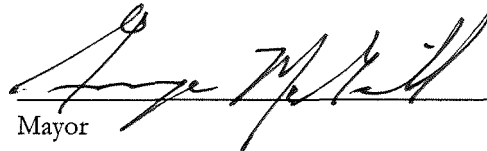
Section 4. If any portion of this ordinance is deemed to be in conflict with a previously existing city ordinance, such previously existing ordinance is hereby repealed to the extent necessary to resolve such conflict.

Section 5. If any provision of this ordinance is determined to be invalid due to the application of law, such invalidity shall not affect the validity of other provisions of this ordinance and, to that end, the provisions of this ordinance shall be deemed severable.

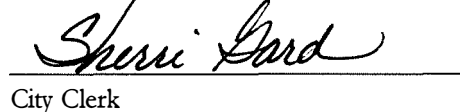
Section 6. Recognizing the negative impact that the COVID19 pandemic has had on local business and the importance of this action as a way to help improve the economic situation of the businesses affected, an emergency is hereby declared and this ordinance shall take effect immediately upon its adoption and approval.

ADOPTED this 1st day of September, 2020.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:

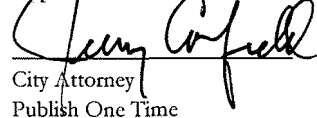
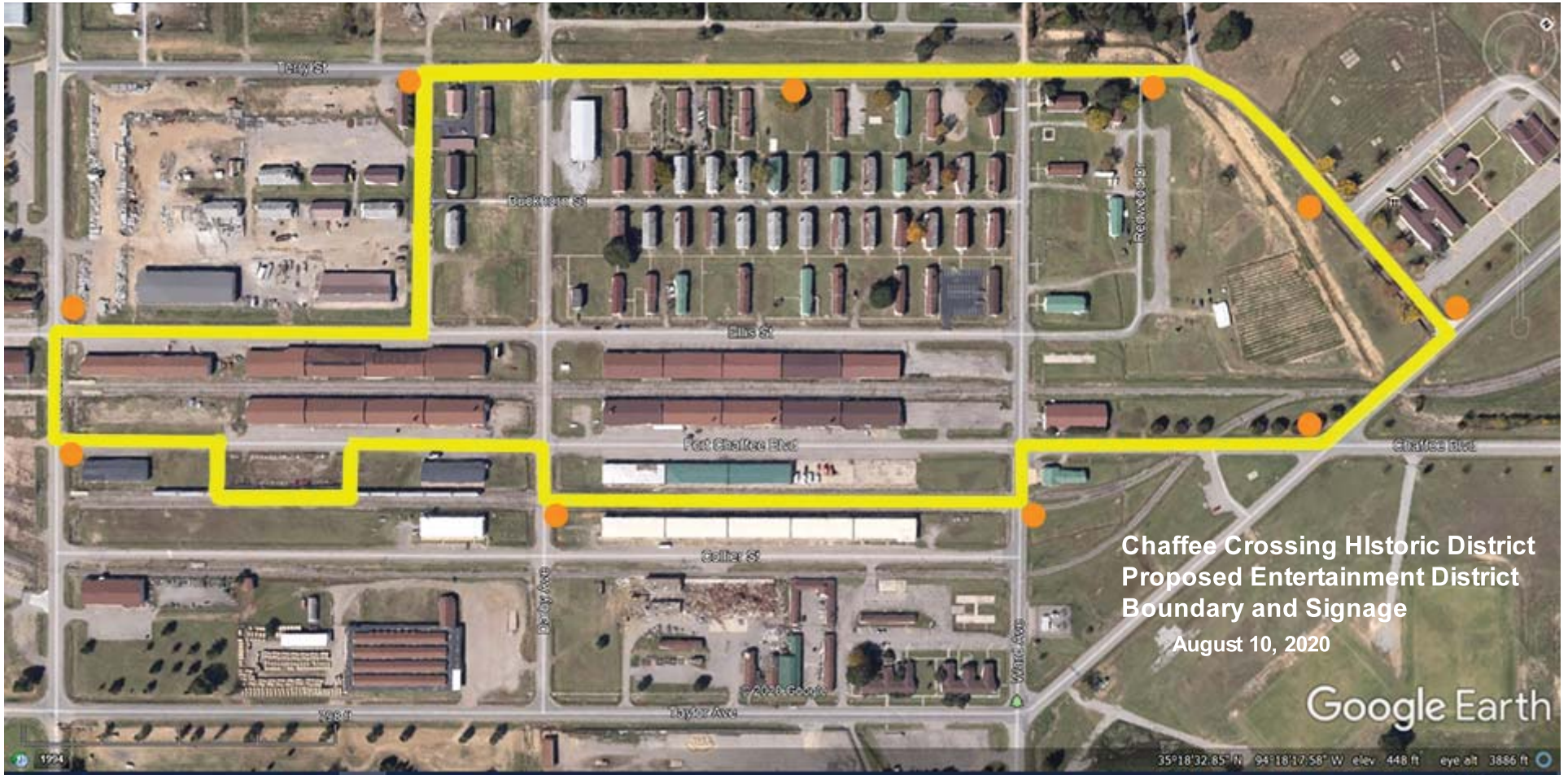

City Attorney
Publish One Time

Exhibit A
Chaffee Crossing Entertainment District



Chaffee Crossing Historic District
Proposed Entertainment District
Boundary and Signage

August 10, 2020

Google Earth