

ORDINANCE NO. 67-20

AN ORDINANCE ESTABLISHING A PERMANENT ENTERTAINMENT DISTRICT AND RULES RELATED THERETO WITHIN THE CITY OF FORT SMITH AS AUTHORIZED BY ACT 812 OF 2019; AND PROVIDING A SEVERABILITY CLAUSE

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 Hub at Chaffee Crossing Entertainment District and defined as follows:

- a. The area consisting of the private mixed-use development located immediately north of the intersection of R.A. Young Drive and Wells Lake Road in Fort Smith, including the public street rights-of-way adjacent to said private property, as more particularly shown on Exhibit A (a map) which is incorporated herein.

Section 2. The following rules shall apply to all permanent entertainment districts:

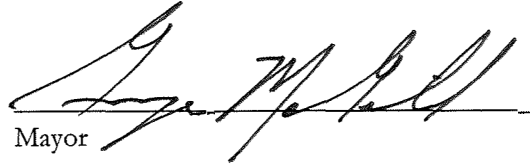
- a. Alcoholic beverages lawfully sold by an establishment within the designated entertainment district properly licensed for the sale of alcoholic beverages are permitted for consumption within the permanent entertainment district and adjacent public rights-of-way.
- b. All alcoholic beverages sold 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 name or logo of the establishment or event has been commercially or professionally printed.

- c. No alcoholic beverages in bottles, glass, or cans are permitted for sale or consumption outside of establishments in the permanent entertainment district.
- 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 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.

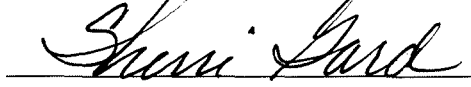
Section 3. If any provision of this ordinance is determined to be invalid due to the application of law, such invalidity shall not affect the validity of other provisions of this ordinance and, to that end, the provisions of this ordinance shall be deemed severable.

ADOPTED this 4th day of August, 2020.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney
Publish One Time

Exhibit A



 The HUB Entertainment District