

ORDINANCE NO. 21-34

AN ORDINANCE ESTABLISHING AN ENTERTAINMENT DISTRICT TO BE KNOWN AS THE RAILYARD ENTERTAINMENT DISTRICT; ESTABLISHING THE STANDARDS FOR THE RAILYARD ENTERTAINMENT DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Act 812 of 2019, codified at Ark. Code Ann. §14-54-1412, authorizes cities, collecting a gross receipts tax on prepared food or hotel and motel accommodation and located in a county authorized to sell alcoholic beverages, to create a designated entertainment district in contiguous areas zoned for or customarily used for commercial purposes;

WHEREAS, Said Act also allows cities to set reasonable standards for the regulation of alcohol possession within the boundaries of the district;

WHEREAS, the creation of this district is intended to promote tourism within the City, and to highlight local restaurant, nightlife, entertainment, and hospitality options; and

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to create a permanent designated entertainment district to be known as the “Railyard Entertainment District”, subject to the regulations set forth in this Ordinance.

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

Section 1: That pursuant to the authority granted by Act 812 of 2019, an entertainment district to be known as the Railyard Entertainment District (“District”) is hereby created and established within the boundaries as set forth and designated on the map that is attached as Exhibit A and incorporated by reference;

Section 2: That the following regulations shall apply to and within the District:

- (a) Restaurants, bars, and breweries within District boundaries, as well as vendors at special events within District boundaries, may serve alcoholic beverages (pursuant to all applicable laws, regulations, licensing, and permits) that may be carried out of the establishment and consumed within the designated boundaries of the District Monday – Friday between the hours of 4:00 p.m. and 10:00 p.m. and Saturday – Sunday between the hours of 10:00 a.m. and 10:00 p.m., as long as the beverage is contained in a designated District cup, which shall not exceed 16 oz. in size and shall be provided by a participating business within the District;
- (b) Participating businesses within the District will be required to provide wristbands verifying that the individual has shown valid identification that they are of legal age to consume alcoholic beverages. Individuals without wristbands will not be permitted to consume alcoholic beverages outside of the establishment where the beverage was purchased. Wristbands shall include the name of the establishment that verified legal age;
- (c) The boundaries of the District will be designated by signage placed on the sidewalk within the District;
- (d) Waste and recycling receptacles will be placed at District boundaries and high traffic areas as needed;
- (e) An informational document will be prepared showing the boundaries of the District, participating bars and restaurants, the regulation of the District, and frequently asked questions. This document will be available on the City of Rogers, Rogers Lowell Area Chamber of Commerce, Visit Rogers, Downtown Rogers Inc., and Go Downtown Rogers websites as well as other platforms;
- (f) Participating businesses shall not allow alcoholic beverages to be removed from the premises in glass containers and it shall be a violation for any person to possess alcoholic beverages in glass containers on the streets, sidewalks, rights-of-way, and parking lots located within the District;

- (g) No alcoholic beverages purchased outside the District are allowed in open containers in the District;
- (h) Consumption of alcoholic beverages in a motor vehicle is prohibited. It shall be unlawful for any person to consume any alcoholic beverage while in the confines of a motor vehicle that is located upon any public street, parking lot, or other place in which the public has or is permitted to have access within the District;
- (i) No person shall be permitted to leave the District with an open alcoholic beverage container. All unfinished quantities of alcoholic beverages must be properly disposed of prior to the individual leaving the District;
- (j) Establishments within the boundaries of the District, including those that do not serve alcoholic beverages, shall clearly indicate their participation in the District with prominently displayed window signage. No individual possessing an alcoholic beverage shall enter an establishment that does not indicate its participation in the District. By failing to display window signage indicating participation, a business within the boundaries of the District is acknowledging that it does not allow District beverages within its premises;
- (k) The City of Rogers Arts & Culture Office shall create, keep, and distribute the official logos and designs for all District cups, wristbands, signage, etc. Establishments within the boundaries of the District shall procure District cups, wristbands, and signage by coordinating with the City of Rogers Arts & Culture Office.

Section 3: This Ordinance does not diminish the requirements or authority of the Alcoholic Beverage Control Division of the Department of Finance and Administration concerning permits issued within the designated entertainment district, including special event permits;

Section 4: Pursuant to Ark. Code. Ann. §14-54-1412(b)(4), the City Clerk shall, within ten (10) days from the passage of this Ordinance, provide notice of the creation of this Entertainment District to the Alcoholic Beverage Control Division of the Department of Finance and Administration;

Section 5: Emergency Clause: The need to make use of the provisions of Act 812 of 2019 and create a permanent Entertainment District, in order to promote the downtown area of the City of Rogers and provide entertainment, hospitality, and dining opportunities to the citizens, is immediate and an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage;

Section 6: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 7: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 27th day of April, 2021

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Community Development Director
Prepared by: Bonnie Bridges, Staff Attorney

Exhibit A 

