

**TITLE XI BUSINESS REGULATIONS  
CHAPTER 111: ALCOHOLIC BEVERAGES**

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## CHAPTER 111: ALCOHOLIC BEVERAGES

### ARTICLE I GENERAL PROVISIONS

#### 111.01 Applicability

- (A) It is hereby declared that the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, serving, or dispensing, either at wholesale or retail, any controlled beverage, except wine, within the City of Fayetteville, is a privilege, and for the exercise of such privilege there are hereby imposed the regulations, requirements, restrictions, fees, and taxes as set forth in this chapter.
- (B) These general provisions shall apply to all permittees in addition to any specific provisions under individual headings for each type of permit.

(Ord. No. 4042, §1, 6-17-97; Code 1991, §111.01)

#### 111.02 Definitions

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words and phrases not specifically defined in this chapter shall have the meanings assigned by Title Three of the Arkansas Code Annotated and/or the Arkansas Alcoholic Beverage Control Division Regulations.

*Alcoholic beverages* means all intoxicating liquors of any sort, other than beer and wine.

*Beer* means any fermented liquor made from malt or any similar substance therefor and having an alcohol content not in excess of 5% or less than one-half of 1% by weight.

*City* means the City of Fayetteville, Arkansas.

*Controlled beverages* means all beverages of any kind subject to regulation under any alcoholic beverage control law of the State of Arkansas and this chapter.

*Hotel* means every building or other structure commonly referred to as a hotel, motel, motor lodge, or by similar name, which is kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers or guests, whether transient, permanent, or residential, in which 50 or more rooms are used for the sleeping accommodations of such

guests and having one or more public dining rooms with adequate and sanitary kitchen facilities, and a seating capacity for at least 50 persons, where meals are regularly served to such guests, such sleeping accommodations and dining room being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation.

*Large attendance facility* means a facility housing convention center activity, or tourism activity, or trade show and product display and related meeting activity, or any similar large meeting or attendance activity, and, either itself or through one or more independent contractors, complies with all of the following:

- (1) Actually serves full and complete meals and food on the premises;
- (2) Has one or more places for food service on premises with a seating capacity for not less than 500 people;
- (3) Employs a sufficient number and kind of employees to serve meals and food on the premises capable of handling at least 500 people; and
- (4) Serves controlled beverages on premises at one or more places only on days that meals and food are served at one or more places on premises.

*Light wine* means the fermented juices of grapes, berries, or fruits and any other mixture containing the fermented juice of grapes, berries, or fruits, having an alcoholic content between one-half of 1% and 5% alcohol by weight.

*Malt beverage products* means any liquor brewed from the fermented juices of grain having an alcoholic content of not less than 5% nor more than 21% by weight.

*Malt liquor* means liquor brewed from the fermented juices of grain.

*Microbrewery-restaurant* means any establishment in which beer, containing not in excess of 5% of alcohol by weight, and/or malt beverage products, containing not in excess of 21% of alcohol by weight, are both brewed and sold at retail in a

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restaurant setting under the same ownership and in the same building or attached buildings.

*On-premises consumption* means the sale of alcoholic beverages by the drink or in broken or unsealed containers for consumption on the premises where sold.

*Permit* means any authorization issued by the Alcoholic Beverage Control Division of the State of Arkansas and/or by the city pursuant to any Arkansas Alcoholic Beverage Control Division regulation and/or this Chapter 111 of the *Code of Fayetteville* whether described as a permit, license or otherwise.

*Permittee* means the person to whom a permit has been issued.

*Person* means any natural person, partnership, association, corporation, syndicate, or company.

*Private club* means a nonprofit corporation organized and existing under the laws of this state, no part of the net revenues of which shall inure directly or indirectly to the benefit of any of its members or any other individual, except for the payment of bona fide expenses of the club's operations, conducted for some common recreational, social, patriotic, political, national, benevolent, athletic, or other nonprofit object or purpose other than the consumption of alcoholic beverages. The nonprofit corporation shall have been in existence for a period of not less than one year before application for a permit. At the time of application for the permit, the nonprofit corporation must have not less than 100 members regularly paying annual dues of not less than \$5.00 per member, and, at the time of application, must own or lease, or be the holder of a buy-sell agreement or offer and acceptance, or have an option to lease a building, property, or space therein for the reasonable comfort and accommodation of its members and their families and guests, and restrict the use of club facilities to such persons.

*Restaurant* means any public place or private place kept, used, maintained, advertised and held out to the public or to a private or restricted membership as a place where complete meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining equipment and a seating capacity of at least 50 people and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests or members. At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations and periods of redecorating. Further, on the day that alcoholic

beverages are served to customers of the outlet, the outlet must also prepare and serve at least one complete meal for consumption on the premises.

*Retailer* means any person who holds a permit under any alcoholic beverage control law of the State of Arkansas to sell at retail controlled beverages to consumers only.

*Spirituos* means liquor distilled from the fermented juices of grains, fruits, or vegetables containing more than 21% alcohol by weight, or any other liquids containing more than 21% alcohol by weight.

*State* means the State of Arkansas.

*Sunday sales* means the sales of alcoholic beverages on Sunday shall be limited to those businesses within the city which possess a current and valid license for the sale of alcoholic beverages issued by the Alcoholic Beverage Control Division.

*Vinous* means the fermented juices of fruits containing more than 5% and not more than 21% alcohol by weight.

*Wholesaler and distributor* means any person who holds a permit under any alcoholic beverage control law of the State of Arkansas to purchase controlled beverages from a manufacturer or importer and to sell such controlled beverages to retailers only.

(Ord. No. 4042, §1, 6-17-97; Code 1991, §111.02)

**\*State law reference(s)**--Alcoholic beverages generally, a/k/a "Arkansas Alcoholic Control Act", A.C.A. §3-1-101 et seq.

### 111.03 Permits Required

- (A) It shall be unlawful for any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing, either at wholesale or retail, any controlled beverage, except wine, within the city without a permit issued by the city, or with an expired permit.
- (B) The provisions of this chapter shall not apply to the manufacture, sale, and distribution of wines or vinous liquors manufactured, sold, and distributed by residents of Arkansas.

(Ord. No. 4042, §1, 6-17-97; Code 1991, §111.03)

**State law reference(s)**--Exempted products, A.C.A. §3-1-103; City and county licenses and taxes, A.C.A. §3-4-202;

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Local permit required, A.C.A. §3-5-211.

### 111.04 Application for Permits

- (A) Application for a permit required by this chapter shall be in writing on a form prescribed by the city and shall be accompanied by the required fee and a copy of the applicant's state permit. No city permit will be issued until applicant has received a state permit.
- (B) It shall be unlawful for any person to make any false statement or representation in any application required by this chapter or to give any false answer to any question contained therein.
- (C) Permits required by this chapter shall be issued in such a manner that they will run for such length of time as the state permit. Annual permit renewal fees shall be due and payable on June 30<sup>th</sup> of each year for the succeeding year beginning July 1<sup>st</sup>.
- (D) The city will not issue or renew any permits pursuant to this chapter until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverage taxes, if applicable, are paid.
- (E) No new permit shall be granted to any person to engage in the sale of liquor at retail, for consumption off the premises, for any business situated within 200 yards of any church or school. The distance shall be measured from the nearest point of the church or school building to the nearest point of the building to be permitted.
- (F) No other permits shall be granted to any person to engage in the business of manufacturing, transporting, storing, handling, receiving, distributing, selling, or dispensing, either at wholesale or retail, any controlled beverage, except wine, for any business situated within 300 feet of any church or school building. The distance shall be measured from the nearest point of the church or school building to the nearest point of the building to be permitted.
- (G) All permits issued by the city pursuant to this chapter shall be prominently displayed on the permitted premises by the permittee in the same manner as required by the state for state permits.
- (H) When any state permit is revoked by the state or required to be returned to the state for any reason, the city permit shall be returned to the city. The city will restore the permit upon proof

that the state permit has been restored to the applicant, provided that no reclaimed permit will be restored to an applicant until all outstanding hotel, motel, and restaurant taxes and/or supplemental beverage taxes, if applicable, are paid.

- (I) All fees, taxes, and penalties received by the city pursuant to this chapter shall be deposited to the credit of general fund revenues.
- (J) Permits shall not be transferable or assignable except as provided by A.C.A. §3-4-103A (Fiduciaries-Continuation of permitted business).

(Ord. No. 4042, §1, 6-17-97; Code 1991, §111.04)

**State law reference(s)**--Fiduciaries--Continuation of permitted business, A.C.A. §3-4-103A; Operation of retail liquor business within 200 yards of church or schoolhouse prohibited; as amended by Act 1072 of 2001, A.C.A. §3-4-206; Transfer or assignment, A.C.A. §3-4-217; Applications-Procedure for acceptance and determination, A.C.A. §3-4-208.

### 111.05 Right Of City To Inspect Records

The city shall have the right to inspect and examine the records of any permittee subject to any tax or permit fee based on gross sales or receipts.

(Ord. No. 4042, §1, 6-17-97; Code 1991, §111.05)

### 111.06 Prohibited Activities/Warning Notice

- (A) Any person to which a controlled beverage permit has been issued shall comply with all laws and regulations of the State of Arkansas, the Alcoholic Beverage Control Division of the State of Arkansas, and the City of Fayetteville regarding the control and regulation of controlled beverages, including but not limited to the following:
  - (1) Purchase by or for minors, sale to minors, or handling by minors prohibited;
    - (a) It shall be unlawful for any person under the age of 21 years to have in his or her possession, to purchase or attempt to purchase, or otherwise obtain any controlled beverages.
    - (b) It shall be unlawful for any person to, knowingly or unknowingly, purchase on behalf of, furnish to, give away to, or otherwise dispose of to any person

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under the age of 21 years any controlled beverages; however, this provision shall not apply to the serving of such to members of one's family or to the use of wine in any religious ceremony or rite in any established church or religion.

- (c) It shall be unlawful for any person engaged in the business of manufacturing, distributing or selling, at wholesale or retail, any controlled beverages to sell, offer for sale, or give away, under any conditions, any such controlled beverages to any person under the age of 21 years. The burden of determining the age of any person shall be upon the seller.
  - (d) It shall be unlawful for any wholesaler, retailer, or transporter of controlled beverages to allow any employee or other person under the age of 21 years of age to have anything whatsoever to do with the sale, transporting or handling of controlled beverages. However, with the written consent of a parent or guardian, persons 18 years of age and older may be employed by licensed liquor and beer wholesalers and by licensed native wineries to handle controlled beverages at the place of business of the licensed wholesaler or wineries.
- (2) A warning notice regarding the sale to, possession or purchase by, or furnishing to minors of controlled beverages shall be posted in a conspicuous place in public view in each place of business where controlled beverages are sold, served or dispensed, including all drive up windows. The warning notices shall be of the size, have the content, and be posted in the manner as prescribed by the Arkansas Alcoholic Beverage Control Division.
- (B) No person who has received a license under any ordinance of the City of Fayetteville for the sale or dispensing of alcoholic beverages for on-premises consumption including private club licenses shall suffer or permit any person to appear on the licensed premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, nor suffer or permit any female to appear on the premises in such manner or attire as to expose to view any portion

of her breast below the top of the areola or any simulation thereof.

- (C) That no person shall bring into or consume or allow to be brought into or allow to be consumed intoxicants or alcoholic beverages of any kind, in any commercial establishment, or business, which suffers or permits any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals or any simulation thereof, or suffers or permits any female to appear on the premises in such manner or attire as to expose to view any portion of her breast below the top of the areola or any simulation thereof.
- (D) If any person engaged in the sale of controlled beverages in the city shall conduct his place of business in a manner as to constitute a nuisance, the City Council shall revoke the license of such person to sell controlled beverages in the city.
- (E) Any person violating any provision of this ordinance shall be subject to the general penalties as set out in §10.99 of the Code of Fayetteville.

(Ord. No. 4015, 2-4-97; Ord. No. 4016, 2-4-97; Ord. No. 4042, §1, 6-17-97; Ord. No. 4132, §1, 1-5-99)

**State law reference(s)**--Unknowingly furnishing or selling to minor, A.C.A. §3-3-201; Knowingly furnishing or selling to minor, A.C.A. §3-3-203.

**111.07-111.09 Reserved**

**ARTICLE II  
PENALTIES/SUSPENSION/REVOCATION**

**111.10 Furnishing To Or Consumption  
By Minors**

- (A) Any person convicted of knowingly or unknowingly selling, serving, giving, procuring or otherwise furnishing any controlled beverage to any person under 21 years of age shall be deemed guilty of a misdemeanor and shall be fined not less than \$200.00 nor more than \$500.00.
- (B) Any person under the age of 21 years who has in his or her possession, purchases or attempts to purchase, or otherwise obtain any controlled beverage shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$10.00 nor more than

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\$500.00.

(Ord. No. 4042, §1, 6-17-97)

**State law reference(s)**--Unknowingly furnishing or selling to minor, A.C.A. §3-3-201; Knowingly furnishing or selling to minor, A.C.A. §3-3-202; Purchase or possession by minor, A.C.A. §3-3-203.

### 111.11 Operating Without A City Permit

(A) *Beer and light wine.* Any person who sells, serves, barter, exchanges, or gives away beer or light wine without having a valid city permit as provided by this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than \$500.00. Each day of such operation without a valid city permit shall constitute a separate and distinct offense.

(B) *On-premises consumption, including private clubs.* Any person who sells, serves, barter, exchanges, or gives away controlled beverages, except wine, for on-premises consumption without having a valid city permit as provided by this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than \$500.00. Each day of such operation without a valid city permit shall constitute a separate and distinct offense.

(C) *General.* Any person, except as provided in §111.11(A) and (B) above, who sells, serves, barter, exchanges, or gives away controlled beverages, except wine, without having a valid city permit as provided in this chapter shall, upon conviction, be deemed guilty of a misdemeanor and shall be fined not more than \$500.00. Each day of such operation without a valid city permit shall constitute a separate and distinct offense.

(Ord. No. 4042, 6-17-97; Code 1991, §111.11)

**State law reference(s)**--Penalties, A.C.A. §3-5-203; Manufacture, sale, etc., a privilege, A.C.A. §3-5-204.

### 111.12 General Penalty

Except as set forth above, any person violating any provision of this chapter shall be subject to the general penalties as set out in §10.99 of the Code of Fayetteville.

(Ord. No. 4042, 6-17-97; Code 1991, §111.12)

### 111.13 Suspension/Revocation

(A) The City Council may suspend for a period not to

exceed six months or revoke the license of any licensee violating this chapter after due notice to the licensee and an opportunity for the licensee to be heard.

(B) When any license is revoked, no new license shall be issued to the same person within one year of such revocation.

(Ord. No. 4016, 2-4-97; Code 1991, §111.13)

### 111.14-111.19 Reserved

## ARTICLE III TYPES OF PERMITS-FEES-SPECIFIC PROVISIONS-HOURS OF OPERATION

### 111.20 Wholesale

(A) *Wholesale liquor permit.* Authorizes the purchase from licensed manufacturers or importers of spirituous and vinous beverages or malt liquor containing more than five percent alcohol by weight, and the sale of such beverages to persons holding a valid liquor off-premises permit or a hotel, motel or restaurant on-premises consumption permit.

(1) *Permit fee.* There is hereby levied an annual permit fee of \$500.00 for each and every establishment engaged in storing, transporting and/or selling at wholesale any spirituous or vinous (except wine) liquors within the city.

(2) *Hours of operation.* It shall be unlawful for any person to sell, offer for sale, or give away, at wholesale, any spirituous, vinous, or malt liquors before the hours of 6:00 a.m. and after the hour of 11:00 p.m. on weekdays, 12:00 midnight on Friday and Saturday, at any hour on Sunday, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the mayor's or City Council's capacity.

(B) *Wholesale beer and light wine permit.* Authorizes the purchase of beer, light wine or malt liquor from a licensed manufacturer or importer and the sale of such beverages to retailers holding a valid permit to sell beer, light wine or malt liquor for consumption on or off the premises.

(1) *Permit fee.* There is hereby levied an annual permit fee of \$125.00 for each and every

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wholesale dealer, broker or distributor of beer and light wine. (Per A.C.A. § 3-5-101, Wholesalers of beer may sell malt liquor.)

- (2) *Hours of operation.* The authorized hours of operation shall be the same as for wholesale liquor dealers in §111.20(A).
- (3) All wholesale dealers and distributors selling beer and light wine to retail dealers within the city shall provide to the city's accounting division on or before June 30<sup>th</sup> of each year a report of said distributor's total sales of beer and light wine for the previous calendar year to each retailer within the city. No wholesale beer and light wine permit will be renewed until such report has been received by the city.

(Ord. No. 4042, §1, 6-17-97; Code 1991, §111.20)

**State law reference(s)**--Privilege tax--Levy and collection--Exception, A.C.A. §3-5-205A, as amended by Act 1813 of 2001.

**111.21-111.29 Reserved**

**111.30 Retail**

(A) *Retail liquor off-premises permit.* Authorizes the purchase of spirituous and vinous beverages from any person holding a valid wholesale liquor permit and the sale of such beverages at retail to consumers for consumption off the premises; any holder of a liquor off-premises permit may also purchase malt liquors containing more than five percent alcohol by weight from either persons holding a wholesale beer permit or a wholesale liquor permit, and sell such beverages to consumers for consumption off the premises described in the permit.

It shall be unlawful for any person to accept retail orders for any spirituous, vinous, or malt liquors for delivery outside of the premises of the store operated by such person.

- (1) *Permit fee.* There is hereby levied an annual permit fee of \$250.00 for each and every retail liquor dealer engaged in the business of selling or dispensing, at retail any vinous (except wine), spirituous, or malt liquors for off-premises consumption.
- (2) *Hours of operation.* It shall be unlawful for any person to sell or offer to sell any controlled beverages for off-premises

consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday and at any hour on Sunday, on Christmas Day, or during any 24-hour period designated an emergency by the Mayor or the City Council.

(B) *Retail beer and light wine off-premises permit.* Authorizes the purchase of beer, light wine, or malt liquor containing less than five percent alcohol by weight from wholesalers holding a valid permit and the sale of such controlled beverages for consumption off the premises described in the permit.

(1) *Permit fee.* For the privilege of selling beer and light wine, at retail, for off premises consumption, there is hereby levied an annual permit fee as follows:

- (a) For a retailer whose annual gross sales of beer and/or light wine do not exceed \$1,000.00, the permit fee shall be \$15.00.
- (b) For a retailer whose annual gross sales of beer and/or light wine exceed \$1,000.00, the permit fee shall be \$15.00 plus one-half cent for each dollar of gross sales in excess of \$1,000.00.
- (c) The permit fee for a new applicant with no sales history shall be \$40.00.
- (d) For the purpose of renewing an existing permit, annual sales shall be the actual gross sales for the previous calendar year. If the permittee has not been in operation for a full year at December 31<sup>st</sup> of the previous year, annual sales shall be determined by dividing the total actual sales by the number of months of operation and multiplying the result by 12.
- (e) If a new permit was issued between January 1st and June 30th, the first renewal rate (due on June 30th of the issue year) shall be \$40.00.

(2) *Hours of operation.* It shall be unlawful for any person to sell or offer to sell beer or light wine for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday, at any

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hour on Sunday, on Christmas Day, or during any 24-hour period designated an emergency by the Mayor or City Council.

(C) *Retail beer and light wine on-premises permit.* Authorizes the purchase of beer, light wine, or malt liquor containing less than five percent alcohol by weight from a wholesaler holding a valid permit and the sale of such controlled beverages for consumption on or off the premises described in the permit.

(1) *Permit fee.* There is hereby levied an annual permit fee of the same amounts and computed in the same manner as the annual fees for retail beer and light wine off-premises in §111.30(B) above.

(2) *Hours of operation.* It shall be unlawful for any person to serve, sell, offer for sale, or give away for consumption on-premises any beer or light wine between the hours of 1:00 a.m. and 7:00 a.m. on Monday through Saturday, on Sunday except during the hours of 10:00 a.m. until midnight, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the Mayor's or the City Council's capacity.

(D) *Private club permit.* Authorizes the purchase of any controlled beverages from persons holding an off-premises retail liquor or beer permit who have been designated by the director of the State Alcoholic Beverage Control Board as a private club distributor, and authorizes the dispensing of such beverages for consumption on the premises of the private club to members and guests only of the private club. (Private clubs holding a retail beer on premises permit may purchase beer, light wine, or malt liquor containing not more than five percent alcohol by weight from holders of valid wholesale beer permits).

(1) *Permit fee.* For the privilege of operating a private club within the city, there is hereby levied an annual permit fee of \$250.00. For any new private club permit issued between January 1st and July 1st, the fee shall be \$125.00.

(2) *Supplemental beverage tax.* In addition to the \$250.00 per year permit fee, there is hereby imposed and levied a city supplemental tax of five percent upon the annual gross receipts which are derived by such private club from charges to the

members and/or their guests for the following services:

(a) For the preparation and serving of mixed drinks, and

(b) For the cooling and serving of beer, light wine, and wine.

The city's supplemental beverage tax is in addition to the state supplemental tax on private clubs and shall be paid to the appropriate city official, shall be due monthly at the same time that the state supplemental tax is due., and shall be accompanied by one copy of the state supplemental tax return. If any permittee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 12½% of the tax due shall be due and payable in addition to the tax.

(3) *Hours of operation.* It shall be unlawful for the owner, operator, or any employee of a private club to serve or permit the consumption of any controlled beverages on the premises of said private club between the hours of 2:00 a.m. and 10:00 a.m. on any day.

(E) *On-premises consumption--Hotel, motel or restaurant permit.* Authorizes the purchase of any controlled beverages from persons holding a valid wholesale permit and the sale of such beverages for consumption on the premises of the restaurant described in the permit or in-room hospitality units of the hotel or motel described in the permit. (Persons holding an on-premises consumption hotel, motel, or restaurant permit are not required to have a retail beer permit).

(1) *Permit fee.* For the privilege of selling controlled beverages for on-premises consumption by hotels, motels, or restaurants, in accordance with A.C.A. §3-9-201, et seq., there is hereby levied annual permit fees in the following applicable amounts:

(a) Hotel or motel having fewer than 100 rooms, \$250.00.

(b) Hotel or motel having 100 or more rooms, \$500.00.

(c) Restaurants having a seating capacity of less than 100 persons, \$250.00

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- (d) Restaurants having a seating capacity of 100 or more persons, \$500.00.
- (e) Any new permit issued for on-premises consumption hotel, motel, or restaurant operations between January 1st and June 30th shall be at one-half the rates shown above.
- (2) *Supplemental beverage tax.* In addition to the annual permit fees for the sale of controlled beverages for on-premises consumption by hotels, motels, or restaurants, there is hereby levied a city supplemental beverage tax of five percent upon the annual gross proceeds or gross receipts from the sale of alcoholic beverages pursuant to this subsection. Wine, beer, light wine, and malt liquors containing less than five percent alcohol by weight, shall not be subject to the supplemental beverage tax.
- The city's supplemental beverage tax is in addition to the state supplemental tax and shall be paid to the appropriate city official, shall be due monthly at the same time that the state supplemental tax is due, and payment shall be accompanied by one copy of the state supplemental tax return.. If any permittee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 12 1/2% of the tax due shall be due and payable in addition to the tax.
- (3) *Hours of operation.* It shall be unlawful for any person holding an on-premises consumption hotel, motel or restaurant permit to sell, offer for sale, serve, give away, or permit consumption of any controlled beverages between the hours of 2:00 a.m. and 10:00 a.m. on Monday through Saturday, on Sunday except between the hours of 10:00 a.m. until midnight, on Christmas Day, or during any 24-hour interval designated an emergency period by the mayor, City Council, or any person acting in the Mayor's or the City Council's capacity.
- (F) *Large attendance facility permit.* Authorizes the sale of all types of controlled beverages by a facility which houses a convention center activity, or tourism activity where such establishment has a seating capacity of not less than 500 people and which serves controlled beverages only on the premises on days that meals and food are served at one or more places on the premises.
- (1) *Permit fee.* There is hereby levied an annual permit fee of \$500.00 for each and every large attendance facility within the city. For any new permit issued between January 1st and June 30th, the permit fee shall be one-half of the above amount.
- (2) *Supplemental beverage tax.* Large attendance facilities shall be subject to the same supplemental beverage taxes, due dates, and penalties as on-premises consumption hotel, motel, or restaurant permittees in §111.30(E).
- (3) *Hours of operation.* The hours of operation for large attendance facility permittees shall be the same as those allowed for on premises consumption hotel, motel, or restaurant permittees in §111.30(E).
- (G) *Off-premises caterer permit.* Authorizes the purchase of alcoholic beverages from a retailer to transport to a private function which is being catered by the permit holder and to serve alcoholic beverages to attendees of the private function in conjunction with catered food.
- (1) *Permit fee.* A permit fee of \$250.00 is levied annually beginning on July 1, 2010. For any new permit issued between January 1st and June 30th (beginning in 2011), the permit fee shall be half of the above amount.
- (2) *May not cater alcoholic beverages to large attendance or meeting facility.* Off-premises caterers as authorized by this section and A.C.A. §3-4-901-905 may not cater alcoholic beverages to the Town Center or other large attendance or meeting facilities. All sales are subject to sales and HMR taxes, but not to supplemental beverage taxes.
- (3) *Hours of operation.* The hours of operation for an off-premises catering permittee shall be the same as those allowed for on-premises consumption hotel, motel, or restaurant permittees in §111.30(E).
- (H) *Restaurant Beer and Wine Permit.* Authorizes a restaurant which has a valid state Restaurant Beer and Wine Permit to obtain a City of Fayetteville Restaurant Beer and Wine Permit for the retail sale of beer and wine pursuant to A.C.A. §3-9-301 and §3-4-1001, *et seq.*

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- (1) Permit fee. There is hereby levied an annual permit fee beginning July 1, 2010, of the same amounts and computed in the same manner as the annual fees for retail beer and light wine off-premises and on-premises permits in subsections (B) and (C) of this section.
- (2) Hours of operation. It shall be unlawful for any restaurant to sell beer or wine through this permit beyond the hours established for the *Retail beer and light wine on-premises permit* of subsection (C).
- (l) *Satellite catering permit to serve large meeting or attendance facility.* Caterers with on-premises consumption – hotel, motel and restaurant permits authorized by subsection (E) may cater alcoholic beverages in the Fayetteville Town Center and other large meeting and attendance facilities as defined in A.C.A. §3-9-202 (8).
  - (1) *Permit fee.* There is hereby levied an annual permit fee for a satellite catering permit of \$250.00. For any new permit issued between January 1<sup>st</sup> and June 30<sup>th</sup>, the permit fee shall be half of the above amount.
  - (2) *Supplemental beverage tax.* Satellite catering activities will be subject to the same supplemental beverage taxes, due dates, and penalties as on-premises consumption hotel, motel, or restaurant permittees in §111.30 (E).
  - (3) *Hours of operation.* The hours of operation for any satellite catering permittee shall be the same as those allowed for on-premises consumption hotel, motel, or restaurant permittee in §111.30(E).

(Ord. No. 4042, §1, 6-17-97; Code 1991, §111.30; Ord. 5105, 1-15-08; Ord. 5251, 7-7-09; Ord. 5253, 7-21-09; Ord. 5261, 8-4-09)

**State law reference(s)**--Sunday sales and sales between 1:00 a.m. and 7:00 a.m. weekdays prohibited, A.C.A. §3-3-210; Sales on Christmas Day prohibited, A.C.A. §3-3-211; Fees, A.C.A. §§3-4-604 and 3-7-111; Permits generally, A.C.A. §3-5-212; Private clubs: permit fees, A.C.A. §§3-9-222 and 3-9-223; Closing hours generally, A.C.A. §3-9-233; On-premises consumption: scope generally, A.C.A. §3-9-211; Fees and taxes generally, A.C.A. §3-9-212--3-9-214; Large facility defined, A.C.A. §3-9-202 (8)(B)(i); Satellite catering, A.C.A. §3-9-202(8)(B)(ii)(c).

**111.31-111.39 Reserved**

**111.40 Manufacturing**

- (A) *Liquor manufacturing permit.* Authorizes the manufacture or distilling of spirituous or vinous (except wine) liquors, and the sale to persons holding valid permits to wholesale or import such liquors.
  - (1) *Permit fee.*
    - (a) For the manufacturing and sale of spirituous liquors, the annual permit fee shall be \$500.00 for each and every manufacturing plant.
    - (b) For the manufacturing and sale of vinous (except wine) liquors, the annual permit fee shall be \$250.00 for each and every manufacturing plant.
  - (B) *Beer manufacturing permit.* Authorizes the manufacture of beer containing not in excess of five percent alcohol by weight, and the sale of such beer to persons holding a valid permit to wholesale or import such beer.
    - (1) *Permit fee.* For the manufacture and sale of beer, the annual permit fee shall be \$250.00 for each and every manufacturing plant.
  - (C) *Rectifying permit.* Authorizes the rectifying, purifying, mixing, blending, or flavoring of spirituous liquors or the bottling, warehousing, or other handling or distribution of rectified distilled spirits. Rectifiers may sell, deliver, or transport only to wholesalers holding a valid permit to wholesale, to other rectifiers, or for the purpose of export out of state.
    - (1) *Permit fee.* For the privilege of rectifying, blending, or flavoring spirituous liquors, there is hereby assessed an annual permit fee of \$750.00 for each and every rectifying, blending, or flavoring plant.

(Ord. No. 4042, 6-17-97)

**State law reference(s)**--Liquor manufacturing permit, A.C.A. §3-4-602; Beer manufacturing permit, taxes, A.C.A. §3-5-205; Rectifiers generally, A.C.A. §3-4-603.

**111.41–111.99 Reserved**

