

Ordinance NO. _____

**AN ORDINANCE TO ESTABLISH AN ENTERTAINMENT DISTRICT IN HISTORIC DOWNTOWN
JONESBORO, ARKANSAS**

WHEREAS, the State of Arkansas has passed into law A.C.A. 14-54-1412 to promote hospitality and tourism; to establish areas of a city or town that highlight restaurant, entertainment, and hospitality options; to establish temporary or permanent designated entertainment districts; and for other purposes; and

WHEREAS, the State of Arkansas passed into law Act 874 of 2021, hereinafter referred to as "Act 874," which amended the definition concerning the creation of a designated entertainment district to read "contains any number and any combination of restaurants, taprooms, taverns, entertainment establishments, hospitality establishments, music venues, theaters, bars, private clubs, art galleries, art studios, tourist destinations, distilleries, dance clubs, cinemas, or concert halls.; "Act 874" also amended the definition concerning the creation of designated entertainment district by a city, municipality, or incorporated town to read "A city, municipality, or an incorporated town collecting a gross receipts tax on prepared food or hotel and motel accommodations under Arkansas Code § § 26-75-602 - 26-75-613 AND located in a county with established entities authorized by the Alcoholic Beverage Control Division to sell alcoholic beverages"; and

WHEREAS, the City of Jonesboro has previously established the Jonesboro Advertising and Promotions Commission and currently collects a gross receipts tax on hotel and motel accommodations, therefore allowing the Council to establish an entertainment district within the corporate limits of the City of Jonesboro, Arkansas.

WHEREAS, the Council has considered the merits of establishing such a district and believes that it will benefit the downtown area by promoting an atmosphere aimed at facilitating business and promoting tourism.

WHEREAS, the Council finds that other cities have had success with such districts, and believes that it is in the best interest of the City of Jonesboro, Arkansas, to provide for the creation of such a district as provided in this ordinance.

WHEREAS, the Jonesboro City Council shall create an Entertainment District Oversight Committee for the "Designated Entertainment District" to serve the best interests of the residents and visitors. The Entertainment District Oversight Committee will review and approve businesses or licensees requesting an entertainment district designation, maintain the integrity of the entertainment district as stated herein, and work with the city to process applications for special events within the downtown area of Jonesboro, Arkansas.

WHEREAS, subject to the terms and limitations of the Act and this Ordinance, the City of Jonesboro, Arkansas, wishes to establish a designated entertainment district in the downtown area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS, AS FOLLOWS:

Section 1. Under the authority granted in A.C.A. 14-54-1412, the City Council does hereby create and establish a permanent designated entertainment district in downtown Jonesboro, Arkansas, with the areas and boundaries set forth and designated on the Map and Legal Property Description which are attached hereto as "Exhibits 1 and 2" and incorporated herein.

All buildings where government business is conducted are excluded from the entertainment district's open container policy. By excluding these areas from the entertainment district's open container policy, it is the intention of the City Council that the consumption of alcoholic beverages within the confines of these premises is and shall continue to be prohibited, unless such consumption is pursuant to and authorized by a duly issued license by the Arkansas Alcoholic Beverage Commission.

Section 2. The following definitions shall be added to the Code of Ordinances for the City of Jonesboro in Chapter 6, Article III, Sections 6-49 through 6-57:

Sec. 6-49 - Additional Definitions

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning and shall be in addition to the terms already defined in this chapter in Section 6-1.

Alcoholic Beverage Control Division means a government section within the Arkansas Department of Finance and Administration with the powers and duties of regulation, supervision, and control of the manufacture, distribution, and sale of all alcoholic beverages and the issuance of permits, and the regulation thereof, in pursuit of those duties and powers, within the State of Arkansas.

Designated Entertainment District/Entertainment District means the Jonesboro Entertainment District as identified in Exhibits 1 and 2.

Designated Entertainment District Boundaries means the border of the approved overall entertainment district which limits the area of public consumption of alcoholic beverages throughout the district, and is delineated in the entertainment district map and property description.

District Container and Wristband shall mean the standard, city-approved disposable cup that is used for off-premises consumption of an alcoholic beverage within the boundaries of the designated entertainment district and the official city-approved Jonesboro Entertainment District wristband.

Entertainment District Designation shall identify any business within the Jonesboro Entertainment District that has chosen to participate in the entertainment district and has been approved by the Oversight Committee. Said designation shall be identified by signage indicating their participation in the district and approved by the city. Said signage shall clearly indicate that the business is participating in the entertainment district and allows patrons to enter the business with a district container.

Entertainment District Oversight Committee is a committee authorized by ordinance consisting of seven members who are appointed by the Mayor with the approval of the City Council of the City of Jonesboro, and having the powers as shall be authorized by this section and the ordinance creating this committee, or any future ordinances which may delineate the duties of this committee.

On-Premises Retail Alcoholic Beverage Licensee/Licensee is a business within the Jonesboro Entertainment District that holds a permit from the Arkansas Alcoholic Beverage Control Division to sell, dispense, or distribute alcohol.

Special Event Entertainment District Permit means a type of special event permit approved by the City of Jonesboro and the Entertainment District Oversight Committee which allows for the extension of the days and/or hours of the entertainment district and shall include a start and end time for the special permit and any other specified requirements pertaining to the special event.

Sec. 6-50 - Outside Consumption of Alcoholic Beverages Permitted, Conditions. Any on-premises retail alcoholic beverage licensee located within the designated entertainment district boundaries and approved as a member of the entertainment district by the Entertainment District Oversight Committee shall comply with all laws, rules, and regulations that govern its license type, except that a patron, guest, or member of that private club may exit the licensed premises between the hours of 10am and 10pm Thursday through Saturday with no more than one open container of alcoholic beverage, in a district container and with a district wristband and consume said alcoholic beverage anywhere within the designated entertainment district boundaries (except buildings where government business is conducted and businesses within the district that do not have an entertainment district designation), subject to the following regulations:

- (1) A licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises only in a district container that bears the entertainment district logo, no less than 2.0" wide by 1.5" tall in size, as designated by the City (logo attached hereto and incorporated herein as "Exhibit 3"). No such alcoholic beverage shall be removed from the licensed premises in a can, bottle, or glass container. Any patron leaving a licensee's premises with a district container must also have a district wristband designating that the licensee has checked photo identification to determine that the patron is legally able to consume an alcoholic beverage.

- (2) No licensee shall allow a patron, guest, or member to exit its licensed premises with more than one open container of alcoholic beverages, and it shall be unlawful for any person to exit such licensed premises with more than one such district container.
- (3) It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass container, or to possess any open can, bottle, or glass container of alcoholic beverages on the streets, sidewalks, rights-of-way, and parking lots located within an entertainment district.
- (4) No district container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size.
- (5) No person shall possess on the streets, sidewalks, rights-of-way, parking lots, or outdoor public areas located within the entertainment district any open alcoholic beverage container that exceeds 16 fluid ounces in size.
- (6) All licensees within the entertainment district shall display at all public exits the rules of the entertainment district and a map of the entertainment district boundaries.
- (7) Licensees and organizations with special events may apply to the Jonesboro Police Department, with approval from the Entertainment District Oversight Committee, for a Special Event Entertainment District Permit to temporarily expand the entertainment district days and/or hours of operation for special events.
- (8) Nothing herein is intended to confer any rights or entitlement; selling alcohol within the designated entertainment district is a privilege, not a right, and is subject at all times to reasonable regulation by local, state, and federal authorities.

Sec. 6-51 - Consumption of Alcoholic Beverages in a Motor Vehicle Prohibited. It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle while the motor vehicle is located upon any public street, parking lot or other place to which the public has or is permitted to have access within the designated entertainment district.

Sec. 6-52 - Alcoholic Beverages Purchased Outside the Entertainment District Not Allowed in Open Containers in District. No alcoholic beverages purchased outside of the entertainment district shall be allowed in open containers in the entertainment district.

Sec. 6-53 - Enforcement. Any district container found outside the boundaries of the Jonesboro Entertainment District is subject to seizure by law enforcement or any officer of the Arkansas Alcoholic Beverage Commission and the contents of said container shall be destroyed. In addition, any person found with a district container inside of the Jonesboro Entertainment District who is not displaying a district wristband shall have

their container seized and the contents destroyed. The seizure and destruction may be in addition to the officer exercising their legal authority to charge or arrest any person for minor in possession, public intoxication, disorderly conduct, or any other law that may be relevant to the actions of the person. In addition, any person with a district container and/or wristband is subject to age verification by law enforcement and/or any officer of the Arkansas Alcoholic Beverage Commission while in the entertainment district.

Sec. 6-54 - *The Entertainment District Oversight Committee.*

(1) **Membership.** Membership shall consist of the following (7) members and shall be appointed by the City of Jonesboro Mayor with approval of the Jonesboro City Council.

- a. One (1) member from the City of Jonesboro Governing Body.
- b. Two (2) business owners who are members of the Downtown Jonesboro Alliance.
- c. One (1) member of the Jonesboro Advertising & Promotion Commission or the Executive Director thereof.
- d. Two (2) citizens of Jonesboro who live or work within the entertainment district boundaries or adjacent thereto.
- e. One (1) member from an arts and entertainment venue within the entertainment district.

(2) **Liaison.** The Downtown Jonesboro Alliance Executive Director shall be the tie-breaking vote when necessary, otherwise shall be a non-voting resource for the Entertainment District Oversight Committee:

(3) **Terms of Office**

- a. All oversight committee members shall serve for as long as they hold their respective positions with the agency they represent.
- b. All other members shall serve a two year term. Members may be reappointed for up to 3 consecutive terms except for the Jonesboro Advertising & Promotions member and the arts and entertainment venue member, who may remain on the committee for the duration of his/her appointment. The Executive Director of the Downtown Jonesboro Alliance will keep record of terms and communicate with appointing bodies as necessary.

(4) **Powers of Members**

- a. The duties and powers of the oversight committee shall be as specified herein and the oversight committee shall ensure that the

rules and regulations contained in this ordinance are followed within the entertainment district.

- b. The oversight committee shall meet bi-monthly, or a meeting may be called as needed to address urgent business by the Executive Director of the Downtown Jonesboro Alliance or by the Chairman of the oversight committee. The oversight committee shall elect officers at the first meeting of the committee. The oversight committee shall draft and adopt by-laws for the committee and review said by-laws annually for any changes or additions that may be needed.
- c. The oversight committee shall, from time to time, review the regulations and requirements of the designated entertainment district and communicate them appropriately to the downtown businesses and residents.
- d. The oversight committee is charged with issuing entertainment district designations to participating businesses/licensees. In order to preserve the integrity of the entertainment district, the oversight committee has the authority to suspend or revoke the entertainment district designation of any business or licensee that is not following the rules of the entertainment district as established by the City of Jonesboro, the State of Arkansas, or the Arkansas Alcoholic Beverage Control Division. Any decision to suspend or revoke an entertainment district designation may be appealed by the business or licensee to the City Council Public Safety Committee of the City of Jonesboro within 10 days of the date of the suspension/revocation and will be heard by the City Council Public Safety Committee within 60 days of the appeal being filed with the City Clerk. If the city council committee upholds the suspension/revocation, the appealing party may appeal the matter to Craighead County Circuit Court.

(5) Voting Rights and Responsibilities of Members

- a. All members of the oversight committee shall have full and equal voting rights and responsibilities on matters brought before the oversight committee, except for the Executive Director of Downtown Jonesboro Alliance.
- b. A Chairperson, Vice Chairperson and Secretary shall be selected by the oversight committee members. The Secretary duties will reside with the Executive Director of Downtown Jonesboro Alliance, including, but not limited to the keeping of minutes and recordings of all oversight committee meetings.
- c. The committee shall not conduct business unless a quorum is present. A quorum is defined as a majority of appointed members, excluding vacant seats.

Sec. 6-55 - Application for Events and Festivals. Any person or corporation wishing to hold an event or festival held within the district shall fill out the Special Event Permit Application available on the City of Jonesboro website and follow the rules and procedures contained therein. The Jonesboro Police Department reserves the right and maintains sole discretion over the decision to cancel or postpone any event held in/on city property at any time. Approved permits will be revoked prior to the event if conditions are not met. The Jonesboro Police Department will contact the oversight committee chairperson and/or the Downtown Jonesboro Alliance Executive Director within ten (10) business days of receiving the application to rule out scheduling conflicts within the entertainment district. Applications are evaluated in consecutive order of when they were submitted.

Section 3. Should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

Section 4. Nothing contained in this ordinance shall diminish the requirements of the Alcoholic Beverage Control Division concerning permits issued within the designated entertainment district.

PASSED AND APPROVED THIS _____ DAY OF _____ 2024.

Harold Copenhaver, Mayor

ATTEST:

April Leggett, City Clerk

Exhibit 1.

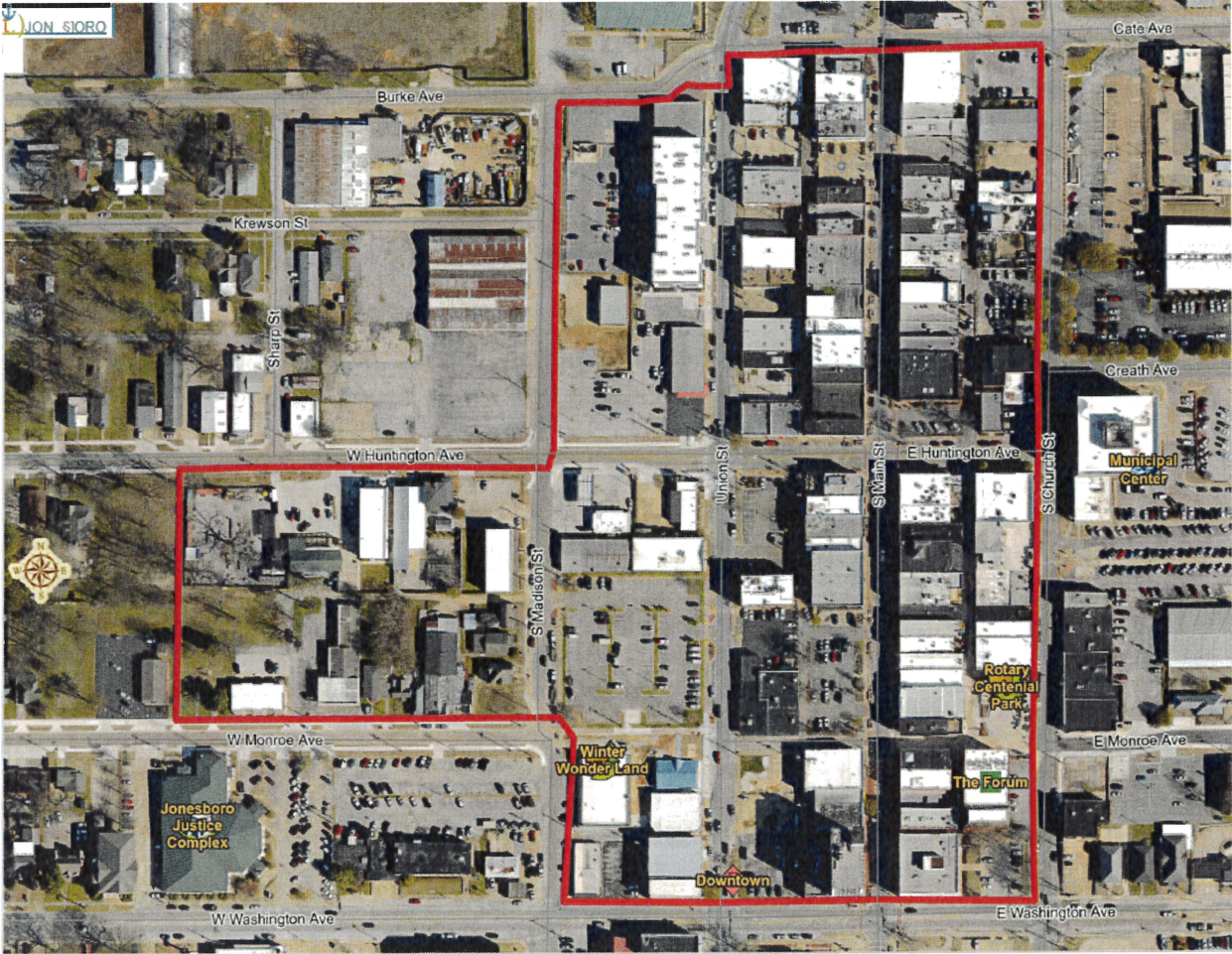


Exhibit 2. Legal Property Description of Designated Entertainment District

Beginning at the northwest corner of the intersection of E. WASHINGTON AVE and S. CHURCH ST, proceed north along the west curb line/sidewalk of CHURCH ST. to the southwest corner of CHURCH ST and BURKE AVE. Thence west along the south curb line/sidewalk on BURKE AVE until the southeast corner of the intersection of BURKE AVE and S. MADISON ST. Thence proceed south along the east curb line/sidewalk on S. MADISON ST until the southeast corner of the intersection of S. MADISON ST and W. HUNTINGTON AVE. Thence west along the south curb line/sidewalk for approximately 550 feet until the signage designating the end of the entertainment district boundary. Thence South in a straight line until you reach W. MONROE AVE. Thence east along the north curb line/sidewalk on W. MONROE AVE until the northeast corner of intersection of W. MONROE AVE and S. MADISON ST. Thence proceed south along the east curb line/sidewalk until the intersection of W. MADISON ST and E. WASHINGTON AVE. Thence east along the north curb line/sidewalk until the point of beginning at the northwest corner of the intersection of E. WASHINGTON AVE and S. UNION ST.

Exhibit 3.

Note: This is not the actual design of the Entertainment District logo, that logo will be designed by the Oversight Committee and approved by the city staff before printing occurs. This is just a sample for reference.

