

ORDINANCE NO. 2025-15

ORDINANCE NO. 2025-15, WILL REPEAL AND REPLACING ORDINANCE 2007-03 ESTABLISHING AN ANNUAL PRIVILEGE TAX AND LICENSE UPON THE STORAGE, TRANSPORTATION AND SALE OF ALCOHOLIC BEVERAGES; ESTABLISHING FEES; THEREFORE, REQUIRING A STATE LICENSE; INSURANCE; RESTRICTING SALES TO AREAS ZONED C-1 AND C-2; REQUIRING A CERTIFICATE OF OCCUPANCY; ESTABLISHING HOURS FOR SALES THEREOF; DECLARING AN EMERGENCY AND FOR OTHER PURPOSE.

WHEREAS: by referendum the citizens of Marion County have declared it lawful to sell alcoholic beverages within the county; and

WHEREAS: it is necessary to control and govern the sale of alcoholic beverages within the corporate limits of the City of Bull Shoals; and

WHEREAS: it is necessary to govern the hours of sale and location where alcoholic beverages will be stored and/or sold.

THEREFORE: be it ordained by the City Council of Bull Shoals, Arkansas:

SECTION 1: Definitions.

- (a) The term “**person**” for the purpose of this ordinance shall mean one or more persons, a company, a corporation, a partnership, a syndicate or association.
- (b) The term “**alcoholic beverage**” for the purpose of this ordinance shall mean alcohol, spirituous, spirits, vinous, wine, and beer and/or their byproducts.
- (c) The term “**premises**” for the purpose of this ordinance shall mean the place of business completely enclosed location particularly described in a liquor license where alcoholic beverages are stored, displayed, or offered for sale.
- (d) The term “**employee**” for the purpose of this ordinance shall mean any agent, manager, clerk or other person employed by Wholesale and/or Retail Dealers, any person hired or employed on a contractual basis or any person receiving any remuneration for his/her services be it currency, indebtedness or services performed.

(e) **The Term Light Wine: Light Wine:**

In **Arkansas**, the definition of **light wine** refers to fermented juices of grapes or other fruits with an alcoholic content of **0.5% to 5%** by weight. This classification is part of the state's wine tax regulations, which categorize wines based on their alcohol content. Light wines are generally characterized by their lower alcohol levels, making them more suitable for those who prefer lighter options without the effects of high alcohol content.

(f) **Retail On-Premises:** For restaurants and bars selling alcohol for consumption **on-site**.

(g) **Retail Off-Premises:** For grocery stores, convenience stores, and liquor stores selling alcohol for consumption **off-site**.

(h) **Private Club:** For private clubs serving alcohol to members and guests.

(i) **Wholesale Dealer and Distributor:** Any person who sells beer or light wines to retail dealers in quantities of three gallons (3 gallons) or more.

SECTION 2: Application.

(a) Before any person shall engage in the wholesale/retail alcoholic beverage business in the City of Bull Shoals an application shall be made to the City for the granting of a license.

(b) Said application shall contain a sworn statement of the name of the business sought to be licensed, its address, the name(s), home address(es), home telephone number(s) of all person(s) owning or holding any interest in said business. The name(s), address(es), telephone number(s) of the owner(s) of the premises in which the business is to be conducted. The applicant's State License, City Certification of Occupancy, proof of insurance in the form of a copy of the policy and non-refundable license fee of Two Hundred Fifty Dollars (\$250.00) shall accompany such application.

(c) If the premise is leased, a copy of the lease which includes, but not limited to the dates, the lease is valid. Each time the lease is renewed, a copy will be submitted to the city.

(d) Any Alcoholic beverage license is non-transferable.

- (e) If the premise is sold, sub-leased or there is any change in the ownership of the premise and/or person(s) involved in the application, the license is void. A new application process must be instituted including the fee(s).
- (f) Alcoholic beverage license is valid for one year from the date of issuance and must be renewed on or before July 31st of each year.

SECTION 3: Fee – Wholesale Dealers-Alcoholic Beverages

The business of storing, transporting and/or selling of Alcoholic Beverages (except Arkansas produced wines), at wholesale within the City is hereby declared to be a privilege; and for the exercise of such privilege there is hereby levied an annual privilege tax of Two Hundred Fifty Dollars (\$250.00) for each such business conducted.

SECTION 4: Fee – On and Off-Premises Retail dealers, Beer, Malt Liquors and Light Wines.

The business of storing, transporting, selling and/or dispensing any and all beer, malt liquors and light wines for off premise consumption at retail within the City is hereby declared to be a privilege; and for the exercise of such privilege thereby an annual privilege tax shall be levied as follows:

- (a) For each retailer doing business within the City, Fifteen Dollars (\$15.00) for a retailer whose total gross annual sales do not exceed One Thousand Dollars (\$1,000.00); Twenty Dollars (\$20.00) for a retailer whose total gross annual sales exceeds One Thousand Dollars (\$1,000.00), but do not exceed Two Thousand Dollars (\$2,000.00), plus an additional Five Dollars U.S.C. (\$5.00) for each One Thousand Dollars (\$1,000.00) gross annual sales in excess of Two Thousand Dollars (\$2,000.00).
- (b) At the time each retail dealer applies for a new permit/license, said retail dealer shall file with the City of Bull Shoals City Hall an affidavit signed by said retail dealer showing gross revenues received by said retail dealer from the sale of beer, malt liquors and light wines, during the preceding year.
- (c) Whenever the City Treasurer or Office Manager have ascertained that a retailer has secured a permit for an amount less than that which should have been paid, he/she shall require the payment of the difference plus a penalty in an amount equivalent to One Hundred (100) Percent of said difference or cancel the permit. The Office Manager shall notify the Director of Alcohol Beverage Control of the identity of the

retailer(s) failing to comply with the provisions of this section, in order that the Director may notify wholesale dealers to discontinue sales to such delinquent retailer(s) in accordance with Arkansas Statue 3-5-212. When such permit/license fee and penalty is paid to the Office Manager, the Office Manager shall notify the Director of Alcohol Beverage Control that such retailer has paid said fee.

SECTION 5: Fee – On and Off-Premises Retail Dealers – Alcoholic Beverages

The business of storing, transporting, selling and/or dispensing at retail alcoholic beverages (except Arkansas produced wines) within the City is hereby declared to be a privilege, and for the exercise of such privilege there is hereby levied an annual privilege tax of Two Hundred Fifty Dollars (\$250.00) for each On and Off-premises retail operated within the City.

SECTION 6: Location

It shall be unlawful for any person to sell or engage in the wholesale or retail alcohol beverage business at any location other than that zoned for C-1 or C-2. Other locations can be approved by resolution passed by City Council of the City of Bull Shoals.

SECTION 7: Hours of Operation for Retail Dealers that hold a permit for **off-premises retail** or **on-premises retail** for consumption of Alcoholic beverages.

Per Arkansas Statute 3-4-407, these more restrictive hours detailed below shall be punishable by a fine of One Hundred Dollars (\$100.00) to Five Hundred dollars (\$500.00) and that violation shall not be an administrative violation against the permit issued by the division. Enforcement shall be by local law enforcement officers within the jurisdiction where such ordinances are in effect.

Such citation(s) shall be heard only in local District Court.

- (a) **Off-premises retail** - It shall be unlawful for any person and/or employee to sell, offer to sell or give away at wholesale or retail any alcoholic beverage before the hour of 7:00 A.M. and after the hour 12:00 A.M. (Midnight), Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and no sale on Sunday's (with a possible change for Off-Premises businesses to sell on Sunday's from 10:00 A.M. to 12:00 A.M. Midnight if the Council votes to put it on the ballot and it is voted on by the people at the next election.)

(b) **On-Premises Retail** -It shall be unlawful for any person and/or employee to sell, offer to sell or give away at wholesale or retail any alcoholic beverage before the hour of 7:00 A.M. (CST) and after the hour 12:00 A.M. (Midnight), Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.

a. For those who hold a permit that allows **on-premises** consumption of alcoholic beverages may operate on Sunday's from 10:00 A.M to 12:00 Midnight.

(c) If you are a Retail Dealer, which is PACKAGED SALES - **OFF-PREMISES CONSUPTION**, it shall be unlawful to consume any alcoholic beverages on the premises by anyone at any time.

(d) It shall be unlawful for any person other than the person(s) of ownership and/or his/her employee(s) to be on the premises after closing.

SECTION 8: Age Limitations.

(a) It shall be unlawful to sell or give away any alcoholic beverage to anyone under the age of Twenty-One (21) years of age.

(b) The burden of proof legal age shall fall on the person of ownership and/or their employee(s).

(c) Unless you fall under the exceptions as provided in sections (d) or (e) below, it shall be unlawful for a wholesaler, retailer, or transporter of alcoholic beverages to allow an employee under the age of Twenty-One (21) years of age to have anything to do with the selling, transporting or handling of an alcoholic beverage, and/or to be allowed behind the business counter, to stock alcoholic beverages or to ring up sales.

(d) A person nineteen (19) years of age and older may sell and handle alcoholic beverages at a restaurant, private club, hotel or motel that is licensed for on-premises consumption of alcoholic beverages Per Arkansas Statute.

SECTION 9: Other Licenses and Fees.

Every person shall procure, in addition to this license pursuant to this ordinance, all other licenses and/or permits issued by the City, County, and State.

SECTION 10: Display of Licenses/Permits.

- (a) All licenses and/or permits issued by the City, County and State for alcoholic beverages sales shall be contained in a clear view frame and displayed in a conspicuous location within the premises for the general public to view.
- (b) The person of ownership and/or their employee(s) must provide said licenses/permits on demand to any authorized on-duty law enforcement personnel for inspection.

SECTION 11: Criminal Acts.

It is unlawful for the person of ownership and his/her employee(s) NOT to immediately notify 911 and/or Bull Shoals City Police Department when he/she knows a crime has been committed on the premises, be it a misdemeanor or felony.

SECTION 12: Penalties and/or Fines.

- (a) Every person or employee who violates any section of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof and the license of such person shall be subject to revocation or suspension.
- (b) Upon conviction thereof, a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) plus Court Cost for each day's violation of said section shall constitute a separate offense.

SECTION 13: Enforcement.

Enforcement of this Ordinance shall rest with the Chief of Police of the City of Bull Shoals, Arkansas and his sworn officers.

SECTION 14: Severability.

If any provision, clause, sentence, paragraph or section of this ordinance, or the application thereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are declared severable.

SECTION 15: Emergency.

The City Council of the City of Bull Shoals, Arkansas, has determined the sale, storage, and availability of alcoholic beverage be controlled within the city. An Emergency is declared to exist and to protect the health and safety of the citizens, this Ordinance shall have full force and effect from after its passage and publication.

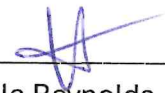
Ordinance 2025-15 will repeal and replace Ordinance 2007-03.

This Ordinance shall be in full effect upon passage and posting.

Passed and Adopted by the City Council of the City of Bull Shoals, Arkansas on this 18TH day of, DECEMBER, 2025.

APPROVED: 
Mayor Bill Stahlman

Council Vote: YAYS 6 NAYS 0

ATTESTED: 
Paula Reynolds
Recorder/Treasurer

Posted Date: 12/22/2025 **Posted By:** Paula Reynolds