

ORDINANCE No. 95-11

AN ORDINANCE PROHIBITING THE PURCHASE OR ATTEMPTING TO PURCHASE ALCOHOLIC BEVERAGES BY INDIVIDUALS UNDER THE AGE OF 21 YEARS; PROVIDING FOR PENALTY FOR VIOLATIONS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council has determined that persons under 21 years of age are consuming alcoholic beverages in the City of Cotter contrary to State Law; and

WHEREAS, the City Council has determined that the consumption of alcoholic beverages by persons under 21 years of age increases the likelihood of disturbances and motor vehicle accidents; and

WHEREAS, An ordinance prohibiting persons under 21 years of age from attempting to purchase or otherwise obtain alcoholic beverages would reduce the consumption of such beverages by minors and is necessary for the protection of the public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTER, ARKANSAS:
SECTION 1.

(A) It shall be unlawful for any person under the age of 21 years to attempt to purchase or otherwise obtain any alcoholic beverage from a retail dealer who sells such beverages for off-premises consumption or from a public tavern, restaurant, private club, or other establishment which sells such beverages for on-premises consumption.

(B) Any person convicted of violating this ordinance shall be punished by a fine of not less than \$100.00 and not more than \$500.00.

SECTION 2.

A police officer may arrest without a warrant upon probable cause for believing the suspect has committed the offense of attempting to purchase or otherwise obtain an alcoholic beverage. Sufficient probable cause may be established by the written affidavit of the owner, operator or employee of a public establishment or private club where alcoholic beverages are sold or dispensed for off-premise or on-premise consumption to the police officer that the affiant has observed the person accused committing the offense of attempting to purchase or otherwise obtain an alcoholic beverage.

SECTION 3.

The manager of any public establishment which sells alcoholic beverages for on-premise or off-premise consumption, and the manager of any private club which serves alcoholic beverages for on-premise consumption shall be required to post in a conspicuous place, a notice stating:

NOTICE TO PERSONS UNDER 21 YEARS OF AGE

You are subject to a maximum \$500.00 fine for:

1. Misrepresenting your age for the purpose of obtaining liquor, beer, or alcoholic beverages.
2. Purchasing or otherwise obtaining liquor, beer or alcoholic beverages.

The size of said notice shall not be less than 8½ inches by 11 inches.

SECTION 4.

Nothing in this ordinance shall be construed to conflict with the Juvenile Code of 1989, Act 273 of 1989 or any relevant state laws.

SECTION 5.

The City Council hereby determines that persons under 21 years of age are consuming alcoholic beverages in the city of Cotter contrary to State law; that the State law does not make it unlawful for a minor to attempt to purchase or otherwise obtain alcoholic beverages; that the consumption of alcoholic beverages by persons under 21 years of age increases the likelihood of disturbances and motor vehicle accidents; that an ordinance making it unlawful for a minor to attempt to purchase or otherwise obtain alcoholic beverages will reduce consumption of such beverages by such persons; and that the immediate passage of this ordinance is necessary to reduce the consumption of alcoholic beverages by persons under 21 years.

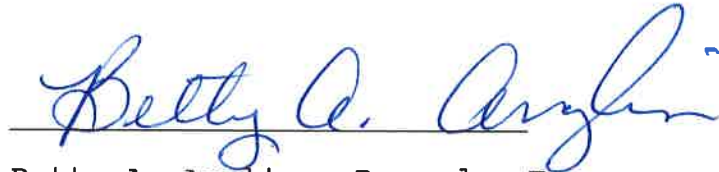
Therefore, an emergency is hereby declared to exist and this ordinance being necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 21st. DAY OF DECEMBER 1995.



Bill Jennings, Mayor

ATTEST:



Betty A. Anglin, Recorder, Treasurer