

ORDINANCE NO. 2024-002

AN ORDINANCE TO PERMIT THE ON-PREMISES SALE AND CONSUMPTION OF LIQUOR BY THE DRINK IN THE CITY OF DIAMONDHEAD, ARKANSAS

WHEREAS, there are restaurants and establishments within the City of Diamondhead which are in need of an ordinance permitting the sale of liquor by the drink in order to obtain the required Alcoholic Beverage Control (ABC) permit to sell liquor by the drink; and,

WHEREAS, the ability of those establishments to obtain a permit to sell liquor by the drink will be financially beneficial and will help them be more competitive with similar businesses in other cities in the region; and

WHEREAS, Ark. Code Ann. 3-9-203 (d)(1) provides that cities of the First and Second Class may authorize by city ordinance, the sale of alcoholic beverages for on-premises consumption under this subchapter if the city is located in a county that has authorized the sale of intoxicating liquor; and,

WHEREAS, Garland County has approved such sales in the county and Diamondhead became a City of the Second Class on March 1, 2024, and

WHEREAS, In order to provide a safe environment for the sale and provision of alcohol, as well as to comply with applicable state law and to promote the orderly operation of business, the City Council adopts the following regulations,

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DIAMONDHEAD, ARKANSAS THAT:

Section 1. The sale of liquor by the drink at restaurants, which meet the definition of a restaurant as found in Title 4, Subtitle B, Section 4.6 of the ABC regulations and said establishments have obtained the required ABC permit allowing for the sale and consumption of liquor by the drink on premises, is hereby authorized within the city limits of the City of Diamondhead, Arkansas. The definitions of the terms of this ordinance shall be consistent with those found in the Ark. Code Ann. 3-1-101 et. seq. of the most recent Arkansas Code.

Section 2. All such sales shall be permitted seven days a week between the hours of 7 am and midnight, unless more restrictive hours are specified in Ark. Code Ann. 3-1-101 et. seq. of the most recent Arkansas Code.

Section 3. The City of Diamondhead recognizes that the sale and consumption of alcohol by the drink is thoroughly regulated by the State of Arkansas, and nothing in this ordinance shall contradict the laws of Arkansas in the most current state code and/or the regulations of the ABC.


Section 4. Emergency Clause

The Council finds that there is an immediate need for this ordinance to be in place. Before the incorporation of the City of Diamondhead, liquor by the drink was legally available with what is now within the City Limits. As the City Council has been sworn in as of this date, this ordinance is required to prevent an ambiguity in law and maintain the current status allowing alcoholic liquor by the drink within the City Limits.

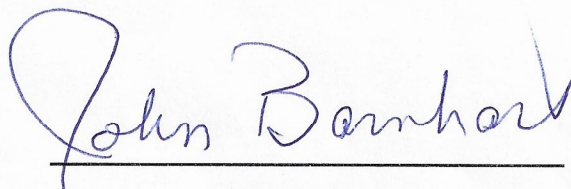
**PASSED AND APPROVED BY THE CITY COUNCIL OF DIAMONDHEAD,
ARKANSAS ON THIS DATE OF DECEMBER 3, 2024.**

APPROVED:

ATTEST:

A handwritten signature in blue ink, appearing to read "Ralph Carruth", is written over a horizontal line.

Ralph Carruth, Mayor

A handwritten signature in blue ink, appearing to read "John Barnhart", is written over a horizontal line.

John Barnhart, Recorder/Treasurer