

MOUNTAIN HOME CITY COUNCIL REGULAR MEETING AGENDA

THURSDAY, NOVEMBER 16th, 2023 @ 6 P.M.
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING
720 HICKORY STREET, MOUNTAIN HOME, ARKANSAS

Pledge of Allegiance

Prayer

Roll call

Minutes from the November 2nd Council meeting

Committee reports

Bank reconciliations

Agenda additions

Announcements



OLD BUSINESS

AN ORDINANCE AMENDING ORDINANCE NO. 2003-24, WHICH REGULATES THE RETAIL SELLING, MANUFACTURE, SHOOTING, OR DISCHARGING OF FIREWORKS WITHIN THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME, ARKANSAS, presented by Shawn Lofton

NEW BUSINESS

BUDGET ADJUSTMENTS FOR POLICE DEPARTMENT, PARKS DEPARTMENT, FIRE DEPARTMENT, WATER/SEWER DEPARTMENT AND COURT AUTOMATION, presented by Alma Clark

AN ORDINANCE AMENDING THE ENTERTAINMENT DISTRICT IN HISTORIC DOWNTOWN MOUNTAIN HOME, ARKANSAS, presented by the Entertainment District Board of Directors

COMMENTS

ADJOURN

Respectfully submitted,
Scott Liles, City Clerk

MINUTES
REGULAR CITY COUNCIL MEETING – Thursday, November 2nd, 2023

1. The Mountain Home City Council met in regular session on November 2nd, 2023, in the Council Chambers of the Municipal Building. Mayor Hillrey Adams called the meeting to order at 6 p.m.
2. **ROLL CALL** Following the Pledge of Allegiance and an invocation, the following Council members were present for the roll call: Bob Van Haaren, Susan Stockton, Paige Evans, Carry Manuel, Jim Bodenhamer and Nick Reed. Absent were Jennifer Baker and Wayne Almond.
3. **CITY OFFICIALS IN ATTENDANCE** City officials present: Mayor Hillrey Adams, City Clerk Scott Liles, City Attorney Roger Morgan, Planning and Engineering Director Arnold Knox, Parks Director Daniel Baxley, Police Chief Eddie Griffin, Code Enforcement Officer Mike Anderson and Fire Marshal Shawn Lofton.
4. **MEDIA IN ATTENDANCE** Alison Fulton with the Mountain Home Observer and Caroline Spears with The Baxter Bulletin.
5. **MINUTES** Council member Bob Van Haaren made a motion to approve the minutes from the October 19th, 2023, meeting. The motion was seconded by council member Susan Stockton. *The vote was recorded as follows: Bob Van Haaren, Susan Stockton, Paige Evans, Carry Manuel, Jim Bodenhamer and Nick Reed – Yes. The motion carried, and the October 19th minutes were declared adopted.*
6. **OLD BUSINESS**

AN ORDINANCE DECLARING A PROCEDURE FOR THE COPYING, RETENTION AND DISPOSAL OF EXHIBIT FILES FROM MEETINGS OF THE MOUNTAIN HOME CITY COUNCIL UNDER THE PROVISIONS OF A.C.A. §14-2-201 THROUGH §14-2-203 City Clerk Scott Liles initially presented this item at the October 19th meeting, but asked that Council not consider it until the November 2 meeting in order to consider the proposal. The Ordinance would lay out a process for the City Clerk to preserve Exhibit Files as electronic replicas instead of having to keep a printed paper copy on hand and in storage. If approved, the plan would go into effect beginning in January. City Attorney Roger Morgan placed the item on its first reading in its entirety.

SECOND READING After the item's first reading, council member Bob Van Haaren made a motion to suspend the rules and place the Ordinance on its second reading by title only. His motion was seconded by council member Paige Evans. *The vote was recorded as follows: All present – Yes. The motion was declared passed and the item read a second time by title only.*

THIRD READING Following the proposed Ordinance's second reading, council member Bob Van Haaren made a motion to suspend the rules and place the item on its third reading by title only. Council member Jim Bodenhamer seconded the motion. *The vote was recorded as follows: All present – Yes. The motion was declared passed and the item read a third time by title only.*

ADOPTION After the item's third reading, council member Bob Van Haaren made a motion to adopt the proposed Ordinance. His motion was seconded by council member Jim Bodenhamer. *The vote was recorded as follows: All present – Yes. The Ordinance was declared adopted and numbered Ordinance No. 2023-40.*

AN ORDINANCE AMENDING ORDINANCE NO. 2003-24, WHICH REGULATES THE RETAIL SELLING, MANUFACTURE, SHOOTING, OR DISCHARGING OF FIREWORKS WITHIN THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME, ARKANSAS This item was up for its second reading after first being read at the October 19th meeting. If approved, this Ordinance would expand upon Ordinance No. 2003-24 which addresses the sale and discharge of fireworks within the city limits. Items addressed in the proposed Ordinance include expanded requirements on the permits and bonding needed; a better definition of the time frames involved; detailed safety requirements; prohibited sales; definitions of unlawful uses; and an increase in the dollar amount of penalties for violating the Ordinance. City Clerk Scott Liles noted two changes to the proposed Ordinance from its initial appearance – the section on permits being required to either sell fireworks or discharge fireworks had been split into separate paragraphs for clarity, and a clause under the safety requirements for fireworks vendors would require them to display two signs stating that it was illegal to discharge fireworks inside the Mountain Home city limits. City Attorney Roger Morgan then read the proposed Ordinance a second time by title only.

THIRD READING Following the proposed Ordinance's second reading, council member Bob Van Haaren made a motion to suspend the rules and place the item on its third reading by title only. Council member Nick Reed seconded the motion. *The vote was recorded as follows: Bob Van Haaren, Susan Stockton, Carry Manuel, Jim Bodenhamer and Nick Reed – Yes; Paige Evans – No. The motion was declared failed due to six votes (2/3 of the Council) being needed to suspend the rules.*

The proposed Ordinance will return at the Nov. 16th meeting for a third reading.

7. NEW BUSINESS

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF MOUNTAIN HOME TO ATTACH LIENS TO CERTAIN PROPERTIES LOCATED AT THE ADDRESSES SPECIFIED IN THIS RESOLUTION FOR THE PURPOSE OF COLLECTING MONIES WHICH ARE OWED THE CITY OF MOUNTAIN HOME FOR ENFORCEMENT OF ORDINANCE NO. 2020-20 If approved, this resolution would direct City Attorney Roger Morgan to begin the process of placing liens on several pieces of property around town. The City has incurred expenses cleaning up

those properties (mowing yards, clearing brush, etc.) under the enforcement of Ordinance No. 2020-20, and wishes to be compensated by the property owners.

ADOPTION Council member Carry Manuel made a motion to adopt the proposed Resolution and was seconded by council member Nick Reed. *The vote was recorded as follows: All present – Yes. The Resolution was declared adopted and numbered Resolution No. 2023-12.*

8. ADJOURN

With no further business to come before the council, Mayor Hillrey Adams declared the meeting adjourned at 6:15 p.m.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

MH Parks & Recreation Committee Meeting

City Hall / Tuesday November 7th, 2023, 4:30 p.m.

Member Attendance: Wayne Almond, Nick Reed, Susan Stockton, Paige Evans, Daniel Baxley, Scott Liles

Guest Attendance: Christy Jones, Karissa Eaton, Allison Parks

New Business: Daniel presented the November report. Daniel presented that the kids Thanksgiving feast would be held on November 21st @ 11 am for the Youth Center members. Daniel then presented that the ASUMH Coulter Lights displays are almost complete with the exception of two new displays that have not arrived yet. Daniel then discussed that the Maintenance crew has been working hard to complete the upgrades to the Hickory Park Horseshoes and that there will be a tournament held there this weekend.

Updates: Daniel presented that we have currently sold three sponsorships for soccer fields so far to begin in 2024 (Boskus Field, ASC Warranty & 24-Hour Fuel) have all committed to five-year sponsorships.

New Business: Daniel presented the committee with the question of “should the Youth Center be open on April 8th, 2024 for the eclipse”. The committee decided to table this for the next meeting to allow members to gather information and make a more informed decision.

New Business: Scott Liles presented that beginning in January all bid waivers will be passed by resolution instead of the current way of passing by ordinance. Scott also presented that as of January he will be sending out the agenda and council packets one week prior to the council meetings to allow adequate time for review. Scott then presented that there will still be an open line for agenda additions should any emergencies or last-minute additions arise.

Open Discussion: Daniel and Wayne opened the floor for any discussion. Susan presented that Mountain Home Rotary currently has several flat griddles that they would like to offer to the Parks Department for use in the concessions.

Adjournment: Wayne Almond adjourned the meeting at 5:02pm.

ORDINANCE NO. 2023-xx

**AN ORDINANCE AMENDING ORDINANCE NO. 2003-24,
WHICH REGULATES THE RETAIL SELLING, MANUFACTURE,
SHOOTING, OR DISCHARGING OF FIREWORKS WITHIN
THE BOUNDARIES OF THE CITY OF MOUNTAIN HOME, ARKANSAS**

WHEREAS, it has been determined that fireworks displays should be managed and operated by duly certified pyrotechnics technicians, for the safety of our city inhabitants and visitors to the city, and;

WHEREAS, it has been determined that all fireworks displays and fireworks retail sales require a duly authorized written permit, issued by the Fire Chief or Fire Inspector, and shall be approved by the Fire Chief, and;

WHEREAS, it has been deemed appropriate that the permit shall be obtained at least five days in advance of the fireworks display or the retail sales of fireworks, and the custody of the permit will be retained by the pyrotechnics technician or sales associate and produced when required by police or fire officials.

**NOW THEREFORE, BE IT ORDAINED BY
THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:**

SECTION 1. MANUFACTURE, SALE OR USE OF FIREWORKS.

It shall be unlawful for any person, firm or corporation to sell or offer for sale, or to make or manufacture ANY type of firework or other explosive within the City limits of Mountain Home, Arkansas, without first obtaining a duly authorized written permit issued by the Fire Chief or City Fire Inspector and approved by the Fire Chief.

It shall be unlawful to shoot, explode, discharge, fire or set off ANY type of firework or other explosive within the City limits of Mountain Home, Arkansas, without first obtaining a duly authorized written permit issued by the Fire Chief or City Fire Inspector, and approved by the Fire Chief.

PERMIT FOR RETAIL SALES: A permit for retail sales of fireworks shall be obtained from the Arkansas State Police. A permit for the retail sales of fireworks within the City limits shall be obtained from the City Of Mountain Home Fire Department Inspection Division and shall be signed by the Fire Chief and Fire Inspector. The cost of the retail sales permit from the City of Mountain Home shall be One Hundred Dollars (\$100.00). To obtain a retail sales permit, a copy of the Arkansas State Police Retail Sales

Permit and a corporate surety bond in the principal sum of One Hundred Thousand Dollars (\$100,000.00) (or a public liability insurance policy for the same amount), shall be provided to the City of Mountain Home Fire Department Fire Inspection Division. The person purchasing the permit shall be a least twenty-one (21) years of age.

PERMIT FOR PUBLIC DISPLAYS: A permit for public display of fireworks shall be obtained from the Arkansas State Police. A permit for the public display of fireworks shall be obtained from the City of Mountain Home Fire Department Fire Inspection Division and shall be signed by the Fire Chief and Fire Inspector. To obtain a permit for public fireworks display, a copy of the Arkansas State Police permit and a corporate surety bond in the principal sum of Two Hundred-Fifty Thousand Dollars (\$250,000.00) (or a public liability insurance policy for the same amount) shall be provided. A site plan shall be submitted to the Mountain Home Fire Department Fire Inspection Division. The site plan shall include the dimensions of the discharge site, spectator viewing area, parking areas, and the fallout area as well as the required separation distances of seventy-five (75) feet per the largest inch diameter of the firework shell.

SECTION 2. TIME LIMITATIONS

All applications for firework permits shall be made at least five (5) days prior to the requested date of discharging the fireworks.

Fireworks may be sold beginning on June 20th through July 10th and beginning on December 10th through January 5th of each year. Fireworks shall not be discharged within the corporate limits of Mountain Home, Arkansas without a permit.

SECTION 3. SAFETY REQUIREMENTS

RETAIL SALES:

- 1) All fireworks shall have the fuses protected.
- 2) Smoking of lighted cigarettes, cigars or pipes shall not be permitted inside or within 50 feet of the consumer fireworks retail sales area.
- 3) **“FIREWORKS—NO SMOKING”** signs shall be provided and shall be visible from all directions inside and outside the retail sales location. The signs shall have letters 4 inches in height, red in color with contrasting background.
- 4) Fireworks shall not be discharged within 300 feet of retail sales of fireworks. At least one (1) sign that reads, **“NO FIREWORKS DISCHARGE WITHIN 300 FEET”** shall be provided at each entrance. The signs shall have letters 4-inch inches in height, red in color with contrasting background.

- 5) At least two (2) signs that read, “**NO FIREWORKS DISCHARGE INSIDE CITY LIMITS**” shall be provided at each retail location and shall be visible from all directions inside and outside the retail sales location. The signs shall have letters 4-inch inches in height, red in color with contrasting background.
- 6) Fireworks shall not be sold at locations that use, store or sell flammable liquids or highly combustible products.
- 7) All retail sales locations shall provide at least one fire extinguisher, minimum 10-pound, ABC-type fire extinguisher, or provide a water hose connected to an adequate water supply. In all structures, the placement of fire extinguishers shall be located so that the maximum travel distance to any extinguisher from any point will not exceed seventy-five (75) feet.
- 8) ALL tent and temporary structures shall be Fire Department approved, and all other retail sales facilities shall meet interior and exterior requirements as stated in the Arkansas Fire Prevention Code. There shall be at least two approved exits available from each tent or structure.
- 9) All temporary and permanent structures for the retail sale of fireworks shall be located no further than 150 feet from a public way, or an approved fire apparatus access road. There shall be no parking within 15 feet of where fireworks are sold.

PUBLIC DISPLAYS: All public displays of fireworks, including all requirements for safety, display site selection, fallout areas and operation of the display, shall be done in accordance with the current edition of the National Fire Protection Association 1123, Code of Fireworks Display.

SECTION 4. PROHIBITED SALES

It shall be unlawful to sell or to offer to sell fireworks to children under the age of twelve (12) years old. It shall be unlawful to knowingly sell fireworks to person(s) known to be intoxicated.

SECTION 5. UNLAWFUL USE

It shall be unlawful to discharge fireworks on or in city streets, highways, alleys and public property. It shall be unlawful to discharge fireworks within six hundred (600) feet of any church, hospital, nursing home, or public school while such facility is occupied, and shall be unlawful to discharge fireworks within three hundred (300) feet of where fireworks are sold or stored. It shall be unlawful to throw fireworks at or from any motor vehicle. It shall be unlawful to throw fireworks at or near any person.

SECTION 6. PENALTY

Any person, firm or corporation found guilty of violating this ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than One Hundred and Twenty-Five Dollars (\$125.00), nor more than Three Hundred and Fifty Dollars (\$350.00) for each and every violation.

SECTION 7. REPEALER

All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

SECTION 8. EMERGENCY CLAUSE

As the regulation of the sale of fireworks or public displays of such are vital to the health and safety of the citizens of Mountain Home, an emergency is hereby declared to exist, and this ordinance shall be in full effect from the date of its passage.

PASSED AND APPROVED THIS 16TH DAY OF NOVEMBER, 2023.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK

*Amended
Ord # 505*

ORDINANCE NO. 160

AN ORDINANCE PROHIBITING THE SALE AND/OR USE OF FIREWORKS, DYNAMITE, OR OTHER EXPLOSIVES WITHIN THE CITY LIMITS OF MOUNTAIN HOME, ARKANSAS, WITHOUT A WRITTEN PERMIT DULY ISSUED BY THE CITY COUNCIL OF SAID CITY.

BE IT ORDAINED BY THE CITY OF MOUNTAIN HOME, ARKANSAS:

It shall be unlawful for any person, firm or corporation to sell or offer for sale, or to make or manufacture; or to use by shooting, exploding, discharging, firing or setting off, any type of firework, dynamite, or other explosive, within City Limits of Mountain Home, Arkansas; without first obtaining a written permit duly issued by the City Council of Mountain Home, Arkansas.

Any person, firm, or corporation found guilty of violating this ordinance shall be guilty of a misdemeanor and shall upon conviction be fined an amount not less than five dollars (\$5.00), nor more than one hundred dollars (\$100.00) for each and every violation.

This Ordinance shall take effect and be in force from and after its approval as required by law.

DATED this 18th day of September 1961.

Richard Fair
Richard Fair, Mayor

Attest:

Marjorie L. Harned
Marjorie L. Harned, Recorder

ORDINANCE NO. 505

AN ORDINANCE AMENDING ORDINANCE NO. 160
PROHIBITING SALE AND USE OF FIREWORKS,
DYNAMITE AND OTHER EXPLOSIVES AND
AUTHORIZING PERMIT, DECLARING AN
EMERGENCY AND FOR OTHER PURPOSES.

Amending
Ord. 160

1978

WHEREAS, Ordinance no. 160 dated the 18th day of September, 1961, prohibits the sale and use of fireworks, dynamite and other explosives without first securing a permit in order to protect the citizen's safety; and

WHEREAS, such ordinance requires a permit duly issued by the City Council; and

WHEREAS, the issuance of a permit by the Council is impracticable under the circumstances; and

WHEREAS, it is necessary for the health, safety and welfare of the City that such a permit be issued prior to the detonation of and use of explosives;

It is determined that permits should be immediately available to qualified persons and therefore, an emergency is declared to exist and this ordinance being necessary for the preservation of the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Home, Arkansas, the words "City Council" as the same appear in the first paragraph of Ordinance No. 160 of September 18, 1961, be deleted and inserted therefore, the word "Mayor".

PASSED AND APPROVED THIS THE 13th DAY OF FEBRUARY, 1978.


Mayor Ronald E. Pierce


Penelope R. Feist, City Clerk

Swaps
Permit
issuance
from
City Council
to Mayor

**AN ORDINANCE AMENDING CITY ORDINANCE NO. 160, WHICH
REGULATES THE SELLING, MANUFACTURE, SHOOTING, OR SETTING
OFF OF FIREWORKS WITHIN THE BOUNDARIES OF THE CITY OF
MOUNTAIN HOME, ARKANSAS.**

WHEREAS, it has been determined that fireworks displays should be managed and operated by duly certified pyrotechnics technicians, for the safety of our city inhabitants and visitors to the city, and;

WHEREAS, it has been determined that all fireworks displays require a duly authorized written city permit, issued by the City Fire Marshal or the Fire Inspector, and must be approved by the Fire Chief, and;

WHEREAS, it has been deemed appropriate that the permit must be obtained five days in advance of the discharge of the fireworks, and the custody of the permit will be retained by the pyrotechnics technician, and produced when required by police or fire officials at the display location.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF MOUNTAIN HOME, ARKANSAS:**

SECTION 1. MANUFACTURE, SELLING, USE OF FIREWORKS.

It shall be unlawful for any person, firm, or corporation to sell or offer for sale, or to make or manufacture; or to use by shooting, exploding, discharging, firing or setting off, ANY type of firework, or other explosive, within the City limits of Mountain Home, Arkansas, without first obtaining a duly authorized written permit, issued by the City Fire Marshal or Fire Inspector, and approved by the Fire Chief.

SECTION 2. TIME LIMITATIONS.

All applications for fireworks permits must be made five (5) days prior to the requested date of discharging the fireworks.

SECTION 3. QUALIFIED PYROTECHNIC PERSONNEL.

Any permit issued for the discharge of fireworks in the City must be issued only to a duly certified pyrotechnics technician, and the fire department will verify that a proper and current certification is in effect. The technician will retain custody of the permit.

SECTION 4. PENALTY

Any person, firm, or corporation found guilty of violating this ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than Seventy-Five Dollars (\$75.00), nor more than Two-Hundred Dollars (\$200.00) for each and every violation.

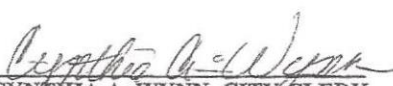
SECTION 5. REPEALER

All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

PASSED AND APPROVED THIS 17TH DAY OF JULY, 2003.


ED HOUSE, MAYOR

ATTEST:


CYNTHIA A. WYNN, CITY CLERK

*Amends
ord. 160
+ ord. 505*

*Permits issued
by Fire Dept
(Marshal + Chief)*

Adds time frame

Qualifications

*updates
penalties from
1961
\$5 → \$75
\$100 → \$200*

	2023 Budget Adjustments	11/16/2023	
BUDGET ADJUSTMENT LISTING FOR DEPARTMENTS			
Line Item Description	Line Item Number	Amount to Move to	Amount to Move From
POLICE DEPARTMENT			
General- Salaries	101-5104-11500		\$15,000.00
Computer Operating Expenses	101-5104-27310	\$15,000.00	
		\$15,000.00	\$15,000.00
PARKS DEPARTMENT			
Insurance-Hospital	101-5107-17620		\$9,000.00
PT Salaries	101-5107-11501		\$11,700.00
Concessions	101-5107-28790		\$1,094.00
Hep B/BG/Physical/drug test	101-5107-37550		\$1,400.00
Supplies: Pool	101-5107-38630		\$13,400.00
Repairs/Maintenance	101-5107-27060		\$2,606.00
FT Salaries	101-5107-11500	\$6,200.00	
Fuel	101-5107-32520	\$9,000.00	
Ret-Cash out	101-5107-16251	\$16,000.00	
Ret-Apers	101-5107-16200	\$6,000.00	
Computer operating Expense	101-5107-27310	\$2,000.00	
		\$39,200.00	\$39,200.00
FIRE DEPARTMENT			
COMPENSATION - VOLUNTEERS	101-5103-13370		\$10,515.45
RETIREMENT - CASHOUT	101-5103-16251	\$9,457.60	
MISC EXPENSE	101-5103-73700	\$1,057.85	
		\$10,515.45	\$10,515.45

WATER/SEWER DEPARTMENT	2023 Budget Adjustments 11/16/2023		
ENGINEERING	600-5602-21336		\$10,000.00
COMPUTER OPERATING EXPENSE	600-5602-27310		\$5,000.00
REPAIR MAINT - STRUCTURES	600-5602-27365		\$5,000.00
LEGAL/ACCOUNTING	600-5602-21780		\$2,000.00
PR YR EXPENSE	600-5602-78950		\$3,000.00
ENGINEERING	600-5601-21336		\$10,000.00
COMPUTER OPERATING EXPENSE	600-5601-27310		\$5,000.00
WATER TANK & STORAGE	600-5601-27914		\$5,000.00
INS - PROPERTY & CONTENTS	600-5601-21610		\$5,000.00
INS - EQUIP/VEH/GASBOY/RADIO	600-5601-21611		\$5,000.00
LEGAL/ACCOUNTING	600-5601-21780		\$2,000.00
CAPITAL OUTLAY	600-5601-43200		\$10,000.00
PR YR EXPENSE	600-5601-78950		\$3,000.00
INS - PROPERTY & CONTENTS	600-5604-21610		\$5,000.00
PR YR EXPENSE	600-5604-78950		\$3,000.00
ENGINEERING	600-5604-21336		\$15,000.00
REPAIR/REPLACE/MAINT - EQUIP	600-5602-27080	\$2,500.00	
REPAIR/REPLACE/MAINT - EQUIP	600-5601-27080	\$40,000.00	
COMPUTER OPERATING EXPENSE	600-5604-27310	\$7,000.00	
BILLING COST	600-5602-24362	\$4,000.00	
REPAIRS MAINT LINES	600-5601-27366	\$35,000.00	
SALARIES - OVERTIME	600-5604-11502	\$3,000.00	
LAB EXPENSE	600-5604-31820	\$500.00	
RETIREMENT / APERS	600-5604-16200	\$500.00	
MISC EXPENSE	600-5604-73700	\$500.00	
		\$93,000.00	\$93,000.00
COURT AUTOMATION			
PROJECTED CARRY OVER	703-5703-79000		\$15,000.00
COMPUTER OPERATION EXPENSE	703-5703-27310	\$15,000.00	
		\$15,000.00	\$15,000.00

Revised 11-14-23
Revisions are underlined
Deletions are ~~struck through~~

ORDINANCE NO. 2023-XX

**AN ORDINANCE AMENDING THE ENTERTAINMENT DISTRICT IN
HISTORIC DOWNTOWN MOUNTAIN HOME, ARKANSAS**

WHEREAS, the State of Arkansas has passed into law Act 812 of 2019, hereinafter referred to as "the Act," 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.

WHEREAS, the Act allows the Council to establish an entertainment district within the corporate limits of the City of Mountain Home, Arkansas.

WHEREAS, the Council had previously considered the merits of establishing such a district and on June 20th, 2019, passed Ordinance No. 2019-17, which created the Mountain Home Historic, Arts & Entertainment District, hereinafter referred to as "the District."

WHEREAS, previous Councils have passed several Ordinances addressing the District, namely Ordinance No. 2019-23, which created the District Oversight Committee; Ordinance No. 2021-31, which expanded the District's hours of operations; and Ordinance No. 2023-28, which addressed the use of A-frame style signs by District merchants.

WHEREAS, nothing herein is intended to confer any rights or entitlement. Selling alcohol within an area designated as an entertainment district is a privilege, not a right, and is subject at all times to reasonable regulation. The Council reserves the right to modify or repeal this Ordinance, and any District designation created hereunder, at any time.

WHEREAS, subject to the terms and limitations of the Act and this Ordinance, the City of Mountain Home, Arkansas, now wishes to amend its downtown entertainment district.

**NOW THEREFORE BE IT ORDAINED
BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:**

Section 1. Creation and Establishment of an Entertainment District

Under the authority granted in Act 812 of 2019, the City Council does hereby create and establish an entertainment district in downtown Mountain Home, Arkansas, with the areas and boundaries as set forth and designated as follows:

Generally, the city blocks between 3rd Street and 9th Street and between Hickory Street and Church Street. The District also includes the block bordered by 6th Street, 7th Street, Gray Street and Hickory Street as well as the block bordered by 7th Street, 8th Street, Elm Street and Hickory Street. A city block in its entirety must fall within the above description to be considered a part of the District.

A map of the District is attached hereto as Exhibit 1 and incorporated herein.

Those areas encompassing Hickory Park, The Veteran's Plaza, and all government-owned or -occupied buildings are excluded from The District. It is the intention of the Council that by excluding these areas from the District, 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 issued by the Arkansas Alcoholic Beverage Control Board.

Section 2. Outside Consumption of Alcoholic Beverages Permitted and Conditions Required

Any merchant or entity in the entertainment district that is licensed by the Arkansas Alcoholic Beverage Control Board for on-premise retail alcohol beverage sales shall comply with all laws, rules, and regulations which govern its license type, except that a patron, guest or member of that licensee may exit the licensed premises between the hours of 11:00 a.m. and 12:00 a.m. (midnight) with no more than one (1) open container of alcoholic beverages and consume said alcoholic beverages anywhere within the confines of the entertainment district in which the alcoholic beverage was obtained (except those

areas encompassing Hickory Park, The Veteran's Plaza, and all government-owned or occupied buildings), are subject to the following regulations:

- ~~1) A person may not enter other licensed premises with an open container or closed container of alcoholic beverages acquired elsewhere.~~
- 2) Any merchant or entity in the entertainment district that is licensed by the Arkansas Alcoholic Beverage Control Board for on-premise retail alcohol beverage sales shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup that bears the commercially printed name and/or logo of the designated licensee, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, or glass container; except, that glass containers shall be allowed in a licensee's outdoor sit-down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Mountain Home.
- 3) No District merchant 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 open container.
- 4) 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 the District; except, that glass containers shall be allowed in a licensee's outdoor sit-down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Mountain Home.
- 5) No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size.
- 6) 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 which exceeds sixteen (16) fluid ounces in size.

Section 3. 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 District.

Section 4. Alcoholic Beverages Purchased Outside the Entertainment District Not Allowed in Open Containers in District

Except for special events as permitted by the Arkansas Alcoholic Beverage Control Board and in compliance with all laws, rules, and regulations, no alcoholic beverages purchased outside of the District shall be allowed in open containers in the District.

Section 5. Use of A-frame or sandwich board-style signs in the District

Merchants in the District may display ONE (1) A-frame or sandwich board-style sign promoting their business, provided that the sign is only displayed during the business' operating hours.

The maximum dimensions of a sign are twenty-eight (28) inches by fifty (50) inches on a side. A business desiring to display a portable sign larger than that must first receive permission from the City's Planning Commission before displaying said sign.

Signs should be placed directly in front of the respective businesses, and a sign's placement should not impede sidewalk foot traffic any more than what is reasonable. Caution should also be taken to make sure that said sign is not a distraction to the safe operation of motor vehicles.

The use of these signs in the District is an exemption to Ordinance No. 2023-28.

Section 6. The District Oversight Committee

A. Membership

Membership shall consist of the following five (5) members and shall be appointed by the City of Mountain Home Mayor.

1. One (1) member from the City of Mountain Home Governing Body, who shall be appointed by the City of Mountain Home Mayor.
2. Two (2) business owners from "The District" who shall be appointed by the City of Mountain Home Mayor.
3. One (1) member from the tourism industry, who shall be appointed by the City of Mountain Home Mayor.
4. One (1) member from the public-at-large, who shall be appointed by the City of Mountain Home Mayor.

B. Liaison

The following position shall serve in a non-voting capacity as a resource for the Oversight Committee:

1. City of Mountain Home Mayor

C. Term of Office

- 1) All Oversight Committee members shall serve for as long as they hold their respective positions with the agency they represent.
- 2) Members shall serve a one-year term, two year term, and three year term as follows:

Public-At-Large Member– one year term;

Governing Body Member – two year term;

Tourism Industry Member – two year term;

Business Owner Member – three year term;

Business Owner Member – three year term;

Thereafter, each eligible person will serve a three-year term upon expiration of these beginning terms. If any member is unable to complete their term of office, the City of Mountain Home Mayor shall appoint a citizen to fill the unexpired term. The Mayor also reserves the right to replace members as needed.

D. Powers of Members

The duties and powers of the Oversight Committee shall be as specified herein and the Oversight Committee shall make rules and regulations as necessary to carry out the provisions of this Ordinance.

- 1) The Oversight Committee shall meet bi-monthly, or may be called as needed to address urgent business by the City of Mountain Home Mayor or by the Chairman of the Oversight Committee.
- 2) The Oversight Committee shall, from time to time, review the regulations and requirements.

E. Voting Rights and Responsibilities of Members

- 1) All members of the Oversight Committee shall have full and equal voting rights and responsibilities on matters brought before the Oversight Committee.
- 2) A Chairperson, Vice Chairperson, Treasurer and Secretary shall be selected by Oversight Committee Members.
- 3) The Committee shall not conduct business unless a quorum is present. A quorum is defined as a majority of appointed members, excluding vacant seats.

Section 7. Application for Events and Festivals

Any person or corporation wishing to hold an event or festival in the District shall fill out an application and turn the application into City of Mountain Home Building Inspection Department. All applicants must turn in the application sixty (60) days prior to the event or festival.

A) Contents of Application

All applicants will follow the guidelines established by this Ordinance and by the Oversight Committee.

1. A non-refundable fee of twenty-five dollars (\$25.00) shall accompany all original applications before consideration is given to be application.
2. The name, number, address, and email of the applicant.
3. A full description of the event.
4. A description of the physical location of the event from which the applicant intends to operate.
5. A description of how many people are expected to attend the event.
6. A description on how long the event will last.
7. A certificate of insurance in a form acceptable to the City of Mountain Home.
8. All applicants who wish to have alcohol at the event shall provide a license from the Arkansas Alcoholic Beverage Control Division.
9. The correct percentage of proceeds as required by the Arkansas Alcoholic Beverage Commission shall be donated to a non-profit organization within Baxter County, Arkansas.

B. Consideration of Application

1. The Oversight Committee shall receive applications from the City of Mountain Home Building Inspection Department.
2. The Oversight Committee will review, evaluate, and vote on every eligible application.
3. All applicants who are approved will be contacted by the Oversight Committee within ten (10) business days from the time the application is approved.
4. Approved Applicants shall submit a refundable deposit in the amount of two hundred fifty dollars (\$250.00) prior to the event.

Section 9. Ordinances in Conflict

All Ordinances and sections of Ordinances in conflict herewith are hereby repealed.

Section 8. Severability

The provisions of this Ordinance shall be severable. The validity, unenforceability or unconstitutionality of any clause, phrase, sentence or part thereof shall not affect the validity, enforceability or constitutionality of any other clause, phrase or part thereof.

Section 9. Emergency clause

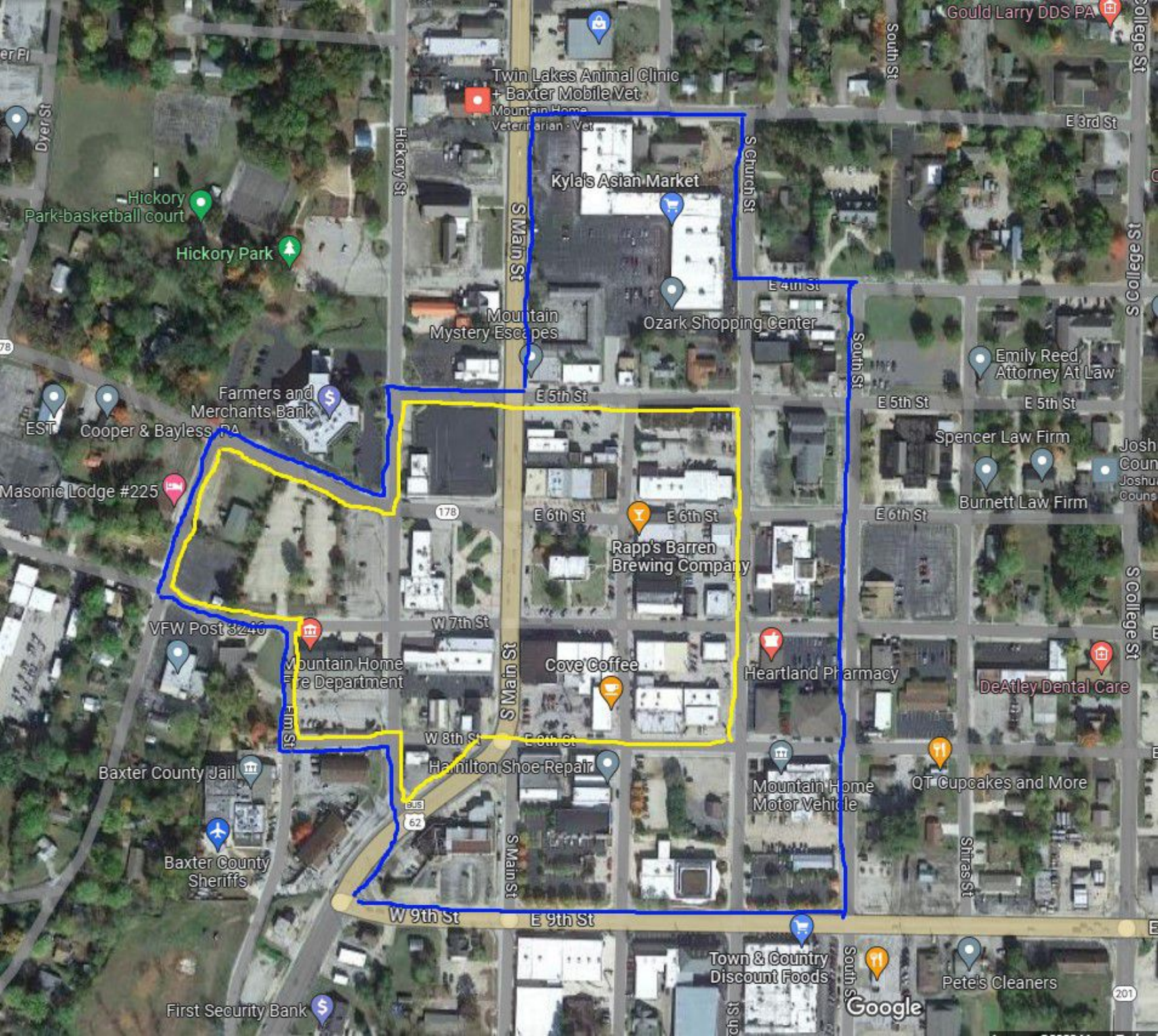
It is determined by the City Council of the City of Mountain Home, Arkansas, that the promotion of business within the Historic Downtown Entertainment District is beneficial to the public health and safety of residents due to the sales tax revenue the district produces. Therefore, an emergency is declared to exist; and this Ordinance being necessary for the preservation of public health and safety, the same is to be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 16TH DAY OF NOVEMBER, 2023.

HILLREY ADAMS, MAYOR

ATTEST:

SCOTT LILES, CITY CLERK



Twin Lakes Animal Clinic
+ Baxter Mobile Vet
Mountain Home
Veterinarian + Vet

Kyla's Asian Market

Mountain
Mystery Escapes

Ozark Shopping Center

Farmers and
Merchants Bank

Cooper & Bayless PA

Masonic Lodge #225

VFW Post 3240

Mountain Home
Fire Department

Baxter County Jail

Baxter County
Sheriffs

First Security Bank

Cove Coffee

Rapp's Barren
Brewing Company

Heartland Pharmacy

Mountain Home
Motor Vehicle

QT Cupcakes and More

DeAtley Dental Care

Spencer Law Firm

Burnett Law Firm

Emily Reed,
Attorney At Law

Town & Country
Discount Foods

Pete's Cleaners

Google

State of Arkansas

As Engrossed: H3/28/19

92nd General Assembly

A Bill

Regular Session, 2019

SENATE BILL 492

By: Senators T. Garner, Bond, B. Sample, G. Leding, L. Chesterfield, Elliott

By: Representatives Barker, A. Collins, McCullough, Scott

For An Act To Be Entitled

AN ACT 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.

Subtitle

*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.*

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 3-2-206, concerning the rulemaking authority of the Alcoholic Beverage Control Division, is amended to add an additional subsection to read as follows:

(f) A rule promulgated under this title that prohibits a person from possessing an alcoholic beverage outside of an establishment that holds a permit for on-premises consumption and from which the alcoholic beverage was purchased does not apply within a designated entertainment district as defined in § 14-54-1412.

SECTION 2. Arkansas Code § 5-71-212(e), concerning the exceptions to



1 consuming alcohol in public, is amended to read as follows:

2 (e) ~~The provisions of this~~ This section shall ~~does not be construed to~~
3 prohibit or restrict the consumption of an alcoholic beverage when consumed:

4 (1) as ~~As~~ a part of a recognized religious ceremony or ritual; or

5 (2) Within the physical boundaries of a designated entertainment
6 district as defined in § 14-54-1412.

7
8 SECTION 3. Arkansas Code Title 14, Chapter 54, Subchapter 14, is
9 amended to add an additional section to read as follows:

10 14-54-1412. Designated entertainment districts.

11 (a) As used in this section, "designated entertainment district" means
12 a contiguous area located in a part of a city, a municipality, or an
13 incorporated town that:

14 (1) Is zoned for or customarily used for commercial purposes;
15 and

16 (2) Contains any number and any combination of restaurants,
17 taprooms, taverns, entertainment establishments, hospitality establishments,
18 music venues, theaters, bars, art galleries, art studios, tourist
19 destinations, distilleries, dance clubs, cinemas, or concert halls.

20 (b)(1) A city, a municipality, or an incorporated town collecting a
21 gross receipts tax on prepared food or hotel and motel accommodations under
22 §§ 26-75-602 – 26-75-613 and located in a county authorized to sell alcoholic
23 beverages may by ordinance create a designated entertainment district.

24 (2) A designated entertainment district may be permanent or
25 temporary.

26 (3)(A) A city, a municipality, or an incorporated town that
27 creates a designated entertainment district under this section shall set by
28 ordinance reasonable standards for the regulation of alcohol possession
29 within the boundaries of the designated entertainment district.

30 (B) An ordinance enacted under this subsection does not
31 diminish the requirements of the Alcoholic Beverage Control Division
32 concerning permits issued within the designated entertainment district.

33 (4) A city, a municipality, or an incorporated town that creates
34 a designated entertainment district under this section shall notify the
35 division within ten (10) days of the issuance or removal of a permanent or
36 temporary designation as a designated entertainment district.

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/s/T. Garner

APPROVED: 4/9/19

ORDINANCE NO. 2019-17

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

WHEREAS, the State of Arkansas has passed into law Act 812 of 2019, hereinafter referred to as "the Act," 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.

WHEREAS, the Act allows the Council to establish an entertainment district within the corporate limits of the City of Mountain Home, Arkansas.

WHEREAS, the Council has considered the merits of establishing such a district and believes that they will benefit the downtown area.

WHEREAS, the Council believes that the creation of an entertainment district will help promote 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 Mountain Home, Arkansas, to provide for the creation of such a district as provided in this ordinance.

WHEREAS, nothing herein is intended to confer any rights or entitlement. Selling alcohol within an area designated as an entertainment district is a privilege, not a right, and is subject at all times to reasonable regulation by local, state, and federal authorities.

WHEREAS, subject to the terms and limitations of the Act and this Ordinance, the City of Mountain Home, Arkansas, wishes to establish an entertainment district in the downtown area.

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

Section 1. *Creation and Establishment of an Entertainment District.* Under the authority granted in Act 812 of 2019, the City Council does hereby create and establish an entertainment district in downtown Mountain Home, Arkansas, with the areas and boundaries as set forth and designated on the Map which is attached hereto as Exhibit 1 and incorporated herein.

Those areas encompassing Hickory Park, The Veteran's Plaza, and all government owned buildings are excluded from the district's open container policy. By excluding these areas from the district's open container policy it is the intention of the 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 issued by the ABC Board.

Section 2. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on-premise retail alcohol beverage licensee who receives an entertainment district designation from the Arkansas Alcoholic Beverage Control Board shall comply with all laws, rules, and regulations which govern its license type, except that a patron, guest or member of that licensee may exit the licensed premises between the hours of 4:30 p.m. and 12:00 a.m. with no more than one open container of alcoholic beverages and consume said alcoholic beverages anywhere within the confines of the entertainment district in which the alcoholic beverage was obtained (except those areas encompassing Hickory Park, The Veteran's Plaza, and all government owned buildings), are subject to the following regulations:

- (1) A person may not enter other licensed premises with an open container or closed container of alcoholic beverages acquired elsewhere.
- (2) A licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup that bears the commercially printed name and/or logo of the designated licensee, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, or glass container; except, that glass containers shall be allowed in a licensee's outdoor sit down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Mountain Home.
- (3) 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 open container.
- (4) 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; except, that glass containers shall be allowed in a licensee's outdoor sit down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Mountain Home.

- (5) No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size.
- (6) 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 which exceeds 16 fluid ounces in size.

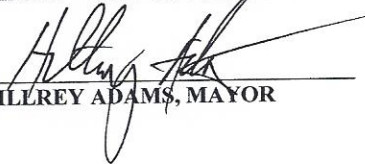
Section 3. *Consumption of Alcoholic Beverages in a Motor Vehicle Prohibited.* It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle while the motor vehicle is located upon any public street, parking lot or other place to which the public has or is permitted to have access within an entertainment district.

Section 4. *Alcoholic Beverages Purchased Outside the Entertainment District Not Allowed in Open Containers in District.* Except for special events as permitted by the Arkansas Alcoholic Beverage Control Board and in compliance with all laws, rules, and regulations, no alcoholic beverages purchased outside of the entertainment district shall be allowed in open containers in the entertainment district.

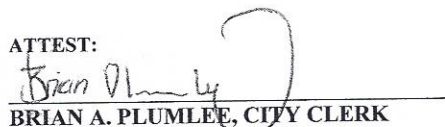
Section 5. Nothing contained in this ordinance shall diminish the requirements of the Alcohol Beverage Control Division concerning permits issued within the designated entertainment district.

Section 6. This ordinance shall become effective on July 24th, 2019

PASSED AND APPROVED THIS 20TH DAY OF JUNE, 2019.


HILLREY ADAMS, MAYOR

ATTEST:


BRIAN A. PLUMLEE, CITY CLERK

ORDINANCE NO. 2019-23

AN ORDINANCE ESTABLISHING AN OVERSIGHT COMMITTEE FOR THE MOUNTAIN HOME HISTORIC ARTS & ENTERTAINMENT DISTRICT AND PROVIDING FOR BYLAWS, PROCEDURES, AND DECORUM

WHEREAS, the Mountain Home City Council wishes to create an oversight committee for The Mountain Home Historic, Arts & Entertainment District, hereinafter referred to as "The District."

WHEREAS, the Mountain Home City Council passed Ordinance 2019-17 establishing the "The District" on June 20th, 2019.

WHEREAS, Ordinance 2019-17 became law on July 24th, 2019.

WHEREAS, the Mountain Home City Council believes "The District" will generate new events, festivals, along with other opportunities in the downtown area.

WHEREAS, the Mountain Home City Council believes an Oversight Committee for "The District" serves the best interests for residents and visitors alike.

WHEREAS, the Mountain Home City Council shall create and convene an Oversight Committee for "The District" to review and report happenings within the downtown area of Mountain Home, Arkansas.

WHEREAS, the Mountain Home City Council shall establish an Oversight Committee for "The District" to process applications for events and festivals.

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

Section 1. The District Oversight Committee

A. Membership

Membership shall consist of the following five (5) members and shall be appointed by the City of Mountain Home Mayor.

1. One (1) member from the City of Mountain Home Governing Body, who shall be appointed by the City of Mountain Home Mayor.
2. Two (2) business owners from "The District" who shall be appointed by the City of Mountain Home Mayor.
3. One (1) member from the tourism industry, who shall be appointed by the City of Mountain Home Mayor.
4. One (1) member from the public-at-large, who shall be appointed by the City of Mountain Home Mayor.

B. Liaison

The following position shall serve in a non-voting capacity as a resource for the Oversight Committee:

1. City of Mountain Home Mayor

C. Term of Office

1. All Oversight Committee members shall serve for as long as they hold their respective positions with the agency they represent.
2. Members shall serve a one-year term, two year term, and three year term as follows:

Public-At-Large Member— one year term;
 Governing Body Member – two year term;
 Tourism Industry Member – two year term;
 Business Owner Member – three year term;
 Business Owner Member – three year term;

Thereafter, each eligible person will serve a three-year term upon expiration of these beginning terms. If any member is unable to complete their term of office, the City of Mountain Home Mayor shall appoint a citizen to fill the unexpired term. The Mayor also reserves the right to replace members as needed.

D. Powers of Members

1. The duties and powers of the Oversight Committee shall be as specified herein and the Oversight Committee shall make rules and regulations as necessary to carry out the provisions of this Ordinance.
2. The Oversight Committee shall meet bi-monthly, or may be called as needed to address urgent business by the City of Mountain Home Mayor or by the Chairman of the Oversight Committee.
3. The Oversight Committee shall, from time to time, review the regulations and requirements.

E. Voting Rights and Responsibilities of Members

1. All members of the Oversight Committee shall have full and equal voting rights and responsibilities on matters brought before the Oversight Committee.
2. A Chairperson, Vice Chairperson, Treasurer and Secretary shall be selected by Oversight Committee Members.
3. The Committee shall not conduct business unless a quorum is present. A quorum is defined as a majority of appointed members, excluding vacant seats.

Section 2. Application for Events and Festivals

Any person or corporation wishing to hold an event or festival in "The District" shall fill out an application and turn the application into City of Mountain Home Building Inspection Department. All applicants must turn in the application sixty (60) days prior to the event or festival.

A. Contents of Application

All applicants will follow the guidelines established by this Ordinance and by the Oversight Committee.

1. A non-refundable fee of twenty five dollars (\$25.00) shall accompany all original applications before consideration is given to be application.
2. The name, number, address, and email of the applicant.
3. A full description of the event.
4. A description of the physical location of the event from which the applicant intends to operate.
5. A description of how many people are expected to attend the event.
6. A description on how long the event will last.
7. A certificate of insurance in a form acceptable to the City of Mountain Home.
8. All applicants who wish to have alcohol at the event shall provide a license from the Arkansas Alcoholic Beverage Control Division.
9. The correct percentage of proceeds as required by the Arkansas Alcoholic Beverage Commission shall be donated to a non-profit organization within Baxter County, Arkansas.


B. Consideration of Application

1. The Oversight Committee shall receive applications from the City of Mountain Home Building Inspection Department.
2. The Oversight Committee will review, evaluate, and vote on every eligible application.
3. All applicants who are approved will be contacted by the Oversight Committee within ten (10) business days from the time the application is approved.
4. Approved Applicants shall submit a refundable deposit in the amount of two hundred fifty dollars (\$250.00) prior to the event.

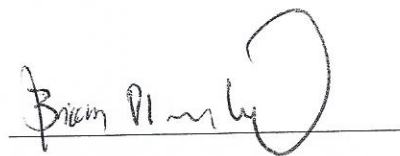
Section 3. Severability

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.

PASSED AND APPROVED THIS 15th DAY OF AUGUST, 2019.


HILLREY ADAMS, MAYOR

ATTEST:


BRIAN A. PLUMLEE, CITY CLERK

ORD. 2021-31

**AN ORDINANCE AMENDING THE ENTERTAINMENT
DISTRICT IN HISTORIC DOWNTOWN MOUNTAIN HOME, ARKANSAS**

WHEREAS, the State of Arkansas has passed into law Act 812, hereinafter referred to as "the Act," 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.

WHEREAS, the Act allows the Council to establish an entertainment district within the corporate limits of the City of Mountain Home, Arkansas.

WHEREAS, the Council has considered the merits of establishing such a district and believes that they will benefit the downtown area.

WHEREAS, the Council believes that the creation of an entertainment district will help promote 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 Mountain Home, Arkansas, to provide for the creation of such a district as provided in this ordinance.

WHEREAS, nothing herein is intended to confer any rights or entitlement. Selling alcohol within an area designated as an entertainment district is a privilege, not a right, and is subject at all times to reasonable regulation. The Council reserves the right to modify or repeal this Ordinance, and any district designation created hereunder, at any time.

WHEREAS, subject to the terms and limitations of the Act and this Ordinance, the City of Mountain Home, Arkansas, wishes to establish an entertainment district in the downtown area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
MOUNTAIN HOME, ARKANSAS, AS FOLLOWS:**

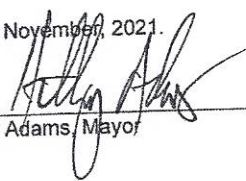
Section 1. *Creation and Establishment of an Entertainment District.* Under the authority granted in Act 812, the City Council does hereby create and establish an entertainment district in downtown Mountain Home, Arkansas, with the areas and boundaries as set forth and designated on the Map which is attached hereto as Exhibit 1 and incorporated herein.

Those areas encompassing Hickory Park, The Veteran's Plaza, and all government owned buildings are excluded from the district's open container policy. By excluding these areas from the district's open container policy it is the intention of the 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 issued by the ABC Board.

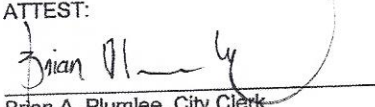
Section 2. *Outside Consumption of Alcoholic Beverages Permitted; Conditions.* Any on-premise retail alcohol beverage licensee who receives an entertainment district designation from the Arkansas Alcoholic Beverage Control Board shall comply with all laws, rules, and regulations which govern its license type, except that a patron, guest or member of that licensee may exit the licensed premises between the hours of 11:00 a.m. and 12:00 a.m. with no more than one open container of alcoholic beverages and consume said alcoholic beverages anywhere within the confines of the entertainment district in which the alcoholic beverage was obtained (except those areas encompassing Hickory Park, The Veteran's Plaza, and all government owned buildings), are subject to the following regulations:

- (1) A person may not enter other licensed premises with an open container or closed container of alcoholic beverages acquired elsewhere.
- (2) A licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises only in a paper or plastic cup that bears the commercially printed name and/or logo of the designated licensee, and no such alcoholic beverages shall be removed from the licensed premises in a can, bottle, or glass container; except, that glass containers shall be allowed in a licensee's outdoor sit down dining areas that are situated on a sidewalk or other right-of-way where the licensee has a right-of-way use agreement with the City of Mountain Home.
- (3) 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 open container.
- (4) 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

PASSED AND APPROVED this 18th day of November, 2021.


Hillrey Adams, Mayor

ATTEST:


Brian A. Plumlee, City Clerk

ORDINANCE NO. 2023-28

**AN ORDINANCE AMENDING ORDINANCE NO. 2019-34
TO ALLOW THE DISPLAY OF A-FRAME SIGNS BY MERCHANTS
IN THE CITY OF MOUNTAIN HOME'S HISTORIC DOWNTOWN
ENTERTAINMENT DISTRICT; TO ALLOW THE DISPLAY
OF INFORMATIONAL OR DIRECTIONAL SIGNS RELATED
TO THE MOUNTAIN HOME FARMERS MARKET;
REPEALING ORDINANCE NO. 2023-23; AND FOR OTHER PURPOSES**

WHEREAS, merchants in the City of Mountain Home's Historic Downtown Entertainment District desire to use A-frame or sandwich board-style signs to promote their businesses; and

WHEREAS, organizers of the Mountain Home Farmers Market desire to use A-frame or sandwich board-style signs to promote said market's operation; and

WHEREAS, existing ordinances for the City of Mountain Home do not allow for the continual use of those signs year round;

**NOW THEREFORE BE IT ORDAINED
BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN HOME, ARKANSAS:**

Section 1. Ordinance No. 2019-34 is hereby amended to add the following under "Section 6. Exemptions":

13. Portable signs for use in the Historic Downtown Entertainment District

Merchants in the Historic Downtown Entertainment District may display ONE (1) A-frame or sandwich board-style sign promoting their business, provided that the sign is only displayed during the business' operating hours.

The maximum dimensions of a sign are twenty-eight (28) inches by fifty (50) inches on a side. A business desiring to display a portable sign larger than that must first receive permission from the City's Planning Commission before displaying said sign.

Signs should be placed directly in front of the respective businesses, and a sign's placement should not impede sidewalk foot traffic any more than what is reasonable. Caution should also be taken to make sure that said sign is not a distraction to the safe operation of motor vehicles.

14. Informational or directional signs for the Mountain Home Farmers Market

Organizers of the Mountain Home Farmers Market may display TWO (2) A-frame or sandwich board-type signs for the express purpose of raising awareness about the location or operation of the Farmers Market.

The maximum dimensions of the signs are twenty-eight (28) inches by fifty (50) inches on a side. Should the Farmers Market desire to display a portable sign larger than that, it must first receive permission from the City's Planning Commission before displaying said sign.

Signs may be placed up to THREE (3) blocks away from the Farmers Market and must be taken down when the market is not in operation. Said signs should indicate to the reader the physical direction of the Farmers Market or communicate that the market is currently open; promotion of an individual vendor or market items is prohibited on such signs.

A sign's placement should not impede sidewalk foot traffic any more than what is reasonable. Caution should also be taken to make sure that said sign is not a distraction to the safe operation of motor vehicles.

Section 2. The provisions of this Ordinance shall be severable. The validity, unenforceability or unconstitutionality of any clause, phrase, sentence or part thereof shall not affect the validity, enforceability or constitutionality of any other clause, phrase or part thereof.

Section 3. Ordinance No. 2023-23 is hereby repealed.

Emergency clause It is determined by the City Council of the City of Mountain Home, Arkansas, that the promotion of business within the Historic Downtown Entertainment District and the Mountain Home Farmers Market is beneficial to the public health and safety due to the sales tax revenue the district produces. Therefore, an emergency is declared to exist; and this Ordinance being necessary for the preservation of public health and safety, the same is to be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 6TH DAY OF JULY, 2023.


HILLREY ADAMS, MAYOR

ATTEST:


SCOTT LILES, CITY CLERK