

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED: AN ORDINANCE ESTABLISHING THE RULES AND PROCEDURES FOR FILING AN APPLICATION FOR A PRIVATE CLUB PERMIT IN THE UNINCORPORATED AREAS OF CLEBURNE COUNTY, ARKANSAS.

WHEREAS, in accordance with A.C.A. § 3-9-222 (a)(1) it is required that an application for a permit to operate as a private club be made to the governing body of the county or municipality in which the private club seeks to be located; and

WHEREAS, in accordance with A.C. A. § 3-9-222 (a)(2) if the governing body of the county approves, by ordinance, an application for a permit to operate as a private club, the Arkansas Alcoholic Beverage Control Division may issue a permit to operate as a private club to the applicant for the proposed location.

NOW THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF THE COUNTY OF CLEBURNE, STATE OF ARKANSAS, THAT:

Article 1. Establishment of Procedures. The procedures to request an ordinance in support of an application for a permit to operate a private club in the unincorporated area of Cleburne County shall be as follows:

- (a) An applicant shall submit the following to the Cleburne County Quorum Court, not less than thirty (30) days prior to a regularly scheduled Quorum Court Meeting:
 - (1) a letter stating their intent to file for a private club permit in the unincorporated area of Cleburne County which shall include the physical address where the business will be located; and
 - (2) a copy of the Arkansas Alcoholic Beverage Control application they intend to file.
- (b) An applicant shall notify all property owners within five hundred (500) feet of the proposed location, by personal service or by United States Postal Service certified mail, return receipt requested and by duplicate sent by regular mail, informing them of the applicant's intent to request an ordinance in support of an application for a permit to operate a private club. The notice shall include the dates, times and location of the Quorum Court meeting in which the matter is requested to be heard. The notice shall also inform each property owner of their right to make their position in support or opposition known at the meeting of the Quorum Court. Notice must be delivered to the property owners identified above not less than seven (7) days in advance of the date of the meeting of the Quorum Court; and
- (c) An applicant shall provide the Cleburne County Quorum Court with the following not less than fourteen (14) days prior to the Quorum Court meeting during which the matter is requested to be heard
 - (1) copies of the letter(s) notifying property owners of the applicant's intent to request an ordinance in support of an application for a permit to operate a private club; and
 - (2) proof of personal service or delivery of the notice required in Section (a) above; and
 - (3) a letter from the county planning department or planning department of any city exercising extraterritorial zoning jurisdiction over the subject property indicating whether the proposed use is consistent with permitted or conditional uses for the subject property.

Article 2. The Cleburne County Quorum Court's approval of an ordinance supporting an application for a permit to operate a private club in the unincorporated areas of Cleburne County does not constitute final action nor does it guarantee the permit will be approved by the Arkansas Alcoholic Beverage Control Division. The ordinance of the Quorum Court merely expresses support or lack of support of the governing body of Cleburne County. It provides no indication of whether the application complies with appropriate alcohol regulations or laws.

ORDINANCE NO. 2019-004

Article 3. The Arkansas Alcoholic Beverage Control Division is not compelled to approve or issue a permit to operate a private club based on the Cleburne County Quorum Court's approval of an ordinance supporting the applicant's permit request.

Article 4. SEVERABILITY: If any part of this ordinance is held invalid, such invalidity shall not affect any other portion of this ordinance.

Article 5. REPEALER: All laws and parts of laws in conflict with this ordinance are hereby repealed.

Article 6. EMERGENCY CLAUSE: This ordinance, being necessary for the preservation of the public peace, health, and safety, shall be in full effect immediately upon adoption and signing.

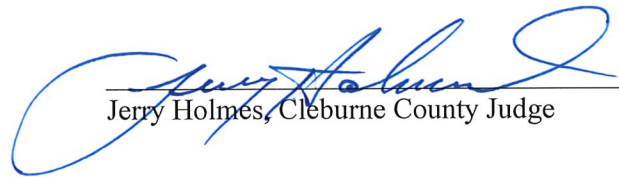
PASSED AND ADOPTED this 14th day of February 2019.

ATTEST:



Rachelle Evans, Cleburne County Clerk

APPROVED:



Jerry Holmes, Cleburne County Judge

Recorded: Book E Page(s) 161-162

FILED
2019 FEB 20 AM 9:45
RACHELLE EVANS
CLEBURNE COUNTY CLERK