

**ORDINANCE NO. 22- 09**

**AN ORDINANCE AMENDING THE BOUNDARIES OF THE RAILYARD ENTERTAINMENT DISTRICT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, Act 812 of 2019, codified at Ark. Code Ann. §14-54-1412, authorizes cities, collecting a gross receipts tax on prepared food or hotel and motel accommodation and located in a county authorized to sell alcoholic beverages, to create a designated entertainment district in contiguous areas zoned for or customarily used for commercial purposes;

**WHEREAS**, the City adopted Ordinance No. 21-34 that established the Railyard Entertainment District along with its associated boundaries, rules, and procedures; and

**WHEREAS**, the City wishes to amend the boundaries of the Railyard Entertainment District due to the opening of new businesses outside the current boundary. This Ordinance only revises the boundary of the Railyard Entertainment District and does not revise or amend any other provisions as established in Ordinance No. 21-34.

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

Section 1: That pursuant to the authority granted by Act 812 of 2019, the City of Rogers established an entertainment district to be known as the Railyard Entertainment District ("District"). The boundaries of that District are revised and amended as shown on Exhibit "A";

Section 2: No other provisions of Ordinance No. 21-34 as it relates to the rules and procedures of the Railyard Entertainment District are being amended;

Section 3: This Ordinance does not diminish the requirements or authority of the Alcoholic Beverage Control Division of the Department of Finance and Administration concerning permits issued within the designated entertainment district, including special event permits;

Section 4: Pursuant to Ark. Code. Ann. §14-54-1412(b)(4), the City Clerk shall, within ten (10) days from the passage of this Ordinance, provide notice of the revised boundary of the Railyard Entertainment District to the Alcoholic Beverage Control Division of the Department of Finance and Administration;

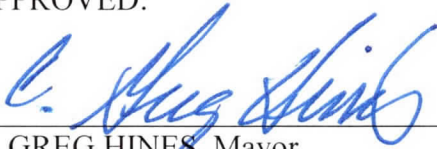
Section 5: Emergency Clause: The need to make use of the provisions of Act 812 of 2019 and amend the boundary of the Railyard Entertainment District, in order to promote the downtown area of the City of Rogers and provide entertainment, hospitality, and dining opportunities to the citizens, is immediate and an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage;

Section 6: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and


Section 7: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 25th day of January, 2022

APPROVED:

  
C. GREG HINES, Mayor

Attest:

  
JESSICA RUSH, City Clerk



Requested by: John McCurdy, Community Development Director  
Prepared by: John M. Pesek, Senior Staff Attorney

Exhibit A

