

1 Class B Private Club shall comply with the decision of the Chief of Police. The Chief of
2 Police and the City Manager, in passing upon such a request for a waiver, shall consider
3 the location of the club, and the size of the club in terms of the building and the number of
4 patrons it can facilitate.

5 To the extent any Class B Private Club is, as of the date of the adoption of this
6 ordinance, utilizing more than two (2) individuals who are certified by the State of
7 Arkansas to act as a Law Enforcement Officer, or is using such individuals during a time
8 period greater than the minimum specified above, that club shall not modify that practice
9 so as to decrease the number of individuals or hours without first submitting an application
10 to the Chief of Police for approval. This decision of the Chief of Police may be appealed
11 to the City Manager. To the extent any Class B Private Club is unable to retain the
12 necessary individual(s) on reasonable terms, that club may make application to the Chief
13 of Police for a waiver of the requirement set forth in this ordinance. This decision of the
14 Chief of Police may also be appealed to the City Manager. While the matter is on appeal
15 to the City Manager, the Class B Private Club shall comply with the decision of the Chief
16 of Police.

17 In addition to two (2) individuals, unless a lesser number is authorized by the Chief of
18 Police, who are certified by the State of Arkansas to act as Law Enforcement Officers to
19 work outside of an Class B Private Club as set forth above, any such club shall also employ
20 an adequate number of individuals to work as security on the inside of the club. Individuals
21 working as security on the inside of the club are not required to be certified by the State of
22 Arkansas to act as a Law Enforcement Officer.

23 **Probationary measures to be enacted against Class B Private Club permits in the**
24 **event of frequent unlawful activity.**

25 If numerous incidents occur on the interior or exterior premises owned or controlled
26 by a Class B Private Club, including adjacent properties controlled by the Class B Private
27 Club by virtue of an agreement, lease or contract, after the effective date of this ordinance,
28 that could constitute grounds for it to be declared a nuisance as defined by Arkansas case
29 law, or that could constitute grounds for the suspension of its Arkansas Beverage Control
30 Board license, or which involve numerous events on the premises that constitute a felony
31 under Arkansas law, then the Chief of Police shall conduct a review of all the relevant facts
32 underlying those incidents, including consulting with the club owner, manager and relevant
33 employees, and if he concludes in his reasonable judgment that the incidents resulted in
34 whole or in part from a lack of reasonable security measures or improper operations by the

1 Class B Private Club, he may place that Class B Private Club on probation by requiring it
2 to close at a time earlier than 5:00 AM, but no earlier than 3:00 AM, for a period of time
3 determined by the Chief of Police, but no more than two (2) months.

4 In the event the Chief of Police places a Class B Private Club on probation a second
5 time within a twelve (12)-month period, the probation shall be for a minimum of two (2)
6 months.

7 The Chief of Police shall provide notice of probation to the Class B Private Club in
8 writing via certified mail. The decision of the Chief of Police may be appealed to the City
9 Manager, such appeal being submitted via letter to the City Manager within thirty (30) days
10 of receipt of the decision of the Chief of Police. If requested in the appeal letter, the City
11 Manager shall provide the Class B Private Club the opportunity to be heard on its appeal
12 on a date and time set by the City Manager. The City Manager shall render a decision
13 within fifteen (15) days of receipt of the appeal, or within fifteen (15) days of the hearing,
14 whichever is later, and shall submit that ruling to the Class B Private Club via certified
15 mail. The decision of the City Manager shall be final. The imposition of the probation shall
16 be stayed during the pendency of all appeals.

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18 All Class B Private Clubs shall install and/or maintain adequate exterior lighting and video
19 surveillance equipment, on property owned or legally controlled by it and shall consult
20 with the Chief of Police in determining adequate lighting and video surveillance, and
21 signage to prohibit loitering. If adequate lighting and surveillance is not already in place
22 upon the date of enactment of this ordinance, the Class B Private Club shall install such
23 equipment within reasonable period of time as determined by the Chief of Police.

24 A Class B private club which does not operate later than 2:00 AM on any night of the week
25 is exempt from this ordinance.

26 **Section 2. Severability.** In the event any section, subsection, subdivision, paragraph, subparagraph,
27 item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or
28 unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance,
29 as if such invalid or unconstitutional provision was not originally part of this ordinance.

30 **Section 3. Repealer.** All ordinances, resolutions, bylaws, and other matter inconsistent with this
31 ordinance are hereby repealed to the extent of such inconsistency.

32 **PASSED: October 6, 2014**

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1 **ATTEST:**

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4 _____
Susan Langley, City Clerk

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APPROVED:

Mark Stodola, Mayor

6 **APPROVED AS TO LEGAL FORM:**

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9 Thomas M. Carpenter, City Attorney

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