

1 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
3 consider the location of the club, and the size of the club in terms of the building and
4 the number of 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
8 time period greater than the minimum specified above, that club shall not modify
9 that practice so as to decrease the number of individuals or hours without first
10 submitting an application to the Chief of Police for approval. This decision of the
11 Chief of Police may be appealed to the City Manager. To the extent any Class B
12 private club is unable to retain the necessary individual(s) on reasonable terms, that
13 club may make application to the Chief of Police for a waiver of the requirement set
14 forth in this ordinance. This decision of the Chief of Police may also be appealed to
15 the City Manager. While the matter is on appeal to the City Manager, the Class B
16 private club shall comply with the decision of the Chief of Police.

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

24 Notwithstanding the above requirements, if a Class B private club is involved in
25 an incident, after the effective date of this ordinance, that could cause it to be de-
26 clared a nuisance, or that could lead to the suspension of its Arkansas Beverage
27 Control Board license, or which involves violence on the premises or within the club
28 that would constitute a violent felony under Arkansas law, then the number of
29 certified external security personnel required, and the time frame for such a
30 requirement, shall be determined by the Chief of Police. The decision of the Chief
31 of Police may be appealed to the City Manager. While this matter is on appeal to the
32 City Manager, the Class B Private Club shall comply with the decision of the Chief
33 of Police.

1 **Section 2. Severability.** In the event any section, subsection, subdivision, paragraph, subparagraph,
2 item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or
3 unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance
4 which shall remain in full force and effect as if the portion so declared or adjudged invalid or
5 unconstitutional was not originally a part of this ordinance.

6 **Section 3. Repealer.** All ordinances and resolutions inconsistent with this ordinance are hereby
7 repealed to the extent of such inconsistency.

8 **Section 4. Emergency Clause.** *In the interest of public health, safety, and welfare, and pursuant to the*
9 *City's authority as described in Tompos v. City of Fayetteville, 280 Ark. 435, 658 S.W.2d 404 (1983), an*
10 *emergency is declared to exist and this ordinance shall be in full force and effect from and after the date of*
11 *its passage.*

12 **PASSED: October 6, 2014**

13 **ATTEST:**

APPROVED:

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16 **Susan Langley, City Clerk**

Mark Stodola, Mayor

17 **APPROVED AS TO LEGAL FORM:**

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19 _____
20 **Thomas M. Carpenter, City Attorney**

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