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Amendment to Section 5.15 Local Ordinance Required, Presumption That The Application is Qualified to be Received by Agency; Information, Statements and Documents to be Furnished by Applicant.

- A. A private club application may only be submitted to the Alcoholic Beverage Control after the governing body of the county or municipality in which the private club seeks to be located has issued an ordinance approving the private club to operate in that county or municipality. A private club application filed with and accepted by the ABC Division meeting the requirements of Section 5.14 of the Alcoholic Beverage Control Regulations and approved by local ordinance will be presumed to be a "qualified application" under the terms of ACA § 3-9-222(f). This presumption shall be met if the application is accompanied by the required documents listed in Subsection B. of this Regulation.
- B. In addition to such information as the Director may determine shall be furnished, the following information, statements and documents shall be given or made by an applicant for a private club permit and such application shall be verified under oath by the chairman of the board of directors or other governing body, the president and the secretary of said private club or the named managing agent of the non-profit corporation:
- (1) The name, and residence of each consenting charter member of the club on the date of application and who is in good standing on the date of the application;
 - (2) The name, and address of each member of the board of directors or other governing body and each officer of the club;
 - (3) The premises to be permitted stating the street and number or such description of the premises and the character of the area surrounding the premises as will reasonably indicate the locality of the premises and will specifically designate and describe all areas on the premises of the club where controlled beverages will be dispensed and the consumption of such controlled beverages will be allowed;
 - (4) The applicant shall submit the description called for in Subsection (3) of this Regulation and a plot plan of the premises which shall clearly show the construction of the premises, including the dimensions thereof and the relation of the premises to surrounding structures;
 - (5) A detailed description of the non-profit purpose or objective of the club and a complete description of entertainment and/or other services offered by the club;

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- (6) The amount assessed a member as dues, if any, at the time of said application for permit;
- (7) A copy of the minutes of the meeting of the governing board of the non-profit corporation which shows that the application for the private club permit is authorized by the organization's governing body;
- (8) A statement that the applicant is the owner of the premises for which the permit is sought or is the holder of an existing lease thereon. If the applicant is not the owner of the premises for which the permit is sought, the applicant must state the name of the owner of the premises and the names of any other persons holding a leasehold interest in the premises;
- (9) A statement that no member of the board of directors or other governing body nor any of the officers of the club has been under the sentence, whether suspended or otherwise, of any court for the conviction of a felony within two (2) years preceding the date of the application, that no member of the board of directors or other governing body nor any of the officers of the club has had a permit, license or registration issued to them under any alcoholic beverage control law or Regulation of the State of Arkansas revoked within five (5) years preceding the date of application and that all members of the board of directors or other governing body and all officers of the club are of good moral character;
- (10) A copy of the articles of incorporation, as filed-marked by the Arkansas Secretary of State's Office, and the by-laws of the private club shall be attached to the application;
- (11) If the premises are not owned by the applicant, a copy of the lease or other agreement for use of the premises shall be attached to the application; and
- (12) The applicant, in the application, must elect to operate under either the "locker system" or the "pool or revolving fund system" of operation.
- (13) ***Permit Not to be Issued to Unqualified Corporation;
Repealed 8-17-05***

1 State of Arkansas

As Engrossed: H3/27/17

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 623

4
5 By: Senator E. Williams

6 By: Representative Ballinger

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE GOVERNING BODIES OF COUNTIES
10 AND MUNICIPALITIES TO INITIATE THE PERMITTING PROCESS
11 FOR PRIVATE CLUBS; AND FOR OTHER PURPOSES.

Subtitle

15 TO AUTHORIZE THE GOVERNING BODIES OF
16 COUNTIES AND MUNICIPALITIES TO INITIATE
17 THE PERMITTING PROCESS FOR PRIVATE CLUBS.

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

21
22 SECTION 1. Arkansas Code § 3-9-222(a) and (b), concerning the
23 procedure for obtaining a private club permit, are amended to read as
24 follows:

25 (a)(1) Application for a permit to operate as a private club may be
26 made to the ~~Director of the Alcoholic Beverage Control Division in accordance~~
27 ~~with the rules of the Alcoholic Beverage Control Board~~ governing body of the
28 county or municipality in which the private club seeks to be located.

29 (2) If the governing body of the county or municipality approves
30 by ordinance an application for a permit to operate as a private club under
31 subdivision (a)(1) of this section, the Alcoholic Beverage Control Division
32 may issue a permit to operate as a private club to the applicant for the
33 proposed location.

34 (b)(1) The application for a private club shall be submitted to the
35 division and accompanied by an annual permit fee of one thousand five hundred
36 dollars (\$1,500).



1 (2) The application for a bed and breakfast private club shall
2 be submitted to the division and accompanied by an annual permit fee of
3 seventy-five dollars (\$75.00).

4 (3) In an area in which the sale of intoxicating liquor has not
5 been authorized by local option as provided under § 3-8-201 et seq., the
6 application for a private club permit shall be submitted to the division and
7 accompanied by an additional application fee of one thousand five hundred
8 dollars (\$1,500).

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10 */s/E. Williams*

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13 **APPROVED: 04/07/2017**
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