ORDINANCE NO. 89-2

AN ORDINANCE PROHIBITING THE OPENING OF CONTAINERS OF ALCOHOLIC BEVERAGES ON OR ABOUT PUBLIC PLACES AND THOROUGHFARES IN THE CITY OF ATKINS AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PUROSES.

WHEREAS, IT IS UNDESIRABLE AND DETRIMENTAL TO THE HEALTH, WELFARE AND SAFETY OF THOSE PERSONS LOCATED IN THE CITY OF ATKINS FOR PERSONS TO OPEN OR DRINK ALCOHOLIC BEVERAGES ON OR ABOUT PUBLIC PLACES OR THOROUGHFARES IN THE CITY OF ATKINS.

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

Section 1: It shall be unlawful for a person to have in that person's possession or within that person's immediate reach or control, while on or about public places or thoroughfares within the City of Atkins, any open containers of any alcoholic beverage.

Section 2: Definitions:

A. "Possession" means: To be held, or placed, or upon ones person, and/or in ones grasp, and/or within ones grasp of control.

B. "Alcoholic Beverage" means: Any vinous, spirituous, or malt liquors or beverages, or beers, and also including but not limited to whiskey, brandy, cordials, liquors, ales, beers, or other liquids containing alcohol as these terms are defined by Arkansas State Law.

C. "Open Container" means: Any container of alcoholic beverage which has or has had its seal broken or its top opened.

Section 3: Penalties: Any person found guilty of this offense shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than $50.00, nor more than $150.00, and/or imprisoned in the County Jail for not more than five (5) days for each offense.

Section 4: This ordinance being necessary for the preservation of the health and safety of the residents of Atkins, an emergency is hereby declared to exist and this ordinance shall be effective immediately upon and after its passage and approval.

DATED this 12th day of September, 1989.

STEPHEN C. KENT, MAYOR

ATTEST:

BRENDA GRAVES, CITY CLERK