

ORDINANCE NO. 85-2

AN ORDINANCE REQUIRING A "CONCESSION PERMIT" TO SELL CONCESSIONS WITHIN THE CITY OF RUSSELLVILLE ON THE FIRST AND SECOND SATURDAYS OF EACH ANNUAL LOGAN COUNTY TOBACCO FESTIVAL; DEFINING "CONCESSIONS," CITING THE AUTHORITY FOR THIS ORDINANCE, PROVIDING FOR ISSUANCE OF THE "CONCESSION PERMIT"; PROVIDING FOR A LIMITATION OF THE EFFECT OF THE "CONCESSION PERMIT"; PROVIDING FOR A FEE AND BY WHOM COLLECTED AND RECEIVED; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VIOLATORS TO CEASE AND DESIST WITH A PENALTY, REPEALER, AND SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY OF RUSSELLVILLE THAT:

1. Anyone selling concessions on the first and second Saturdays of each annual Logan County Tobacco Festival shall first obtain the "concession permit" authorized by this Ordinance.

"Concessions," as used in this Ordinance includes all goods, whether or not consumable, and services sold in connection with the festival.

2. This Ordinance is enacted pursuant to the authority of the City to enact Ordinances to protect the health, safety, and welfare of its inhabitants.

3. The Finance Director of the City of Russellville is designated to issue the "concession permit" herein authorized, upon recommendation of the Russellville-Logan County Chamber of Commerce, Tobacco Festival Chairperson(s), after application, investigation, and consideration. The "concession permit" shall authorize the conducting of a particular concession at a particular location and shall be issued on an equal opportunity basis. It shall have designated thereon the date(s) on which the "concession permit" may be exercised.

4. The issuance of the "concession permit" required by this Ordinance shall not be an endorsement by the City of Russellville of any seller of concessions or concession or a representation by

the City regarding the quality thereof.

5. Upon application to the Russellville-Logan County Chamber of Commerce for the recommendation that the City issue a "Concession permit," the applicant shall pay to the Russellville-Logan County Chamber of Commerce a fee of no more than TEN AND NO/100 DOLLARS (\$10.00) per Saturday per location, which fee may be retained by the Russellville-Logan County Chamber of Commerce to help defray expenses incurred in connection with this Ordinance, including but not limited to the cost of "concession permit" forms; the cost of investigation, if any, concerning the application; and the cost of informing the public regarding the concessions.

6. Holders of a valid and current occupational license of the City of Russellville are exempt from the provisions of this Ordinance requiring a "concession permit" unless their business is altered regarding goods sold or location to appeal to those attending the Tobacco Festival.

7. Anyone selling concessions in violation of this Ordinance shall, upon discovery, be ordered by any peace officer to cease and desist such violation or to obtain the "concession permit" required in this Ordinance, and the failure to do so shall be a penal violation of this Ordinance so that the violator shall upon conviction be fined in an amount of not less \$5 nor more than \$10, and each day of violation after being ordered to cease and desist shall be a separate offense.

8. Any previous Ordinance, rule, and/or regulation in conflict with this Ordinance is repealed to the extent of that conflict only.

9. If any provision of this Ordinance is or becomes invalid for any reason, such invalidity shall not affect the validity of any other provision of this Ordinance.

ADOPTED FIRST READING by roll call vote this the 2nd day of April, 1985.

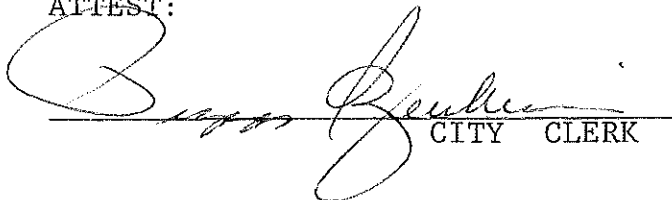
AYES:	NAYS:	ABSENT:	ABSTAINING:
-----	None	Keith Fruits	None
<u>Gary Woodlee</u>	_____	_____	_____
<u>Everett Daniel</u>	_____	_____	_____
<u>Willie Hampton</u>	_____	_____	_____
<u>Gary Hancock</u>	_____	_____	_____
<u>Harold Ray Johns</u>	_____	_____	_____

ADOPTED SECOND READING by roll call vote this the 16th day of April, 1985.

AYES:	NAYS:	ABSENT:	ABSTAINING:
-----	None	Keith Fruits	None
<u>Gary Woodlee</u>	_____	_____	_____
<u>Harold Ray Johns</u>	_____	_____	_____
<u>Willie Hampton</u>	_____	_____	_____
<u>Gary Hancock</u>	_____	_____	_____
-----	_____	_____	_____

MAYOR

ATTEST:



CITY CLERK

*Councilman Everett Daniel was Mayor Pro Tem during this meeting and did not vote on this Ordinance on Second Reading.