

# Citizen's Toolkit

## Arkansas Entertainment Districts

### *Opposing City Public Drinking Ordinances*

## Family Council

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## **Arkansas Entertainment Districts** *Allowing Public Drinking in Arkansas*

**Act 812:** In 2019, the Arkansas Legislature passed a law that allows city councils in wet counties to establish areas where public drinking is allowed on the streets near places that sell alcohol. The new law refers to these as “entertainment districts.” It was sponsored by State Rep. Sonia Barker and State Senator Trent Garner and signed into law by Governor Hutchinson. Widely known “entertainment districts” include Bourbon Street in New Orleans, Beale Street in Memphis, and the Strip in Las Vegas.

**Entertainment Districts:** An entertainment district does not have to include public drinking on the street, but most do. In places like Kansas City’s Power & Light District the goal has been to concentrate a large number of entertainment venues into a space small enough that patrons can walk or take a trolley from venue to venue. In cities like Cincinnati the entertainment district is a type of arts district in an older part of town with a high concentration of performing arts establishments, restaurants, tourist attractions, or other entertainment venues. In just about all entertainment districts, the sale of alcohol and food is the central focus.

In recent years, private investors have purchased low-cost buildings in older, declining parts of cities or towns. Sometimes there are tax breaks for those who purchase these declining properties and tax incentives for businesses to locate there. In many cases, taxpayers end up subsidizing these districts, because many have trouble sustaining themselves on their own. Sometimes cities spend tax dollars on downtown trolleys, ice rinks, fireworks, Christmas decorations, and fountains. Other times, wealthy individuals use their own funds to help revitalize a city or town, as has been done in Bentonville and El Dorado.

**Effects:** In some cities, these districts have increased tourism and brought businesses to declining areas. Others have struggled financially, such as those in Atlanta and Phoenix. Those with a heavy emphasis on alcohol consumption have been a source of problems. Even proponents of entertainment districts caution about the focus being on public drinking, because businesses in the district can end up consisting mostly of bars and nightclubs instead of restaurants and theaters. Districts established with public drinking as the focus become a public safety hazard, because of fighting, profanity, noise, public urination, litter, drunk driving, underage drinking, and sometimes violence and homicide. Sometimes these districts attract businesses such as strip clubs, liquor stores, tobacco shops, tattoo parlors, and gambling, if it is allowed.

**Trends:** Entertainment districts where alcohol can be consumed on the street are a growing trend. More than 50 cities across the U.S. have established parts of town that allow people to carry open containers of alcohol on the street. The size of these areas varies. Bourbon Street in New Orleans allows open carry of alcohol in a 13 block district. Public drinking is allowed in a 70 block area of Erie, Pennsylvania. Beale Street in Memphis is 1.8 miles long. Some districts are only a few blocks long. In some places entertainment districts are restricted from locating near a church or school. Some require the alcohol to be beer or wine only or be carried in a plastic cup. Some districts are blocked off, and patrons are carded to restrict teen drinking.

## **Problems Associated With Public Drinking in Entertainment Districts**

### **Problem #1: Violence in Entertainment Districts**

- Entertainment districts in Memphis, New Orleans, Cincinnati, and other cities have had serious problems with crime and violence.
- 2019 news reports from Memphis reveal problems with fights, stabbings, riots, stampedes, and altercations with law enforcement in the city's entertainment district.
- In 2019 law enforcement in Memphis testified before the City Council that crime on Beale Street was approaching a tipping point.
- In 2019 the Memphis City Council voted to charge people for entrance to Beale Street in an effort to fund police presence in the entertainment district and discourage unsavory individuals from entering the district.
- Bourbon Street in New Orleans routinely has problems with theft and murder.
- News reports have highlighted drunken brawls outside bars in entertainment districts in other states.
- It is difficult to find any entertainment district that allows public drinking that has not experienced problems with criminal activity associated with public drunkenness.

### **Problem #2: Public Safety**

- Public drinking in entertainment districts encourages bar hopping and binge drinking as people drink while walking from bar to bar.
- Intoxication on public streets and sidewalks raises concerns about pedestrian safety.
- Increased drinking in entertainment districts raises concerns about drunk driving when people leave the entertainment district.
- Teenagers have greater access to alcohol that is consumed by adults on the street than if it is consumed in a place where their age can be verified.
- While many entertainment districts require that the alcohol be purchased in the district, there is no practical way to keep people from bringing alcohol into the district.
- Entertainment districts sometimes turn into parts of town where many local residents won't go, because these areas attract revelers from out of town who go there to get drunk and party.

### **Problem #3: Disruption of the Peace**

- Entertainment districts can run adjacent to residential neighborhoods and businesses that want nothing to do with entertainment district activities.
- Entertainment districts generate crowds, traffic, litter, and noise.
- It is difficult to police the noise level coming from an entertainment district. For instance, in Memphis there is not a lot of local housing near Beale Street due to the large amount of noise.
- In some communities the smell of spilled alcohol, vomit, and discarded food becomes a problem.

- Individuals who specifically travel to an entertainment district for the purpose of getting drunk and engaging in revelry may be the type of people who will cause problems for the community outside the entertainment district.

#### **Problem #4: Proximity to Parks, Playgrounds, Churches, Daycares, Public Libraries, and Homeless Shelters**

- Act 812 does not prevent entertainment districts from running past churches, playgrounds, parks, schools, daycares, homeless shelters, rehab facilities, hospitals, libraries and other locations where children, families, or vulnerable individuals may be present.
- Act 812 does not prevent a city from allowing public drinking in a city park within an entertainment district.

#### **Problem #5: Cost to Taxpayers**

##### Tax Subsidies

- Some cities spend tax dollars to keep their entertainment district going. Taxpayers often end up paying to subsidize real estate owners or offer tax incentives for businesses to locate in older parts of town that have been designated as entertainment districts.
- There is no clear evidence that tax subsidies for entertainment districts actually bring a financial profit to a city, especially factoring in the harm and sometimes loss of life associated with the increase in public drunkenness and other issues.

##### More Police

- To curb crime and protect public safety, cities are required to spend extra money on security measures and police presence within entertainment districts.
- The City of Memphis has had to pay to install bollards to prevent cars from driving into streets and sidewalks in the city's entertainment district.
- The City of Memphis has been forced to spend additional funds on police in the city's entertainment district.

##### The Cost of Cleanup

- Cities often do not consider the work and cost involved in keeping entertainment districts clean and sanitary.
- Patrons often leave piles of litter like plastic cups and other trash. Sanitation workers have to deal with vomit and human excrement in and around entertainment districts.

## **Strategies for Opposing an Entertainment District in Your Community**

### **1) Form a Group to Organize Opposition**

- a) Don't wait for someone else to take the lead and do something
- b) Form a nucleus of between 2 and 7 opponents

### **2) Learn about Entertainment Districts So You can Be Persuasive**

- a) What an entertainment district is
- b) What have been the experiences in other communities
- c) Why public drinking in an entertainment district is harmful
  - i) Crime
    - (1) Public intoxication
    - (2) Fights
    - (3) Profanity
    - (4) Noise
    - (5) Litter
    - (6) Drunk driving
    - (7) Underage drinking
    - (8) General rise in criminal activity
  - ii) Standard of living and community atmosphere
    - (1) Children unwelcome
    - (2) Families unwelcome
    - (3) Community quality of life for families
    - (4) Sends the wrong message to children
    - (5) Attracts other adult businesses
      - (a) Strip clubs
      - (b) Marijuana stores
      - (c) Nightclubs
      - (d) Lottery venues
  - iii) Strain on public services
    - (1) Police
  - iv) Impact on businesses
    - (1) Decline in businesses that don't sell alcohol or food
  - v) False hope for revitalizing downtown

### **3) Organize a Coalition or Group of People to Fight It (Find 10 – 20 More People Who Will Speak Up)**

- a) Pastors
  - i) Ministerial alliance
  - ii) Denominational associations
  - iii) Ministers of large, key churches
  - iv) Independent churches
  - v) Church youth leaders
- b) Christian ministries
  - i) Drug and rehab ministries
  - ii) Christian camps and retreat centers
  - iii) Pregnancy resource centers
  - iv) Christian free medical clinics
- c) Educators
  - i) School superintendents
  - ii) School principals

- iii) Coaches
  - iv) Teachers
  - v) School board
  - vi) PTA and others
  - vii) Athletic booster club
  - viii) Local college leadership
- d) Civic clubs
  - i) Lions
  - ii) Rotary
  - iii) Others
- e) Businesses
  - i) Small business owners
  - ii) Owners or manufacturing facilities
- f) Legal
  - i) Retired judges
  - ii) Retired lawyers
  - iii) Practicing lawyers
- g) Professionals
  - i) Doctors
  - ii) Accountants
  - iii) Engineers
  - iv) Pharmacists
  - v) Other professionals
- h) Media
  - i) TV station
    - (1) Friendly reporters
  - ii) Owner or operator of local paper
    - (1) Opinion editorials
    - (2) Letters to the editor
  - iii) Radio talk show hosts
    - (1) Interviews
- i) Wealthy people
  - i) People with large personal wealth
- j) Women's groups
  - i) Mothers Against Drunk Driving
  - ii) Similar groups
- k) Social media
  - i) Someone who is on Facebook, Twitter, and other online news
- l) Elected officials
  - i) Your state senator or representative (if they oppose it)
  - ii) County judge
  - iii) County sheriff
  - iv) City police
  - v) Mayor
  - vi) City council members
  - vii) County quorum court members
- m) Political people
  - i) Democratic party chairman
  - ii) Republican party chairman
  - iii) Candidates running for office
  - iv) Former city council members

- v) Former county sheriff
- vi) Former members of the quorum court
- vii) Former county judge
- viii) Other former elected officials
- ix) Former state legislators

#### **4) Get Organized Ahead of the Proponents of Entertainment Districts**

- a) Be prepared for your city council to rush this through by suspending the rules and voting on it as soon as they can.
- b) Talk to members of your city council and mayor as soon as possible
  - i) Supporters of the entertainment district may already be talking to your mayor and city council.
  - ii) The mayor or members of your city council may be the ones offering the idea of an entertainment district.
- c) Realize that you may not get a chance to actually speak at a city council meeting.
  - i) Talk to city council members one-on-one well before the date of the meeting where they vote.
    - (1) Frame the issue with your city council before the proponents get to them
      - (a) Proponents of public drinking in entertainment districts will frame it as good for the local economy.
      - (b) You need to explain how the negatives outweigh the positives.

#### **5) Understand the Proposed Ordinance and Focus On Its Weaknesses**

- a) If you find a copy of the ordinance hard to get:
  - i) Hand deliver a letter to the mayor asking for a copy under the Arkansas Freedom of Information Act
- b) If possible, have an attorney read the proposed ordinance
- c) Have more than one person read the ordinance
- d) If it includes any tax breaks or public subsidies for the entertainment district:
  - i) Attack it as a tax issue
    - (1) Point out better ways to use tax dollars
- e) If there is no provision to keep it from running past a church, school, daycare, or hospital, or if there is no provision to limit the size or type of containers of alcohol:
  - i) Attack it as a public safety issue
- f) If there are no clear plans for how the district will operate and be policed:
  - i) Attack it as an ill-conceived effort

#### **6) Visit With Each Voting Member of the City Council**

- a) Don't wait until the city council meeting to make your case
  - i) Talk to city council members days or weeks before the meeting
    - (1) Keep talking to them
    - (2) Realize that the other side will keep trying to sway your friends on the city council
- b) Learn who is for and against it
- c) Determine the depth of their resolve to be for or against it
- d) Focus your efforts on:
  - i) Strengthening those who are against it
  - ii) Swaying those who are in the middle
  - iii) Don't waste time on those who strongly favor it
- e) Figure out which members of your coalition will have the greatest influence on members you need to sway
  - i) Ask them questions that make them think more deeply
    - (1) See our list of questions to ask on page 11.
- f) Visit individually with each member you want to sway

- i) Don't pin your hopes on persuading them in a meeting
- ii) Get your votes lined up well before they meet to vote
- g) If approval of the districts seems likely, bombard members of the city council with:
  - i) Emails
  - ii) Text messages
  - iii) Phone calls
  - iv) Letters
  - v) Personal visits from people who oppose the entertainment district
  - vi) Publish their names and contact information and encourage people to contact them
  - vii) Run a signature ad in a local paper or other media outlet
    - (1) Have influential people sign a letter of opposition and publish it

**7) Make a persuasive presentation when the city council meets to discuss the issue**

- a) Use the most influential people you have to speak
- b) Fill the room with opponents
- c) Be respectful and conduct yourselves in a way to garner support
- d) Keep confrontational people in the background
- e) Have each speaker cover a different area of concern

**8) If you believe the passage of the entertainment district is inevitable:**

- a) Launch a campaign to force the city council to refer the ordinance to a city-wide vote
  - i) Pressure them to let the citizens decide
    - (1) Launch a "Let us Vote" public campaign
- b) If the city council won't refer the ordinance for a city-wide vote, pressure them to include provisions that will reduce the harm of public drinking
- c) Offer ways to reduce the harm
  - i) (See our recommendations on Page 9)

**9) Remember:**

- a) You will not be able to defeat the entertainment district unless you have lots of help
- b) Try to have your votes lined up before the city council meets
- c) If you can't persuade enough council members to defeat it:
  - i) Try to get them to refer the ordinance for a city-wide vote
  - ii) Try to get the city council to include provisions to reduce the harm through restrictions

**10) If the Entertainment District Ordinance Passes**

- a) Citizens can circulate petitions and force a city-wide vote on the ordinance
  - i) Time for doing this is extremely short: Call Family Council (501) 375-7000 for guidance on running a local petition drive to hold an election to repeal the ordinance
- b) Elect city council members who will repeal or restrict the ordinance
- c) If anything about the ordinance is unconstitutional a lawsuit to overturn it in court could be filed.



## **Ways to Regulate Public Drinking in Entertainment Districts**

*If Passage is Inevitable Here are Some Ways to Reduce Harm*

- 1) **Keep them away from certain places where children or vulnerable people may be**
  - a) For example, in Las Vegas, Nevada, no public drinking districts are established within 1,000 feet of a:
    - i) Place of worship
    - ii) School or daycare
    - iii) Hospital
    - iv) Homeless shelter
  - b) The same standards for Arkansas adult-oriented businesses could be applied to restrict public drinking within 1,000 feet of a:
    - i) Childcare facility
    - ii) Public park
    - iii) State or federal historical district
    - iv) Bowling allies
    - v) Skating rinks
  - c) One might also add:
    - i) Fairs
    - ii) Festivals
    - iii) Parades
    - iv) Libraries
- 2) **Limit the type of alcohol that can be publicly consumed**
  - a) In Fredericksburg Texas, only the public drinking of beer or wine is allowed (not liquor).
- 3) **Keep public drinking away from already popular areas**
  - a) Austin, Texas restricts open containers to less central neighborhoods
  - b) Indianapolis, Indiana does not allow open containers in city parks
  - c) In Treasure Island, Florida, no public drinking is allowed on the main beach
- 4) **Limit the type and size of container**
  - a) In Savannah, Georgia, drinks must be in a plastic container and be less than 16 ounces
  - b) In Roswell, Georgia, drinks must be in a plastic or paper container and be less than 16 ounces
  - c) In Huntsville, Alabama, cups must have a special logo
- 5) **Close off the district to keep motor vehicles out and ensure entry and exit by patrons can be monitored**
  - a) In Louisville, Kentucky, open containers are allowed at night in closed off areas where people are carded
  - b) Beale Street in Memphis and Bourbon Street in New Orleans are blocked to motor vehicles
- 6) **Shorten hours and days of operation**
  - a) The Montgomery, Alabama entertainment district has shorter hours: 9 p.m. – midnight
  - b) Huntsville, Alabama has an initial thirty-day trial period where the district is only operational on Thursday and Friday evenings from 5-10 p.m.
  - c) Limit it to Friday and Saturday nights
- 7) **Other Ideas**
  - a) Prohibit servers from specifically offering patrons “booze to go”
  - b) Limit public drinking to outdoor seating or gardens associated with restaurants rather than on the street or sidewalk
  - c) Require large crowd events to be pre-approved by city police
  - d) Create stronger criminal and civil penalties on the owners of establishments that continue serving intoxicated patrons
  - e) Prohibit firearms in the entertainment district
  - f) Establish a noise ordinance

- g) Prohibit underage persons (Under 21) from being in the entertainment district while alcohol is being consumed on the street
- h) Require vendors who sell alcohol to foot the bill for:
  - i) Signs or barriers designating the boundary of the entertainment district.
  - ii) Trash cans
  - iii) Trash pick up
  - iv) Policing
  - v) Signs informing people about the rules of the entertainment district
  - vi) Wrist bands and marked cups

## **8) State Legislation**

- a) Restrict the number of bars in an entertainment district
- b) Prohibit firearms from entertainment districts
- c) Require a county-wide or city-wide vote for the establishment of an entertainment district
- d) Create a mechanism for local citizens to repeal an entertainment district
- e) Limit the size of an entertainment district

## Questions for Mayors and City Councils

Key Questions are in Bold Print

### 1) Economics

- a) **What economic study or research have you done to arrive at your conclusion that this will help our community?**
- b) Just because some people say that entertainment districts that allow public drinking have helped some communities, what leads you to believe it will help ours?
- c) Besides allowing public drinking, what plan does the city council have for revitalizing the neighborhood?

### 2) Taxes

- a) **Who is going to pay for the increased police presence in and around the entertainment district?**
- b) **Are taxpayers going to subsidize this entertainment district in any way? If so, why should taxpayers who oppose public drinking be forced to subsidize it through the creation of this entertainment district?**
- c) Other cities have had to spend taxpayer money picking up extra litter that's left behind in entertainment districts. Who is going to pay for cleanup in our city?
- d) What is your plan for policing the entertainment district to prevent underage drinking, keep city streets and sidewalks clean, encourage businesses to build in the entertainment district, and enforce DUI laws in and around the entertainment district without spending additional city funds?
- e) Major cities like Kansas City and Memphis have been forced to spend a lot of money—sometimes millions of dollars—encouraging businesses to build in their entertainment district. What makes you think you can build a successful entertainment district without spending large amounts of taxpayer money?
- f) How much more do you expect to spend on trash pickup and receptacles to handle an anticipated increase in to-go cups and other litter?
- g) Will additional lighting be required to monitor activities and enhance public safety?
  - i) If so, who will pay for this?
  - ii) If not, how do you plan to prevent people from stepping into the shadows to share a drink with an underage person or engage in other activities prohibited in the entertainment district?

### 3) Experience Elsewhere

- a) Other cities have had serious problems with crime, drunk driving, and sanitation in their entertainment districts. Why do you think an entertainment district will be any different in our town?

### 4) Social

- a) **Since alcohol can't be sold near a church or school why is it a good idea to allow people to drink on the sidewalk in front of a church or school? (If your district runs past a church or school)**
- b) Have you thought about how an entertainment district may change the atmosphere of our community to make it less attractive for families with children?
- c) Would you be comfortable standing in front of the people you go to church with and tell them how this entertainment district is a biblically sound thing to do? If not, why promote it?
- d) Will children and teenagers be allowed in the entertainment district during public drinking hours? Why?
- e) What do you intend to do if this entertainment district causes harm to our community?
- f) Don't you think public drinking may create an environment in which many of our own citizens will avoid this part of our own town because of the unsavory nature of the area?

### 5) Public Drinking

- a) **Why is public drinking such a critical element in establishing an entertainment district? Why can't there be public entertainment without public drinking? Have you considered places like Bentonville and Branson?**
- b) Is there no way to have a fun, vibrant arts and entertainment district without public drinking?
- c) Will legalizing public drinking really attract the type of tourists we want in our town?
- d) Will good people want to live in a town that's known as a great place to go drink on public sidewalks?

### 6) Public Safety

- a) **Will you please show me your plan for:**
  - i) **Reducing the number of drunk drivers leaving the entertainment district?**
  - ii) **Keeping people from bringing their own alcohol into the entertainment district?**
  - iii) **Keeping the noise level down so nearby residents are not disturbed?**
  - iv) **Keeping the entertainment district clean?**
- b) **Will people be allowed to carry firearms in the entertainment district? Why or Why not?**
  - i) **Doesn't Arkansas' law allow people to carry firearms on the streets and sidewalks, including entertainment districts?**
    - (1) **How do you propose to prevent the dangerous mix of alcohol and firearms in a public venue where lots of people are gathered?**
- c) Since our police force is already very busy, what duties will they be neglecting while they are trying to police the entertainment district?
- d) What evidence do you have from any other community with an entertainment district that our district won't increase teenage drinking?
- e) What evidence do you have that this entertainment district won't lead to more drunk driving fatalities?
- f) How will the city enforce laws against public intoxication in the entertainment district? Will the city assign police officers to patrol the entertainment district?
- g) Will the city rethink its policies about public drinking when local residents start getting injured or killed by drunk drivers?
- h) How much drunk driving is "too much"? How much would drunk driving have to increase before the city would decide it's unsafe to have an entertainment district?
- i) Will minors not accompanied by an adult be allowed to enter the entertainment district when public drinking is allowed?
- j) What leads you to believe our sidewalks are wide enough to support additional outdoor crowds?
  - i) If sidewalks are not wide enough, will streets need to be closed?

### 7) Community Involvement

- a) **Have you checked with professionals in our community to get their input?**
  - i) **Teachers and School Administrators**
  - ii) **Social Workers**
  - iii) **Ministers**
  - iv) **Law Enforcement**
  - v) **Business Owners**
  - vi) **Doctors and Nurses**
  - vii) **Counselors**
- b) **Are you willing to refer this to a city-wide or county-wide vote? Why not?**

### 8) Regulation

- a) **Are you willing to block off the entertainment district to allow foot traffic only as a means of reducing accidents and keeping track of who comes and goes?**
- b) **Are you willing to restrict this district to beer and wine only? Why not?**

- c) Are you willing to restrict outdoor drinking to a plaza, open space, or outdoor dining areas and not include the street or sidewalk? Why or Why not?
- d) How will the entertainment district boundaries be posted?
- e) Will you allow people under age 21 inside the entertainment district?
  - i) What about unaccompanied minors?
  - ii) What about children?
- f) Will music be allowed in this space?
  - i) If so, what type of regulations do you propose?
    - (1) How will noise be confined to the entertainment district?
- g) What types of signage or barriers do you propose to let people know exactly where the entertainment district boundaries are?
- h) How will you keep people from taking alcohol to their automobiles and driving away drunk?
- i) How will you keep people from carrying alcohol beyond the boundaries of the entertainment district?
  - i) How many more police will it require to keep this in check?
- j) How do you plan to educate patrons about the law regarding activity in the entertainment district?
  - i) How will you ensure that people know the rules and follow them?
  - ii) How much money is our city going to spend educating people about the rules of the entertainment district?
- k) Will patrons be allowed to bring alcohol purchased at one bar in the entertainment district into another bar or restaurant in the entertainment district?
  - i) If not, how will you stop people who carry alcohol on the street from rapidly consuming alcohol just before entering a bar or other venue?
- l) Do you plan to require vendors to have a particular staff-to-patron ratio to prevent long lines from forming on streets and sidewalks where unruly activity may be more likely?
- m) Do you have plans to require vendors to provide security?
- n) If you have marked to-go cups, or wrist bands, how do you plan to prevent people from taking these home with them and bringing them back to the district as a way to furnish their own alcohol or engage in underage drinking?
- o) What is your plan for policing the parking areas?
- p) How do you plan to prevent people over age 21 from sharing their alcohol with underage people on the street?

## 9) Business

- a) What assurance can you provide that this entertainment district won't attract unsavory businesses such as strip clubs, nightclubs, or marijuana stores?
- b) What do you intend to do for businesses in the entertainment district that may suffer a loss of business because of public drinking?

## State Legislators Who May Oppose Entertainment Districts

Below is a list of State Senators and State Representatives who did not vote for the law allowing entertainment districts.

### State Senators Who May Help You Oppose Entertainment Districts

Sen. Cecile Bledsoe (R – Rogers)	Sen. Jonathan Dismang (R – Beebe)
Sen. Alan Clark (R – Lonsdale)	Sen. Scott Flippo (R – Bull Shoals)
Sen. Bart Hester (R – Cave Springs)	Sen. Terry Rice (R – Waldron)
Sen. Bruce Maloch (D – Magnolia)	Sen. Blake Johnson (R – Corning)
Sen. Jason Rapert (R – Conway)	Sen. Missy Irvin (R – Mountain View)
Sen. Gary Stubblefield (R – Branch)	Sen. Stephanie Flowers (D – Pine Bluff)
Sen. Larry Teague (D – Nashville)	Sen. John Cooper (R – Jonesboro)
Sen. Kim Hammer (R – Benton)	Sen. Eddie Cheatham (D – Crossett)
Sen. James Sturch (R – Batesville)	Sen. Matthew Pitsch (R – Fort Smith)
Sen. Linda Chesterfield (D – Little Rock)	

### State Representatives Who May Help You Oppose Entertainment Districts

Rep. Joe Cloud (R—Russellville)	Rep. Charlene Fite (R—Van Buren)
Rep. Cameron Cooper (R—Romance)	Rep. Mickey Gates (R—Hot Springs)
Rep. Gary Deffenbaugh (R—Van Buren)	Rep. Justin Gonzales (R—Okolona)
Rep. Jim Dotson (R—Bentonville)	Rep. Spencer Hawks (R—Conway)
Rep. Brian Evans (R—Cabot)	Rep. Steve Hollowell (R—Forrest City)
Rep. Lanny Fite (R—Benton)	Rep. Lane Jean (R—Magnolia)
Rep. Jack Fortner (R—Yellville)	Rep. Joe Jett (R—Success)
Rep. David Hillman (R—Almyra)	Rep. Jack Ladyman (R—Jonesboro)
Rep. Lee Johnson (R—Greenwood)	Rep. Julie Mayberry (R—Hensley)
Rep. Jason Kelly (R—Benton)	Rep. Ron McNair (R—Alpena)
Rep. Mark Lowery (R—Maumelle)	Rep. Josh Miller (R—Heber Springs)
Rep. Robin Lundstrum (R—Springdale)	Rep. Stu Smith (R—Batesville)
Rep. John Maddox – (R—Mena)	Rep. Jeff Wardlaw (R—Hermitage)
Rep. Gayle Hendren McKenzie (R—Gravette)	Rep. Jim Wooten (R—Beebe)
Rep. Stephen Meeks (R—Greenbrier)	Rep. Ken Bragg (R—Sheridan)
Rep. John Payton (R—Heber Springs)	Rep. David Fielding (D—Magnolia)
Rep. Clint Penzo (R—Springdale)	Rep. Mike Holcomb (R—Pine Bluff)
Rep. Nelda Speaks (R—Mtn. Home)	Rep. Roger Lynch (R—Lonoke)
Rep. Richard Womack (R—Arkadelphia)	Rep. Brandt Smith (R—Jonesboro)
Rep. Rick Beck (R—Center Ridge)	Rep. Dan Sullivan (R—Jonesboro)
Rep. Stan Berry (R—Dover)	Rep. Dwight Tosh (R—Jonesboro)
Rep. Justin Boyd (R—Fort Smith)	Rep. DeAnn Vaught (R—Horatio)
Rep. Bruce Cozart (R—Hot Springs)	Rep. Danny Watson (R—Hope)
Rep. Les Eaves (R—Searcy)	Rep. Carlton Wing (R—North Little Rock)

# Busting Myths About Public Drinking in Entertainment Districts

**Myth #1: Public drinking in entertainment districts will boost tax revenue.**

**Response:** In cities like Kansas City, taxpayers have been forced to spend millions of dollars subsidizing businesses in the entertainment district and revamping neighborhoods in and around the entertainment district. Elsewhere, taxpayers have been forced to foot the bill for cleanup and law enforcement in entertainment districts. Entertainment districts simply do not provide the booming tax revenue that many proponents promise.

**Myth #2: Public drinking in entertainment districts will reopen and boost local businesses.**

**Response:** Public drinking in entertainment districts won't bring mom and pop stores back to Main Street. It won't reopen shuttered businesses on the town square. Instead, it will just let people stand in front of those shuttered stores, drinking alcohol.

**Myth #3: Public drinking in entertainment districts will draw tourists.**

**Response:** There's no evidence that allowing public drinking will draw tourists. It's true that entertainment districts like Beale Street and Bourbon Street draw tourists from all over the country. However, those entertainment districts already drew tourists before public drinking was legalized in those areas. Communities that try to create an entertainment district by legalizing public drinking upfront tend to face all the problems associated with an entertainment district—crime, violence, cost to taxpayers, and so on—without reaping the benefits of increased tourism.

**Myth #4: Public drinking in entertainment districts won't cost the taxpayers.**

**Response:** Entertainment districts in general cost taxpayers. In Kansas City, taxpayers have spent millions of dollars subsidizing businesses in the city's entertainment district. In other states, cities have forfeited small fortunes in tax revenue in order to create tax incentives for businesses that relocate to the city's entertainment district. Elsewhere, entertainment districts have required cities to spend large sums of money to protect public safety, increase the city's police presence, and clean up streets and sidewalks in and around entertainment districts.

**Myth #5: Public drinking in entertainment districts won't hurt anyone.**

**Response:** Entertainment districts in Memphis, New Orleans, Austin, Cincinnati, and elsewhere have had serious problems with violence. Riots, human stampedes, stabbings, shootings, kidnappings, and altercations with police are just a few of the types of problems these cities have faced. Drunk driving in the neighborhoods surrounding the entertainment district is another serious concern. A person who never goes to an entertainment district can still be killed or injured by a drunk driver who has been drinking in an entertainment district. Taxpayers who oppose public drinking can be forced to subsidize it through city policies. People who visit entertainment districts for good music or food can still be injured by the alcohol-fueled violence that can occur wherever public drinking is allowed.

# Questions and Answers About Entertainment Districts and Public Drinking

## **Basic Questions**

### **1) What is an entertainment district?**

- a) An entertainment district is an area of a city or town where there is a concentration of entertainment establishments. These may include restaurants, bars, night clubs, movie theaters, and performing arts theaters. Entertainment districts in larger cities may also include outdoor entertainment such as ice skating, fountains, amphitheaters, shops, loft apartments, trollies and other businesses. Almost all entertainment districts focus on food and the sale of alcohol. Most of these districts have a heavy concentration of bars and nightclubs, and most allow public drinking and open containers of alcohol outside and on the streets and sidewalks. Well known entertainment districts include Bourbon Street in New Orleans, Beale Street in Memphis, and the Strip in Las Vegas.

### **2) Why have an entertainment district?**

- a) The purpose of an entertainment district is to concentrate enough entertainment venues, including bars and night clubs, into a small enough part of town that patrons can easily walk from one venue to the next. Some people see the purpose as having a place to drink and party. Others see these districts as a way to revitalize declining parts of town. Some investors see it as a way to make money.

### **3) What are some examples of entertainment districts?**

- a) Bourbon Street: New Orleans, Louisiana
- b) Beale Street: Memphis, Tennessee
- c) The Strip: Las Vegas, Nevada
- d) The River Walk: San Antonio, Texas
- e) Broadway: Nashville, Tennessee
- f) Power & Light District: Kansas City, Missouri
- g) Bricktown: Oklahoma City, Oklahoma
- h) Recently Established
  - i) Montgomery, Alabama
  - ii) Birmingham, Alabama
  - iii) Gulfport, Mississippi
  - iv) Mountain Home, Arkansas

### **4) Are there any entertainment districts in Arkansas?**

- a) Mountain Home (Established in June 2019)
- b) El Dorado (Established July 2019)
- c) Little Rock (Established July 2019)
- d) Others Under Consideration
  - i) Texarkana
  - ii) Fort Smith
  - iii) Pine Bluff
  - iv) Hot Springs

### **5) Do all entertainment districts allow public drinking?**

- a) We have been unable to identify any legally established entertainment district that does not allow public drinking.



- b) Many areas, like Dixon Street in Fayetteville and Central Avenue in Hot Springs have parts of town with a heavy concentration of restaurants, bars, and entertainment venues. Even though these function the same as an officially designated entertainment district, they do not allow public drinking and they have not been legally designated by the city council as an entertainment district.
- 6) Supporters of entertainment districts say the concerns of opponents are unfounded and should be dismissed.**
- a) Citizens of a community should never be ignored or dismissed by any elected officials.
    - i) Our concerns are based on scores of news reports of problems with entertainment districts in other cities.
    - ii) Our concerns rely on the expertise of people who have to deal with individuals who abuse alcohol.
    - iii) Our concerns are based on the Judeo-Christian ethic that compels us to be our brother's keeper and demonstrate concern for moral and ethical status of our community.
- 7) Won't laws against public intoxication, drunk driving, and underage drinking still be enforced in entertainment districts?**
- a) Yes. However, these laws become much more difficult to enforce with people scattered out drinking over several city blocks at night or if they are drinking in a large crowd in the street.
  - b) If people drink inside a bar or restaurant, servers can monitor the person's condition and stop serving them. If allowed to drink outside, people can drink all the way to their car and be legally drunk as soon as they drive away.
  - c) Alcohol can be passed to underage people outside in a crowd much more easily than inside a bar or restaurant.

### **Arkansas' New Law Allowing Public Drinking**

- 8) What does the new law allow?**
- a) Act 812 of 2019 sponsored by State Representative Sonia Barker of Smackover and State Senator Trent Garner of El Dorado lets city councils set up entertainment districts in wet counties in neighborhoods where alcohol is sold. The specific purpose of these entertainment districts is to allow the public consumption of beer, wine, or liquor in public areas such as streets and sidewalks.
- 9) Is there any limit on the size of the entertainment district?**
- a) No. Before scaling it back, the Mountain Home City Council proposed an entertainment district almost the size of Bourbon Street in New Orleans.
- 10) Will entertainment districts with public drinking be allowed in dry counties?**
- a) No. It only applies to wet counties.
- 11) Will the public consumption of liquor be allowed or does it just apply to beer and wine?**
- a) Unless the city council prohibits the public consumption of liquor, it will be allowed.
- 12) Could an entertainment district run past a church or school?**
- a) Yes. Arkansas law generally prohibits the sale of alcohol within 1,000 feet of a church or school, but this new law does not prohibit a city council from establishing an entertainment district that runs from a bar or other place where alcohol is sold to the church or school and even all around the church or school on the sidewalks.

**13) Could a city council set up a temporary entertainment district or area?**

- a) Yes. The city council could declare a parade route, a festival, other event to be open for public drinking.

**14) Is there any limit on the size of the container of alcohol the person carries on the street.**

- a) Unless the city council limits the size or number of containers, people could walk up and down the street drinking liquor or wine from large glass containers, or they could have several containers of alcohol in their possession.

**Entertainment Districts with Public Drinking****15) Why do some people want to allow public drinking in entertainment districts?**

- a) Some people believe more people will come to the district if they can walk around and drink alcohol.
- b) Some people believe more alcohol will be sold and consumed if people can drink all the time rather than while seated in a restaurant or bar.

**16) What are some reasons for establishing an entertainment district?**

- a) Economic revitalization of declining cities.
- b) Provide profits for investors.
- c) Provide a place for people to eat, drink, and party.

**Social and Moral Questions****17) Is this just another debate over whether or not to legalize the sale of alcohol?**

- a) No. This is about allowing public drinking in places where alcohol sales are illegal. This is a case of alcohol proponents not being satisfied with drinking inside a building. Now they want to take alcohol into the streets.

**18) Does this new law prevent, night clubs, marijuana stores, tattoo parlors, liquor stores, tobacco shops, or gambling establishments from also locating in the entertainment district?**

- a) No. The presence of public drinking attracts people who are more likely to frequent other adult oriented businesses.

**19) Why should people who don't drink alcohol and never plan to frequent establishments in the entertainment district be concerned about it?**

- a) Public drinking, bars, and night clubs:
  - i) Change the culture of a community.
  - ii) Put more drunk drivers on the road.
  - iii) Send wrong message to teenagers.
  - iv) Cost all taxpayers money in the form of more law enforcement and public services to keep the area clean.
  - v) Create neighborhoods where children and families are unwelcome.
  - vi) Create a community that many families won't want to live in.
  - vii) Attract people who tend to be a liability to the community.

**20) Are entertainment districts with public drinking safe?**

- a) No.
  - i) Because the focus of this new law is on allowing public drinking, more alcohol will be consumed. This will lead to more intoxication and more drunk drivers. These drunk drivers hurt themselves and others.
  - ii) Entertainment districts have high crime rates.

- iii) If bars in an entertainment districts stay open late at night, they will attract drivers who became intoxicated at bars that closed earlier, leading to more drunk drivers arriving at the entertainment district.

**21) Since patrons of bars and restaurants can carry their unconsumed alcohol with them when they leave rather than being compelled to drink it in the bar or restaurant, won't this actually decrease the number of intoxicated people? In this case, won't drinking more slowly on the street result in less intoxication?**

- a) No. No one opens a bar to reduce alcohol consumption or intoxication. No one establishes an entertainment district with public drinking for that reason either. Public drinking does not reduce intoxication. It increases it. According to studies and reports from every other entertainment district in the nation, public intoxication and DUI are very common in and around places where public drinking is allowed. It stands to reason that expanding the places where people can drink will lead to more drinking, more intoxication, and more drunk drivers.
- b) No. Drinks to-go are a way for bars and restaurants to sell more alcohol. Rather than pouring that leftover beer, wine, or liquor into a cup, they're going to sell the patron another "one for the road."

### **Freedom and Free Market Questions**

**22) Why don't people who oppose public drinking in entertainment districts just stay away and let others enjoy their freedom?**

- a) In counties where alcohol is sold, people already have the freedom to drink in bars, restaurants, and night clubs. Streets and sidewalks are public places where every citizen should be comfortable walking or driving.
- b) Public streets and sidewalks should be safe places for women, children, and families to walk, ride a bicycle, or drive a car. Deliberately creating a neighborhood or district that is not safe enough or wholesome enough for children and families infringes on their rights and is detrimental to public safety and decency.

**23) Isn't this an issue of local communities controlling their own issues?**

- a) No. This is an issue of four or five members of a city council who decide an issue that has a profound impact on the community. We don't allow city councils to decide if a county is wet or dry, and we don't allow them to raise taxes. The only fair way to deal with this question is to allow people to vote on it the way we do with other important issues. The city council could easily refer the ordinance to a vote.

### **Economic and Tourism Questions**

**24) Will an entertainment district with public drinking bring prosperity to dying areas of town?**

- a) No. Absolutely not. In fact, supporters of entertainment districts caution against building the entertainment district around public drinking. Communities who focus on alcohol will end up with a part of town lined with bars and a few night clubs and very little else.
- b) No. Even big cities have struggled to maintain their entertainment districts mainly because they end up being places with a high crime rate, places known for drinking and partying, and places where other businesses don't want to locate. Larger cities end up subsidizing their entertainment districts through tax credits to entice businesses to locate there, or tax-funded amenities such as trollies that never turn a profit.

**25) Does Arkansas Have Any Areas Similar to Entertainment Districts but Without Public Drinking?**

- a) Yes. Arkansas already has successful areas with entertainment, restaurants, bars, and night clubs without public drinking. Dixon Street in Fayetteville, the Argenta District of North Little Rock, Central Avenue in Hot Springs, and the Square in Bentonville are all examples of places that are doing well without public drinking.

**26) Does public drinking draw tourists?**

- a) Nightclubs, liquor stores, tobacco shops, bars, marijuana stores, casinos, strip clubs, tattoo parlors, and adult businesses all draw “tourists,” but the harm they inflict on communities is not worth it. The same can be said of public drinking in entertainment districts.
- b) Other communities have successfully used their resources to draw tourists without sacrificing their community’s quality of life, ours can do the same.

**Tax Questions**

**27) Supporters of entertainment districts say they don’t cost the taxpayers anything.**

- a) Police: Most communities have a shortage of police officers. Entertainment districts stretch police protection even more. There will be less police protection for residential and other neighborhoods if understaffed police forces have to patrol entertainment districts.
- b) Trash: Cities spend lots of money dealing with trash. Smaller districts have ongoing trash issues. Large events in entertainment district leave lots of trash in the streets.
- c) Property Values: Lining a neighborhood with bars and nightclubs does little for residential and other property values, so tax collections go down as property values decline.

**28) Supporters of entertainment districts say they will boost tax revenues.**

- a) A solid tax base cannot be created using bars and nightclubs, because none of these establishments pays that much in local taxes. Instead, they are usually a liability, because of the trouble they cause.

**29) Supporters of entertainment districts say that their district won’t have any of the negatives associated with other entertainment districts.**

- a) It is unrealistic to believe that an entertainment district in our community won’t have the same problems as entertainment districts in other places. Drunk driving, public intoxication, fights, profanity, litter, and other bad behavior are associated with every other entertainment district. Ours will be no different.

**Economics and Personal Freedom Questions**

**30) Isn’t this a freedom issue?**

- a) With freedom comes responsibility. Those who drink alcohol are always encouraged to drink responsibly. Drinking responsibility is not just about how much a person drinks, but where and when they drink as well. Activities like smoking and drinking are sometimes regulated out of respect for the freedom of those who don’t smoke or drink.

**31) Isn’t this a free market issue? If lots of people want an entertainment district and spend their money there, why not have one?**

- a) Just because lots of people spend money on something doesn’t make it good. Lining the town square with smoke shops, liquor stores, bars, and nightclubs might give certain people what they want, but it might not be what the community needs.

**32) Isn't this an economic issue?**

- a) Yes. But economics should be balanced with quality of life. Just as irresponsible factory owners can pollute the air and water, irresponsible businesses can pollute the social and moral atmosphere of a community. Both are harmful in their own ways.

**33) Supporters of entertainment districts with public drinking say they will revitalize dying areas of town.**

- a) An entertainment district with restaurants, theaters, parks, shops, and other amenities would help our community, but adding public drinking makes no sense and will do a lot more harm than good.

**Church and Biblical Questions****34) Why should pastors and church members care about this issue?**

- a) The Bible instructs Christians to love their neighbor as themselves. There is nothing loving about creating an environment where people can hurt themselves. There is nothing edifying about public drinking that will lead to public drunkenness.

**35) Does the Bible have anything to say about entertainment districts and public drinking?**

- a) The Bible addresses drunkenness. The Bible addressed profanity. The Bible addresses violence. The Bible addresses excess and gluttony. The Bible addresses immoral behavior. Entertainment districts with public drinking are an incubator for all of these and more.

**36) Are There Any Verses from the Bible that May Apply to Public Drinking in Entertainment Districts?**

- a) Proverbs 23:20: "Do not join those who drink too much wine or gorge themselves on meat, for drunkards and gluttons become poor, and drowsiness clothes them in rags."
- b) Isaiah 5:11: "Woe to those who rise early in the morning to run after their drinks, who stay up late at night till they are inflamed with wine. They have harps and lyres at their banquets, tambourines and flutes and wine, but they have no regard for the deeds of the LORD, no respect for the work of his hands."
- c) Galatians 5:19–21: "The acts of the sinful nature are obvious: ... drunkenness, orgies, and the like. I warn you, as I did before, that those who live like this will not inherit the kingdom of God."
- d) Ephesians 5:18: "Do not get drunk on wine, which leads to debauchery. Instead, be filled with the Spirit."