

ORDINANCE NO. 1799

*Withdrawn
by CAPC*

**AN ORDINANCE AMENDING PARAGRAPH 4 OF SECTION 2
OF ORDINANCE 1227 FOR THE PURPOSE OF AMENDING THE
DEFINITION OF "GIFT AND SOUVENIR SHOPS" AS DESCRIBED
IN SECTION 4.32.01 DEFINITIONS OF THE EUREKA SPRINGS
MUNICIPAL CODE**

WHEREAS, the City of Eureka Springs, Arkansas, hereinafter called "the City", is a city of the first class having a population of less than five thousand (5,000) inhabitants, a portion of which has been designated as an Historic District and is included in the National Register of Historic Places, and is therefore authorized under A.C.A. 26-75-701 to levy a tax of two percent (2%) upon the gross receipts of businesses in the city; and

WHEREAS, the General Assembly of the State of Arkansas adopted Act 696 of 1985, said act being an amendment of Act 185 of 1965, to provide authority by which the City may expand the gross receipt tax levy to include gift shops, a majority of whose gross receipts are derived from sale of items to tourists, as defined in the City's levying ordinance; and

WHEREAS, the City passed Ordinance No. 1227, on May 14, 1985, adding gift and souvenir shops to those businesses specified in Ordinances Nos. 936 and 1018, namely hotels, motels, restaurants, cafes and cafeterias in the City, which are subject to collecting a tax of two percent (2%) upon the gross receipts of said businesses; and

WHEREAS, the City Advertisement and Promotion Commission recommends, by unanimous vote, that the definition of items commonly referred to as gifts and souvenirs available for sale to tourist, as contained in Ordinance No 1227, should be updated and amended to reflect current mix of gift and souvenir shops serving the tourists visiting the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EUREKA SPRINGS, ARKANSAS:**

Section 1. That Paragraph 4 of Section 2 of Ordinance No. 1227, and as contained in Chapter 4.32.01, Paragraph 4, of the Eureka Springs Municipal Code, is hereby amended to read in its entirety as follows, to wit:

4. Gift and Souvenir Shops. Any retail establishment a majority of whose gross receipts or gross proceeds are derived from the sale of items commonly referred to as gifts or souvenirs including but not limited to: arts and crafts, toys, souvenir or commemorative housewares (such as mugs, glasses, plates, etc.), souvenir photographs, collectibles & artifacts (both natural and man-made), clothing & clothing accessories, leather goods, jewelry, antiques, imported gift items, candy, specialty foodstuff, glassware,

toiletries, and all other items and mementos available to and primarily for sale to tourists. This ordinance specifically excludes from the tax levy those establishments a majority of whose gross receipts or gross proceeds are derived from the sale of hardware, building materials & fixtures, furniture (such as tables, chairs, beds, dressers, armoires, sofas, cabinets, etc.), automotive supplies, drugs and health aids, and groceries. (Amends Ord. 936 & Ord. 1227).

Section 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. Collection of the tax heretofore amended by this ordinance shall begin at 12:01 a.m. on January 1, 1999.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EUREKA SPRINGS, ARKANSAS THIS _____ DAY OF _____, 1998.**

APPROVED:

Barbara A. O'Harris, Mayor

ATTEST:

Mary Ann Lee, City Clerk

SUGGESTED CHANGES TO CAPC TAX CODE

CURRENT:

4. Gift and Souvenir Shops. Any retail establishment a majority of whose gross receipts or gross proceeds are derived from the sale of items commonly referred to as gifts or souvenirs including but not limited to: arts and crafts, toys, souvenir or commemorative clothing such as caps and T-shirts, souvenir or commemorative housewares (such as mugs, glasses, plates, etc.), souvenir photographs, collectibles and artifacts (both natural and man-made), leather goods, jewelry, imported gift items, candy, books, glassware, toiletries, and other items and mementos available to and primarily for sale to tourists. This ordinance specifically excludes from the tax levy those establishments a majority of whose gross receipts or gross proceeds are derived from the sale of hardware, building materials and furnishings, furniture, clothing (except commemorative or souvenir clothing), automotive supplies, drugs and health aids, and groceries. (Amends Ord. 936 - Ord. 1227 dated 5-14-85).

REVISED:

4. Gift and Souvenir Shops. Any retail establishment a majority of whose gross receipts or gross proceeds are derived from the sale of items commonly referred to as gifts or souvenirs including but not limited to: arts and crafts, toys, souvenir or commemorative housewares (such as mugs, glasses, plates, etc.), souvenir photographs, collectibles & artifacts (both natural and man-made), clothing & clothing accessories, leather goods, jewelry, antiques, imported gift items, candy, specialty foodstuff, glassware, toiletries, and all other items and mementos available to and primarily for sale to tourists. This ordinance specifically excludes from the tax levy those establishments a majority of whose gross receipts or gross proceeds are derived from the sale of hardware, building materials & fixtures, furniture (such as tables, chairs, beds, dressers, armoires, sofas, cabinets, etc.), automotive supplies, drugs and health aids, and groceries. (Amends Ord. 936 & Ord. 1227 - Ord. _____, dated __ - __ -98).