

ORDINANCE NO. 2001

AN ORDINANCE AMENDING SECTION 2.56.22 OF THE MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, AR, CHANGING FROM FELONY TO MISDEMEANOR

WHEREAS, Section 2.56.22 of Municipal Code of the City of Eureka Springs establishes the use of the Arkansas Tax Procedure Act for violations of this chapter, and

WHEREAS, the Arkansas Tax Procedure Act makes most violations of this chapter felonies, and

WHEREAS, The City Council deems violations of this chapter to be more appropriately dealt with as A Class Misdemeanor.

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

Section 1. That Section 2.56.22 is hereby amended by removing the following language:

“of the Arkansas Tax Procedure Act, as that Act applies to the A&P tax, shall be subject to the penalties set forth in A.C. A. 26-18-101 to 105:26-18-201 to 212 (Michie Repl. 1997 and Supp. 1999), as they exist on the date of the passage of this ordinance, or as they may be amended by the General Assembly and are in effect on the date of any such violation.”

and replacing the language with the following language:

“of this chapter shall be guilty of an A Class Misdemeanor and upon conviction shall be fined not more than One Thousand Dollars and/or incarcerated in the county jail for not longer than one year. Each day that a violation continues to exist shall constitute a separate offense.”

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 That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 3. If any part of this ordinance is found unenforceable for any reason whatsoever by a court of competent jurisdiction, it shall not affect the remaining parts thereof.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, AR, THIS ____ DAY OF _____, 2005.

APPROVED:

KATHY HARRISON, Mayor

ATTEST:

MARY JEAN SELL, Clerk