

ORDINANCE 2053

AN ORDINANCE AMENDING THE LEVYING ORDINANCE OF THE CITY OF EUREKA SPRINGS, ARKANSAS REGARDING THE CITY ADVERTISING AND PROMOTION TAX TO COMPLY WITH THE PROVISIONS OF ACT 464 OF 2007 OF ARKANSAS

Where as the City Counsel of Eureka Springs, AR has been advised of the changes incorporated in Act 464 of 2007;

And where as Act 464 of 2007 requires the city to amend its levying ordinance to comply with the changes contained in it before the effective date of Act 464;

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

Section 1. That the current levying ordinance of the City Advertising and Promotion Tax shall be amended to comply with Act 464 of 2007.

Section 2. That a City Advertising and Promotion Commission is hereby created and shall be composed of seven (7) members as follows: Three (3) members shall be hotel, motel, or restaurant owners or managers of business collecting the tax authorized by Act 464 and one (1) member shall be a gift shop owner or manager, each of whom shall be appointed by the mayor with the approval of the City Council for staggered terms of four (4) years; one member who is appointed by the mayor with the approval of the City Council and two (2) members of the commission shall be the mayor and (1) member of City Council or two members of the City Council.

Section 3. That each member appointed to the Commission shall serve (1) a term of four(4) years and until his or her successor is selected as provided (2) the terms shall be staggered so that no more than two (2) members terms expires each year.

Section 4. That if a vacancy shall occur in any appointed position for any reason, the Mayor subject to City Council approval shall appoint a person to fill the position within Sixty (60) days. If the mayor fails to appoint a member to fill a vacancy within sixty days, then the chair of the commission shall appoint a person to fill the vacancy within thirty days with the approval of the majority of the commissioners and approval of the City Council. A new member shall serve for the remainder of the unexpired term.

Section 5. That the rate of tax is hereby established at the rate of two percent (2%) upon the gross receipts or gross proceeds from:(1) The renting, leasing, or otherwise furnishing of Lodging for profit in the city; (2) Restaurants, cafes, cafeterias, and other business establishments, as defined in the levying ordinance, engaged in the business of selling prepared food for consumption on the premises in the city; (3) Sales by Retail Businesses with a majority of whose gross receipts or gross proceeds are derived from the sale of items available for sale to tourists, as defined in the levying ordinance; and (4) Admission price to tourist attractions, as defined in Section 26-52-1001.

Section 6. That "Lodging" means furnishing for profit temporary accommodations for profit based on a rental, lease or other agreement including (1) a hotel room , motel room or other similar room that provides

accommodations for a traveler; (2) a condominium rental; and (3) a meeting or party room facility. It shall not include the rental or lease of an accommodation for thirty (30) consecutive days or more.

Section 7. That provision of this ordinance are hereby declared to be separable and if any provision shall for any reason be held illegal or invalid, such holding shall not effect the validity of the remainder of this ordinance.

Section 8. All ordinances and resolutions or parts thereof, in conflict here with are hereby repealed to the extent of such conflict.

EMERGENCY CLAUSE

Where as time is of the essence due to the pending repeal of the current commission and tax levy and in order to protect the health, safety, and welfare of the people of the City of Eureka Springs, AR, an emergency is here by declared to exist and this ordinance shall become effective upon its passage by the City Council of Eureka Springs and upon the affixing of the signature of the City Clerk and the Mayor of the City of Eureka Springs, AR

Passed and approved _____, 2007.

Approved:

Mayor DANI WILSON

Attest:

City Clerk Mary Jean Sell