

**ORDINANCE NO. 2082**

**AN ORDINANCE REPEALING CERTAIN ORDINANCES AND READOPTING ORDINANCE 1120 OF THE CITY OF EUREKA SPRINGS, ARKANSAS**

**WHEREAS**, the City of Eureka Springs (“the City”) having reviewed the current apportionment of the sales tax adopted pursuant to Act 990 of 1975 as codified as ACA 26-75-301 et seq. and,

**WHEREAS**, the City Council of Eureka Springs, AR is convinced the apportionment is not according to state law and city ordinance at this time; and,

**WHEREAS**, the City Council has concluded that Ordinance 1120 as adopted May 12 of 1981 was legal.

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

**Section 1.** That ordinance 1426 as adopted December 11, 1990, Ordinance 1382 as adopted January 30, 1990, Ordinance 1337 as adopted February 14, 1989, and Ordinance 1319 as adopted October 4, 1988, are hereby repealed as if set out herein word for word.

**Section 2.** That the Ordinance 1120 as originally adopted on May 12, 1981, is hereby readopted as if set out herein word for word and Eureka Springs City Clerk is hereby directed to send the same to the current code service for inclusion in the current Eureka Springs Municipal Code.

**Section 3.** That the Finance Director of the City is hereby directed to deposit all funds collected after February 1, 2008 under the 1 percent sales tax adopted pursuant to Act 990 of 1975 as codified as ACA 26-75-301 et seq. into segregated accounts opened for that purpose on April 28, 2008.

**Section 4.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 5.** That in the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance, Code, code section or chapter as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance, Code, code section or chapter shall remaining effect.

**Emergency Clause**

**Section 6.** That due to the need to consistently apply the laws and ordinances of the City of Eureka Springs, Arkansas, for the health, welfare and safety of the citizens of the City; an emergency is hereby declared to exist and this ordinance shall take effect upon its passage by the Eureka Springs City Council and signing by the Eureka Springs Mayor.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, AR, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

APPROVED: \_\_\_\_\_

DANI D. JOY, Mayor

ATTEST: \_\_\_\_\_

MARY JEAN SELL CMC, City Clerk