

ORDINANCE NO. 755

AN ORDINANCE LEVYING A GROSS RECEIPT TAX, CREATING THE CITY OF HARRISON ADVERTISING AND TOURIST PROMOTION FUND, AND THE CITY OF HARRISON ADVERTISING AND TOURIST PROMOTION COMMISSION, AND FOR OTHER PURPOSES.

WHEREAS, Act 185 of 1965 as amended authorizes cities of the first class to levy a one per cent gross receipt tax upon the renting, leasing or otherwise furnishing of hotel or motel accommodations, and upon the proceeds of restaurants, cafes and cafeterias within the corporate limits of said cities, and to create a fund to be known as the City Advertising and Tourist Promotion Fund to be used exclusively for advertising and promoting the City, and to be managed by a City Advertising and Tourist Promotion Commission, and that

WHEREAS, the City of Harrison feels that it is in the best interest of the City to enact an ordinance implementing said Act,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISON, ARKANSAS:

That the Harrison Municipal Code is amended by adding a Section 4.28 which Section reads as follows:

SECTION 1. DEFINITIONS.

1. Gross Receipt Tax. A tax of one per cent upon the gross receipts or gross proceeds from the renting, leasing or otherwise furnishing of motel or hotel accommodations and upon the gross receipts or gross proceeds of restaurants, cafes and cafeterias in the City of Harrison, Arkansas.

2. Hotel or Motel Accommodations. The renting, leasing or otherwise furnishing of accommodations in hotels or motels upon a day to day basis or a week to week basis. Provided, however, that this shall not include the renting, leasing or furnishing of accommodations upon month to month tenancies or tenancies of a longer duration.

3. Restaurants and Cafes. Any establishment which shall offer any type of prepared foods for sale, and shall include the gross receipts upon all sales of prepared foods or any type of beverages sold on said premises.

SECTION 2. GROSS RECEIPT TAX.

From and after the passage and approval of this ordinance, a tax in the sum of one per cent (1%) shall be levied against the gross receipts or gross proceeds upon the renting, leasing or otherwise furnishing of hotel or motel accommodations for profit, and upon the gross receipts or gross proceeds of restaurants and cafes within the corporate limits of the City of Harrison, Arkansas. The tax herein levied shall be paid by the persons, firms or corporations liable therefor, and shall be collected by City Advertising and Tourist Promotion Commission in the same manner and at the same time as the gross receipts tax levied by Act 386 of 1941 as amended. And the provisions of Act 386 of 1941 as amended and the rules, regulations and forms promulgated and prescribed by the Commissioner of Revenues pursuant to said Act shall, so far as practicable, be applicable with respect to the enforcement and collection of the tax levied pursuant to this ordinance.

SECTION 3. TAXABLE BUSINESSES

The City Advertising and Tourist Promotion Commission shall prepare and maintain a current list of the business establishments in the City of Harrison, Arkansas, subject to the above tax.

SECTION 4. CREATION OF CITY ADVERTISING AND TOURIST PROMOTION FUND

A. The funds received by the City of Harrison Advertising and Tourist Promotion Commission under the provisions of this ordinance shall be paid into a fund to be known as the City of Harrison Advertising and Tourist Promotion Fund. The monies so collected shall be used exclusively for the advertising and promotion of the City of Harrison, Arkansas.

B. All revenues received by the City of Harrison Advertising and Tourist Promotion Commission pursuant to Act 185 of 1965 as amended by Act 30 of First Extraordinary Session of 1965 shall be "Special Revenues" and shall be deposited by the City of Harrison Advertising and Tourist Promotion Commission in such bank account or accounts as may be designated by the City of Harrison Advertising and Tourist Promotion Commission.

SECTION 5. CREATION OF CITY ADVERTISING AND TOURIST PROMOTION COMMISSION.

A. The City of Harrison Advertising and Tourist Promotion Commission is hereby created. The said Commission shall be composed of seven (7) members who shall be qualified electors of the City of Harrison. Four (4) members of said Commission shall be hotel, motel or restaurant owners or managers. The members of said Commission shall be appointed by the Mayor of the City of Harrison, with the approval of the Harrison City Council. The appointment of members of said Commission shall be for terms of seven (7) years. Provided, however, the first members appointed to said Commission shall serve for terms of one, two, three, four, five, six and seven years respectively, with the term of each member to be determined by lot at the first meeting of said Commission. Successor members shall be appointed for the full term of seven years. In the event of a vacancy occurring on said Commission, it shall be filled by appointment by the Mayor, subject to the approval of the Harrison City Council. Each commissioner shall file the oath required by law in the State of Arkansas of public officials. Each Commissioner shall furnish to the City of Harrison a FIVE THOUSAND AND NO/100 (\$5000.00) DOLLARS surety bond that will serve to insure the City against misappropriation or mishandling of funds. The surety on said bond shall be a reputable surety corporation. The premium on said Bond shall be paid from the City of Harrison Advertising and Tourist Promotion Fund.

B. Any Commissioner appointed under the provision of this ordinance may be removed for cause upon a two-thirds (2/3) vote of the Harrison City Council.

SECTION 6. ORGANIZATION OF COMMISSION - POWERS AND DUTIES.

A. The City of Harrison Advertising and Tourist Promotion Commission shall meet within two (2) weeks of its appointment and shall be organized by electing a Chairman, a Secretary and a Treasurer. Thereafter, the Commission shall meet as often as may be necessary, and also shall be subject to special call by the Chairman.

B. The Commissioners shall adopt such rules and regulations as they deem necessary and expedient for the proper operation of said Commission, and they shall have the authority to alter, change or amend such rules and regulations at their discretion.

C. The Commission hereunder appointed shall have the exclusive authority to utilize all revenues collected to the City of Harrison Advertising and Tourist Promotion Fund for the advertising and tourist promotion of the City of Harrison. The advertising and tourist promotion of the City of Harrison may be defined by the Commission to mean any activity connected with tourism.

D. The Commissioners hereunder appointed, in addition to their other powers provided herein shall have all lawful and incidental powers necessary for achieving the purposes of this ordinance.

E. The Commissioners shall have authority to employ the necessary personnel to assist in the administration and operation of the City of Harrison Advertising and Tourist Promotion Fund and shall have the authority to fix the salary or salaries for such personnel. Any employee who shall handle funds for the Commission shall be required to furnish the City a surety bond in an amount to be determined by the Commission to insure the City against misappropriation of funds.

F. The Commissioners shall make quarterly reports to the Mayor and City Council of the City of Harrison beginning three (3) months after their oath of office, reporting in full on the operations of the Commission, including an accounting of receipts and disbursements, and shall upon request of the Harrison City Council furnish such other and further reports and data as may be required. The Commissioners shall select a recognized auditing firm to submit an annual audit of the operations of the Commission to the Mayor and City Council of the City of Harrison.

SECTION 7. This Ordinance being necessary for the protection of the public welfare in making possible the advertising and tourist promotion in and for the City of Harrison, Arkansas, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after ^{May 1, 1977} ~~the date of its passage and~~ approval.

PASSED: April 4, 1977.

Eugene C. Martin
MAYOR

ATTEST: Jack Hubbs
CITY CLERK

Filed for Record 6th day of April
1977 at 11 o'clock A.M.
Naomi Parker, Clerk
Naomi Parker

STATE OF ARKANSAS } SS
COUNTY OF BOONE }
I hereby certify that this instrument was filed for record in my office the 6th day of Apr. 1977 at 11:00 o'clock A. M., and duly recorded in Misc. Record Book No. 6 at page 404.
Witness my hand and the court seal this 6th day of April 1977.
Naomi Parker
Circuit Clerk and Recorder
By Mary G. Honeycutt D.C.

ORDINANCE NO. 845

AN ORDINANCE LEVYING A TAX OF ONE PERCENT UPON THE GROSS RECEIPTS OR GROSS PROCEEDS FROM THE RENTING, LEASING OR OTHERWISE FURNISHING OF DAY TO DAY MOTEL OR HOTEL ACCOMMODATIONS FOR PROFIT, CREATING THE CITY OF HARRISON ADVERTISING AND TOURIST PROMOTION FUND AND THE CITY OF HARRISON ADVERTISING AND TOURIST PROMOTION COMMISSION, REFERRING SAID ORDINANCE TO THE ELECTORS OF THE CITY OF HARRISON, ARKANSAS, FOR APPROVAL OR REJECTION AND FOR OTHER PURPOSES.

WHEREAS, Act 185 of 1965 as amended authorizes cities of the first class to levy a one percent gross receipt tax upon the renting, leasing or otherwise furnishing of hotel or motel accommodations, within the corporate limits of said cities, and to create a fund to be known as the City Advertising and Tourist Promotion Fund to be used exclusively for advertising and promoting the City, and to be managed by a City Advertising and Tourist Promotion Commission, and that

WHEREAS, the City of Harrison feels that it is in the best interest of the City to enact an ordinance implementing said Act,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISON, ARKANSAS:

That the Harrison Municipal Code is amended by adding Chapter 4.28 which Chapter reads as follows:

SECTION 4.28.01 DEFINITIONS

(1) Gross Receipt Tax. A tax of one percent upon the gross receipts or gross proceeds from the renting, leasing, or otherwise furnishing of motel or hotel accommodations for profit in the City of Harrison, Arkansas.

(2) Hotel or Motel Accommodations. The renting, leasing or otherwise furnishing of accommodations in hotels or motels upon a day to day basis. Provided, however, that this shall not include the renting, leasing or furnishing of accommodations upon a week to week or month to month tenancies or tenancies of a longer duration.

SECTION 4.28.02 GROSS RECEIPT TAX

From and after the passage and approval of this ordinance, a tax in the sum of one per cent (1%) shall be levied against the gross receipts or gross proceeds upon the renting, leasing or otherwise furnishing of hotel or motel accommodations for profit, within the corporate limits of the City of Harrison, Arkansas. The tax herein levied shall be paid by the persons, firms, or corporations liable therefor, and shall be collected by City Advertising and Tourist Promotion Commission in the same manner and at the same time as the gross receipts tax levied by Act 386 of 1941 as amended. And the provisions of Act 386 of 1941 as amended and the rules, regulations and forms promulgated and prescribed by the Commissioner of Revenues pursuant to said Act shall, so far as practicable, be applicable with respect to the enforcement and collection of the tax levied pursuant to this ordinance.

SECTION 4.28.03 TAXABLE BUSINESSES

The City Advertising and Tourist Promotion Commission shall prepare and maintain a current list of the business establishments in the City of Harrison, Arkansas subject to the above tax.

SECTION 4.28.04 CREATION OF CITY ADVERTISING AND TOURIST PROMOTION FUND

(1) The funds received by the City of Harrison Advertising and Tourist Promotion Commission under the provisions of this ordinance shall be paid into a fund known as the City of Harrison Advertising and Tourist Promotion Fund. The monies so collected shall be used exclusively for the advertising and promotion of the City of Harrison, Arkansas.

(2) All revenues received by the City of Harrison Advertising and Tourist Promotion Commission pursuant to Act 185 of 1965 as amended by Act 30 of First Extraordinary Session of 1965 shall be "Special Revenues" and shall be deposited by the City of Harrison

Advertising and Tourist Promotion Commission in such bank account or accounts as may be designated by the City of Harrison Advertising or Tourist Promotion Commission.

SECTION 4.28.05 CREATION OF CITY ADVERTISING AND TOURIST PROMOTION COMMISSION

(1) The City of Harrison Advertising and Tourist Promotion Commission is hereby created. The said Commission shall be composed of seven (7) members who shall be qualified electors of the City of Harrison. Four (4) members of said Commission shall be hotel or motel owners or managers. The members of said Commission shall be appointed by the Mayor of the City of Harrison, with the approval of the Harrison City Council. The appointment of members of said Commission shall be for terms of seven (7) years. Provided, however the first members appointed to said Commission shall serve for terms of one, two, three, four, five, six, seven years respectively with the term of each member to be determined by lot at the first meeting of said Commission. Successor members shall be appointed for the full term of seven years. In the event of a vacancy occurring on said Commission, it shall be filled by appointment by the Mayor, subject to approval of the Harrison City Council. Each Commissioner shall file the oath required by law in the State of Arkansas of public officials. Each Commissioner shall furnish to the City of Harrison a FIVE THOUSAND AND NO/100 (\$5000.00) DOLLARS surety bond that will serve to insure the City against mishandling or misappropriation of funds. The surety on said bond shall be a reputable surety corporation. The premium on said Bond shall be paid from the City of Harrison Advertising and Tourist Promotion Fund.

(2) Any Commissioner appointed under the provision of this ordinance may be removed for cause upon a two-thirds (2/3) vote of the Harrison City Council.

SECTION 4.28.06 ORGANIZATION OF COMMISSION - POWERS AND DUTIES

(1) The City of Harrison Advertising and Tourist Promotion Commission shall meet within two (2) weeks of its appointment and shall be organized by electing a Chairman, a Secretary, and a Treasurer. Thereafter, the Commission shall meet as often as may be necessary, and also shall be subject to special call by the Chairman.

(2) The Commissioners, subject to approval by the City Council, shall adopt such rules and regulations as they deem necessary and expedient for the proper operation of said Commission, and they shall have the authority, subject to approval by the City Council, to alter, change or amend such rules and regulations at their discretion.

(3) The Commission hereunder appointed shall have the exclusive authority to utilize all revenues collected to the City of Harrison Advertising and Tourist Promotion Fund for the advertising and tourist promotion of the City of Harrison as may be defined by the Commission to mean any activity connected with tourism.

(4) The Commissioners hereunder appointed, in addition to their other powers provided herein shall have all lawful and incidental powers necessary for achieving the purpose of this ordinance.

(5) The Commissioners, subject to the approval of the City Council, shall have the authority to employ the necessary personnel to assist in the administration and operation of the City of Harrison Advertising and Tourist Promotion Fund and shall have the authority to fix the salary or salaries for such personnel. Any employee who shall handle funds for the Commission shall be required to furnish the City a surety bond in an amount to be determined by the Commission to insure the City against misappropriation of funds.

(6) The Commissioners shall make quarterly reports to the Mayor and City Council of the City of Harrison beginning three (3) months after their oath of office, reporting in full on the operations of the Commission, including an accounting of receipts and disbursements, and shall upon request of the Harrison City Council furnish such other and further reports and data as may be required. The Commissioners shall select a recognized auditing

firm to submit an annual audit of the operations of the Commission to the Mayor and City Council of the City of Harrison.

(7) State Statutes and City ordinances regulating purchases of supplies, apparatus, equipment, material or contracts shall apply to any expenditure contemplated or authorized by the Commission.

SECTION 4.28.07 REFERRAL TO ELECTORS AND IMPLEMENTATION


Pursuant to Arkansas Act Number 218 of 1963, this ordinance is referred to the electors of the City of Harrison, Arkansas, for adoption or rejection at a special election to be held on November 10, 1981. The implementation of this ordinance and the levying of the tax against the gross proceeds as defined by section 4.28.02 will begin on the first day of the calendar month following the effective date of this ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE 9th
DAY OF SEPTEMBER, A.D., 1981.



MAYOR

ATTEST:



CITY CLERK

CERTIFICATE

The undersigned, City Clerk of the City of Harrison, Arkansas, hereby certifies that the foregoing papers are a true and compared copy of the ordinance passed at a regular session of the City Council at 7:30 P.M. on the 9th day of September, 1981, and that the ordinance is of record in Ordinance Record Book No. 8 now in my possession.

Given under my hand and seal of City this 10th day of Sept., 1981.

Guy Roberts
Guy Roberts, City Clerk

Filed 10 day of Sept
1981 at 11:05 A. M.
Helen Speer, Clerk
By Helen Speer C.

STATE OF ARKANSAS }
COUNTY OF BOONE } SS
I hereby certify that this instrument was filed for record in my office the 10 day of Sept. 1981 at 11:05 o'clock A. M., and duly recorded in Misc. Record Book No. 10 at page 428.
Witness my hand and the court seal this 10th day of September 1981.
Helen Speer
Circuit Clerk and Recorder
By Mary K. Konyak D.C.

ORDINANCE NO. 874

AN ORDINANCE AMENDING SECTION 4.28.05 (1) OF
CHAPTER 4.28 CREATING A CITY ADVERTISING
AND TOURIST PROMOTION COMMISSION TO READ
AS FOLLOWS:

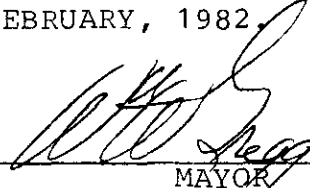
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISON,
ARKANSAS, THAT:

SECTION 1:

4.28.05 Creation of City Advertising and Tourist
Promotion Commission.


(1) The City of Harrison Advertising and Tourist Pro-
motion Commission is hereby created. The said Commission
shall be composed of seven (7) members who shall be
qualified electors of the City of Harrison. Four (4)
members shall be hotel, motel, or restaurant owners or
managers appointed by the Mayor with the approval of
the City Council, for staggered terms of four (4) years
to be determined by lot. The remaining three (3) mem-
bers shall be the Mayor and two members of the City
Council selected by the Council. Each Commissioner
shall file the oath required by law in the State of
Arkansas of public officials. Each Commissioner shall
furnish to the City of Harrison a FIVE THOUSAND AND NO/
100 (\$5000.00) DOLLARS surety bond that will serve to
insure the City against mishandling or misappropriation
of funds. The surety on said bond shall be a reputable
surety corporation. The premium on said Bond shall be
paid from the City of Harrison Advertising and Tourist
Promotion Fund.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HARRISON,
ARKANSAS, ON THIS 7th DAY OF FEBRUARY, 1982.



MAYOR

ATTEST:



CITY CLERK

CERTIFICATE

The undersigned, City Clerk of the City of Harrison, Arkansas, hereby certifies that the foregoing papers are a true and compared copy of the ordinance passed at a regular session of the City Council at 7:30 P.M. on the 7th day of February, 1983, and that the ordinance is of record in Ordinance Record Book No. 8 now in my possession.

Given under my hand and seal of City this 8th day of February, 1983

Guy Roberts
Guy Roberts, City Clerk

Filed for Record 8th Day of Feb.
1983 at 11:30 o'clock A.M.
Helen Speer, Clerk
By Mary K. Horne D.C.

STATE OF ARKANSAS } SS
COUNTY OF BOONE }
I hereby certify that this instrument was filed for record in my office the 8 day of Feb. 1983 at 11:30 o'clock A. M., and duly recorded in Misc. Record Book No. 11 at page 271.
Witness my hand and the court seal this 8th day of February 1983.
Helen Speer
Circuit Clerk and Recorder
By Mary K. Horne D.C.

ORDINANCE NO. 987


AN ORDINANCE AMENDING CHAPTER 4.28.05 (1)
CREATION OF CITY ADVERTISING AND TOURIST
PROMOTION COMMISSION; DECLARING AN
EMERGENCY AND OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNSEL OF THE CITY OF HARRISON,
ARKANSAS, THAT:

Section 4.28.05 (1) Creation of City Advertising and Tourist
Promotion Commission shall be amended by deleting the following
language contained in the second sentence of said Section: "who shall
be qualified electors of the City of Harrison."


EMERGENCY CLAUSE: It has been determined that this ordinance
is necessary and is vital to the health, welfare and safety of the
public, therefore, an emergency is hereby declared to exist and this
ordinance shall be in full force and effect from and after its
passage and approval.

PASSED by the City Council of the City of Harrison, Arkansas,
this 9th day of May, 1988.



DAN HARNESS, MAYOR

ATTEST:



Guy Roberts, City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Harrison, Arkansas, hereby certifies that the foregoing papers are a true and compared copy of the ordinance passed at a regular session of the City Council at 7:00 P.M. on the 9th day of May, 1988, and that the ordinance is of record in Ordinance Record Book No. 0 now in my possession.

Given under my hand and seal of City this 9th day of May, 1988.

Guy Roberts
Guy Roberts, City Clerk

STATE OF ARKANSAS }
COUNTY OF BOONE } SS

I hereby certify that this instrument was filed for record in my office the 10 day of May 1988 at 1:00 o'clock P M., and duly recorded in Record Book No. 16 at page 389

Witness my hand and the court seal this 10 day of May 1988.

Helen Speer

Circuit Clerk and Recorder

By Gaye Jennings D.C.

Filed for Record 10 Day of May
1988 at 1:00 o'clock P.M.
Helen Speer, Clerk

By Helen Speer C

03 001640

FILED FOR RECORD

2003 MAR -4 A 8:47

JEANNIE STEEN, CLERK

BY [Signature]

ORDINANCE NO. 1243

AN ORDINANCE AMENDING CODE SECTION 4.28.05(1) OF THE CITY CODE OF HARRISON, ARKANSAS "CREATION OF CITY ADVERTISING AND TOURIST PROMOTION COMMISSION".

WHEREAS, Arkansas Code Section 26-75-605 provides that the governing body of a city may, by ordinance, provide for members of the City Advertising and Tourist Promotion Commission to reside outside the city, but in the county in which the city is located; AND,

WHEREAS, the present City Advertising and Tourist Promotion Commission has determined that the objectives and purposes of the commission will be better served if it can consider members that reside outside the city but inside the county.

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

"Code Section 4.28.05(1) be amended by adding that two (2) of four (4) members may reside outside the City of Harrison but within Boone County, provided that they are owners or managers of Hotels, Motels or Restaurants. All other provisions of section (1) not in conflict with this amendment shall continue in full force and effect."

PASSED this 3 day of March, 2003, by a vote of 7
eyes and 0 nays.

CITY OF HARRISON, ARKANSAS

BY: Robert Reynolds
ROBERT A. REYNOLDS, MAYOR

ATTEST:

Joel Williams
JOEL WILLIAMS, CITY CLERK

SPONSORED BY: TOM FITTON
TEMP ORD. NO. 2003-