

ORDINANCE NO. 389

AN ORDINANCE AMENDING EXISTING ORDINANCE 306 AND PROVIDING FOR THE RENEWAL OF A LEVY OF A ONE PERCENT (1%) SALES AND USE TAX FOR THE MAINTENANCE, OPERATION AND EXPENSES OF THE FIRE DEPARTMENT WITHIN THE CITY OF BARLING, ARKANSAS; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the Board of Directors of the City of Barling, Arkansas (the "City") has determined that there is a continued need for the maintenance, operation and payment of expenses of the City's Fire Department and for a source of revenue to finance such services; and

WHEREAS, Title 26, Chapter 75, Subchapter 2 of the Arkansas Code of 1987 Annotated (the "Authorizing Legislation") provides for the levy of a one percent (1%) citywide sales and use tax; and

WHEREAS, existing Ordinance 306, and the subsequent approval by citywide referendum of said measure, currently provides for the levy and collection of said one percent (1%) city-wide sales and use tax; and

WHEREAS, the levy and collection of said one percent (1%) citywide sales and use tax authorized by existing Ordinance 306 and approved by the voters of the City of Barling is scheduled to expire in 2013; and

WHEREAS, there is a continued need for the maintenance, operation and payment of expenses of the City's Fire Department and for a source of revenue to finance such services;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Directors of the City of Barling, Arkansas:

Section 1. Under the authority of the Authorizing Legislation, there is hereby renewed the levy of a one percent (1%) tax on the gross receipts from the sale at retail within the City of all items which are subject to the Arkansas Gross Receipts Tax Act of 1941, as amended (A.C.A. § 26-52-101, *et seq.*), and the imposition of an excise (or use) tax on the storage, use or other consumption within the City of tangible personable property subject to the Arkansas Compensating Tax Act of 1949, as amended (A.C.A. §26-53-101, *et seq.*), at a rate of one percent (1%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the "Sales and Use Tax"). The Sales and Use Tax shall be levied and collected only to a maximum tax of \$2,500.00 for each single transaction.

Section 2. "Single transaction" is defined according to the nature of the goods purchased as follows:

A. When two or more devices in which, upon which or by which any person or property is, or may be, transported or drawn, including but not limited to, on-road vehicles, whether

required to be licensed or not, off-road vehicles, farm vehicles, airplanes, water vessels, motor vehicles, or non-motorized vehicles, and mobile homes, are sold to a person by a seller, each individual unit, whether part of a "fleet" sale or not, shall be treated as a single transaction for the purpose of the Sales and Use Tax.

B. The charges for utility services, which are subject to the Sales and Use Tax, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly, or annually, for the purposes of the Sales and Use Tax, shall be computed in daily increments, and each such daily charge increment shall be considered to be a single transaction for the purposes of the Sales and Use Tax.

C. For sales of building materials and supplies to contractors, builders or other person, a single transaction, for the purposes of the Sales and Use Tax, shall be deemed to be any single sale made on a single day which is reflected on a single invoice, receipt or statement, on which an aggregate sales (or use) tax figure has been reported and remitted to the State of Arkansas.

D. When two or more items of major household appliances, commercial appliances, major equipment and machinery are sold, each individual unit shall be treated as a single transaction for the purposes of the Sales and Use Tax.

E. For groceries, drug items, dry goods and other intangible personal property and/or services not otherwise expressly covered in this Section, a single transaction shall be deemed to be any single sale made on a single day which is reflected on a single invoice, receipt or statement, on which an aggregate sales tax figure has been reported and remitted to the State of Arkansas.

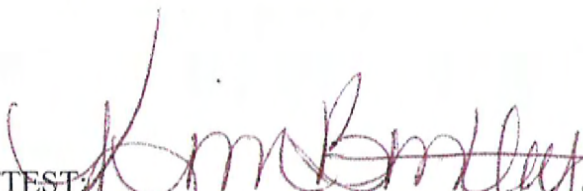
Section 3. All revenues produced by this Sale and Use Tax shall be devoted exclusively to the maintenance, operation, and expenses of the Fire Department and for a source of revenue to finance such services. The Sales and Use Tax shall be effective, if approved pursuant to Section 5, on January 1, 2013, and shall expire on December 31, 2022.

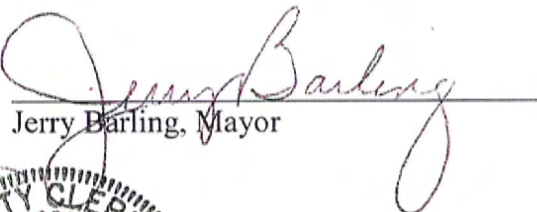
Section 4. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this Ordinance shall not take effect until an election is held on the question of renewal of the levying the Sales and Use Tax at which a majority of the electors voting on the question shall have approved the levy of the Sales and Use Tax.

PASSED this 10th day of July, 2012.

ATTEST:


City Clerk Kim Bentley


Jerry Barling, Mayor

