

ORDINANCE NO.

AN ORDINANCE TO LEVY A FOURTH ONE PERCENT (1%) TAX UPON THE GROSS RECEIPTS OR GROSS PROCEEDS OF HOTEL, MOTEL, BED AND BREAKFAST OR SHORT-TERM CONDO-MINIUM OR APARTMENT RENTAL ACCOMMODATIONS IN THE CITY OF LITTLE ROCK, ARKANSAS; TO PRESCRIBE THE PURPOSES FOR WHICH REVENUES DERIVED FROM THE COLLECTION OF THE TAX MAY BE USED; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the authority of Title 26, Chapter 75, Subchapter 6 of the Arkansas Code of 1987 Annotated (the "Act") and Little Rock, Ark., Ordinance No. 12,353 (May 4, 1970) ("LRO No. ____"), and LRO No. 13,527 (November 7, 1978), each as amended by LRO No. 17,100 (January 16, 1996), LRO No. 18,992 (November 25, 2003) (collectively, the "Prior Tax Ordinances"), the City of Little Rock, Arkansas (the "City") now levies and collects a tax of 2% upon the gross receipts or gross proceeds derived and received (i) from the renting, leasing or otherwise furnishing of hotel, motel, bed and breakfast or short-term condominium or apartment rental accommodations for sleeping for profit in the City and (ii) by restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, caterers, carry-out or delivery restaurants, concessions stands, convenience stores, grocery store-restaurants, and all other similar businesses engaged in the City in the selling of prepared foods and beverages for on-premises or off-premises consumption; and,

WHEREAS, pursuant to the authority of the Act and Ordinance No. 21,140, adopted December, 1, 2015 (the "2015 Tax Ordinance"), the City has levied an additional tax on hotel, motel, bed and breakfast or short-term condominium or apartment rental accommodations for sleeping for profit in the City but not upon restaurants, cafes, cafeterias, delicatessens, drive-in restaurants, caterers, carry-out or delivery restaurants, concessions stands, convenience stores, grocery store-restaurants, and all other similar businesses engaged in the City in the selling of prepared foods and beverages for on-premises or off-premises consumption; and,

WHEREAS, the Act permits any city of the first-class in which there is located a City Park of 1,000 acres or more, to levy a fourth 1% tax on the gross receipts or gross proceeds of hotels, motels, bed and breakfast and short-term condominium or apartment rental accommodations in that city; and,

WHEREAS, this statute applies to the City because it is a city of the first-class under the laws of the State of Arkansas that contains Fourche Bottoms Park, a City Park of more than 1,000 acres; and,

WHEREAS, the City Advertising and Promotion Commission (the "Commission") supports the levy by the City of the additional 1% tax; and,

1 **WHEREAS**, the revenues derived from such tax shall be used by the City as set forth herein;

2 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF**
3 **LITTLE ROCK, ARKANSAS:**

4 **Section 1.** There is hereby levied a tax of 1% upon the gross receipts or gross proceeds derived and
5 received from the renting, leasing or otherwise furnishing of hotel, motel, bed and breakfast or short-term
6 condominium or apartment rental accommodations for sleeping for profit in the City, not to include the rental
7 or lease of such accommodations for periods of thirty (30) days or more (the "Tax"). The levy of the Tax is in
8 addition to the 3% tax levied pursuant to the Prior Tax Ordinances and the 2015 Tax Ordinance, for a total levy
9 of 4% on the gross receipts or gross proceeds of the activities or transactions described in this Section 1.

10 **Section 2.** The Tax shall be paid by the persons, firms and corporations liable therefor, and shall be
11 collected by the Commission, or by a designated agent of the Commission, in the manner set forth in LRO No.
12 18,529 (August 7, 2001), as amended by LRO No. 18,992 (November 25, 2003).

13 **Section 3.** All collections of the Tax shall be used for the promotion and development of City parks and
14 recreation areas and/or for the payment of the principal of, interest on, and fees and expenses in connection
15 with, bonds authorized by the Act and Title 14, Chapter 164, Subchapter 3 of the Arkansas Code of 1987
16 Annotated.

17 **Section 4.** The Commission shall transfer all collections of the Tax to the City Parks and Recreation
18 Department to be used as set forth herein.

19 **Section 5. Severability.** In the event any section, subsection, subdivision, paragraph, subparagraph,
20 item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or
21 unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this
22 ordinance, as if such invalid or unconstitutional provision were not originally a part of this ordinance.

23 **Section 6. Repealer.** All ordinances, resolutions, bylaws, and other matters inconsistent with this
24 ordinance are hereby repealed to the extent of such inconsistency, provided that this ordinance is not
25 intended, nor shall it be construed as to any part, to repeal any part or provision of the Prior Tax Ordinances
26 referred to above.

27 **PASSED: December 1, 2015**

28 **ATTEST:**

APPROVED:

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30 _____
31 **Susan Langley, City Clerk**

_____ **Mark Stodola, Mayor**

32 **APPROVED AS TO LEGAL FORM:**

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34 _____
35 **Thomas M. Carpenter, City Attorney**