

ORDINANCE NO. 93-4

AN ORDINANCE PROVIDING FOR THE LEVY OF A ONE
PERCENT SALES AND USE TAX WITHIN THE ~~CITY OF~~ TOWN
GILBERT, ARKANSAS; AND PRESCRIBING OTHER MAT-
TERS PERTAINING THERETO.

WHEREAS, the ~~City~~ TOWN Council of the ~~City~~ TOWN of GILBERT, Arkansas (the
~~City~~ TOWN), has determined that there is a great need for immediate improvement
of municipal services 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%) ~~City~~ TOWN-wide sales and use tax;
NOW THEREFORE, BE IT ORDAINED by the ~~City~~ TOWN Council of the ~~City~~ TOWN of
GILBERT, Arkansas:

Section 1. Under the authority of the Authorizing Legislation, there is
hereby levied a ONE percent (1%) tax on the gross receipts from the sale
at retail within the ~~City~~ TOWN 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~~ TOWN of tangible personalable 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 \$25 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 persons, a single transaction, for the purposes of the Sales and Use
Tax, shall be deemed to be any single sale 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 tangible personal
property and/or services not otherwise expressly covered in this Section, a
single transaction shall be deemed to be any single sale 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. That all ordinances and parts thereof in conflict herewith are
hereby repealed to the extent of such conflict.

Section 4. That this Ordinance shall not take effect until an election is
held on the question of 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: JULY 20, 1993.

ATTEST: Emily Drew
TOWN
(SEAL)

APPROVED: Bill Lander
Mayor