

**ORDINANCE NO. 1112**

**CITY OF LOWELL, BENTON COUNTY, ARKANSAS**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 1005 OF 2017 IN ORDER TO RESCIND THE EXISTING TWO PERCENT (2%) ADVERTISING AND PROMOTION TAX WITHIN THE CITY OF LOWELL AND TO PROVIDE FOR THE EXPENDITURE OF ALL FUNDS COLLECTED FROM THIS TAX PRIOR TO THIS RESCISSION IN STRICT ADHERENCE TO STATE LAW AND FOR OTHER PURPOSES.**

**WHEREAS**, on November 21<sup>st</sup>, 2017 the City Council of the City of Lowell adopted Ordinance No. 1005 which established a two percent (2%) advertising and promotion tax on prepared foods and beverages, hotels, motels, and other short-term lodging; and

**WHEREAS**, the City Council has determined that it is in the best interest of and benefit to the citizens of Lowell to repeal Ordinance No. 1005 and rescind the existing two percent (2%) advertising and promotion tax and to provide for the legal expenditure of all funds collected from this tax prior to this rescission; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Lowell, Arkansas:

**Section 1.** The City of Lowell's Ordinance No. 1005 is hereby repealed and the two percent (2%) advertising and promotion sales tax on prepared foods and beverages, hotels, motels, and other short-term lodging is hereby rescinded.

**Section 2.** All local taxes collected prior to rescission of this ordinance shall be used for the purposes prescribed in Arkansas law and applicable Lowell ordinances and shall be for the advertising and promotion of the City of Lowell, Arkansas only upon recommendation of the Commission.

**Section 3.** It is determined that the remaining revenue collected from the tax repealed by this ordinance should be expended within six (6) months of the date of passage of this ordinance. Therefore, the Lowell Advertising and Promotion Commission shall operate to expend such revenue by February 28, 2023. Thereafter, the Lowell Advertising and Promotion Commission shall be dissolved. If there is some compelling reason why the Lowell Advertising and Promotion Commission is not able to complete the expenditure of collected money by that time, it shall appear before the Lowell City Council at the regular City Council meeting in February and

explain how much time is needed to complete the expenditure of collected revenue, at which time the City Council shall determine appropriate steps to take.

**Section 4.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application and to this end the provision of this ordinance are declared severable.

**Section 5.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** this 16th day of August 2022.

APPROVED:

\_\_\_\_\_  
Chris Moore, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth Estes, City Clerk

The cost of the required publication of this ordinance was paid for by the city of Lowell, in the amount of \$\_\_\_\_\_.