

TITLE III
FISCAL AFFAIRS

CHAPTERS:

- 3.02 Fees for Use of City Equipment**
- 3.04 Purchases**
- 3.06 Dual Purpose Sales and Use Tax**
- 3.08 Local Sales and Use Tax**
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CHAPTER 3.02

FEEES FOR USE OF CITY EQUIPMENT

SECTIONS:

- 3.02.01 Curb and Gutter Concrete Forms**
- 3.02.02 Sewer Rods**

Section 3.02.01 Curb and Gutter Concrete Forms

Residents of the City of Berryville, Arkansas may use the curb and gutter concrete forms and equipment belonging to the city by furnishing a Fifty Dollar (\$50.00) cash refundable deposit to insure the return of the equipment, in good condition. For the use of the equipment, residents shall pay a fee in the amount of Twenty Dollars (\$20.00) cash per day which shall be used by the city to maintain the said equipment in good condition and repair. If the equipment is not returned to the city within ten (10) days from the date of initial use or possession, an additional nonrefundable fee of Fifty Dollars (\$50.00) shall be paid to the city.

Section 3.02.02 Sewer Rods

Residents of the City of Berryville, Arkansas may use the sewer rods owned by the City of Berryville by furnishing a user fee in the amount of Five Dollars (\$5.00) to be paid for each six (6) hours of use on possession by residents. If a sewer rod is kept overnight, an additional charge of Ten Dollars (\$10.00) shall be paid to the city.

CHAPTER 3.04

PURCHASES

SECTIONS:

3.04.01 \$20,000.00 or Under

3.04.02 Over \$20,000.00

3.04.03 Approval of Payments

3.04.04 Sale or Exchange of Items Valued at Less Than \$5,000

3.04.05 Arkansas Cooperative Purchasing Program

Section 3.04.01 \$20,000.00 or Under

The Mayor, or his duly authorized representative, shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials and other things requisite for public purposes for the City of Berryville and engage in all necessary contracts for work, labor, material or other necessary things to be furnished for the benefit of the City, or in carrying out any work or undertaking of a public nature therein, where the amount of the expenditure for any purpose or contract does not exceed the sum of Twenty Thousand and NO/100 Dollars (\$20,000.00).

CROSS REFERENCE: Ordinance 844; Section 1; August 16, 2005
A.C.A. Section 14-58-303

Section 3.04.02 Over \$20,000.00

Where the amount of expenditure for any purchase or contract exceeds the sum of Twenty Thousand and NO/100 Dollars (\$20,000.00), the Mayor, or his duly authorized representative, shall invite competitive bidding thereon by legal advertisement in any local newspaper. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids, in the presence of the Mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder; provided, however, the Mayor, or his duly authorized representative, may reject any and all bids received. The governing body may, by ordinance, waive the requirement of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical.

CROSS REFERENCE: A.C.A. Section 14-58-303

Section 3.04.03 Approval of Payments

The Mayor, or his duly authorized representative, may approve for payment out of any funds previously appropriated for that purpose, or disapprove any bills, debts or liabilities asserted as claims against the City, when funds on hand are adequate to pay such bills, debts or liabilities. That the payment or disapproval of any bills, debts or liabilities not covered by a previous appropriation shall require confirmation of the governing body.

CROSS REFERENCE: A.C.A. Section 14-58-305

Section 3.04.04 Sale or Exchange of Items Valued at Less Than \$5,000

That the Mayor, or his duly authorized representative, may sell or exchange any municipal supplies, materials or equipment without competitive bidding if such supplies, materials or equipment have a value of less than Five Thousand and NO/100 Dollars (\$5,000.00). That no supplies, materials or equipment shall be sold without receiving competitive bids therefore if the value thereof exceeds the sum of Five Thousand and NO/100 Dollars (\$5,000.00); provided, however, if the Mayor shall certify in writing to the governing body that, in his opinion, the fair market value of such item or lot (to be disposed of in one unit) is less than Five Thousand and NO/100 Dollars (\$5,000.00), the same may be sold by the Mayor without competitive bidding.

CROSS REFERENCE: A.C.A. Section 14-58-306

Section 3.04.05 Arkansas Cooperative Purchasing Program

That the Mayor of Berryville is hereby authorized to agree in the name of the City of Berryville to be bound by all contract terms and conditions as the Department of Finance and Administration, Office of State Purchasing, prescribes. Such terms and conditions may include a reasonable fee to cover the administrative costs which the Department of Finance and Administration incurs as a result of Berryville's participation in the contract. Further, that the Mayor of Berryville does hereby agree to be bound by all such terms and conditions.

That the Mayor of Berryville is hereby authorized to agree in the name of the City of Berryville to directly pay the vendor, under such state contract in which it participates, for items it receives pursuant to the contract, and that the Mayor of Berryville does hereby agree to directly pay the vendor.

CROSS REFERENCE: Resolution 520; Sections 1 & 2; July 2, 1991

CHAPTER 3.06

DUAL PURPOSE SALES AND USE TAX

SECTIONS:

3.06.01 Dual Purpose Sales and Use Tax Levied

3.06.02 Definitions

Section 3.06.01 Dual Purpose Sales and Use Tax Levied

Under the authority of the Authorizing Legislation, there is hereby levied a one-half of one percent (0.5%) tax on the gross receipts from the sale at retail within the City of all items which are subject to the Arkansas Gross Receipts 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, distribution or other consumption within the City of tangible personal 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-half of one percent (0.5%) of the sale price of the property or, in the case of leases or rentals, of the lease or rental price (collectively, the “Dual Purpose Sales and Use Tax”). The Dual Purpose Sales and Use Tax shall be levied and collected solely for one or both of the following purposes which may be approved by the voters: (a) operating and maintaining public parks, police stations, fire stations, and streets; and (b) retiring bonds issued by the City and approved by the voters to finance the costs of acquiring, construction and equipping the Community Center. The Dual Purpose Sales and Use Tax shall be levied and collected only to a maximum tax of \$12.50 for each single transaction.

CROSS REFERENCE: Ordinance 678; Section 1; August 12, 1997

Section 3.06.02 Definitions

“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 Dual Purpose Sales and Use Tax.

- B. The charges for utility services, which are subject to the taxes levied under this ordinance, and which are furnished on a continuous service basis, whether such services are paid daily, weekly, monthly or annually, for the purposes of the Dual Purpose 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 Dual Purpose 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 Dual Purpose 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 Dual Purposes 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.

CROSS REFERENCE: Ordinance 678; Section 2; August 12, 1997

CHAPTER 3.08

LOCAL SALES AND USE TAX

SECTIONS:

3.08.01 Local Sales Tax Levied

3.08.02 Definitions

3.08.03 Distribution of Tax Receipts

Section 3.08.01 Local Sales Tax Levied

Under the authority of state law, there is hereby levied a Local Sales and Use Tax (hereinafter referred to as “the Sales and Use Tax”), at the rate of one percent (1%) on the receipts from the sale at retail within the City of all items which are subject to taxation under the Arkansas Gross Receipts Tax Act of 1941, as heretofore or hereafter amended, and on the sale price of tangible personal property purchased for storage, use or consumption within the City and subject to taxation under the Arkansas Compensating Tax Act of 1949 as amended.

CROSS REFERENCE: A.C.A. Sections 26-75-203 thru 26-75-221
A.C.A. Section 26-75-317
Ordinance 397; Section 1; August 19, 1986

Section 3.08.02 Definitions

The term “single transaction” for the purpose of the Sales and Use Tax shall be defined according to the nature of the goods purchased as follows:

A) When two (2) 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, such 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 of utility service, which are subject to the taxes levied under this ordinance, 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 by 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 (2) 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.

CROSS REFERENCE: Ordinance 402; Section 1; August 19, 1986

Section 3.08.03 Distribution of Sales Tax Receipts

The receipts from the local option sales tax shall be distributed in the following manner:

A) The first \$17,000.00 of the Local Option Sales Tax revenue collected each month shall be set aside to pay off the outstanding bond issue for the Sewer Plant Renovation Project.

B) Any local option sales tax revenue in excess of the \$17,000.00 monthly obligation to the Sewer Bond Fund shall be distributed in the following manner:

- a. 81% to the City General Fund for general operating expenses.
- b. 10% to the City Street Fund for maintenance, operation and improvements to the City street system.
- c. 3% each to the following funds: Parks Commission Fund and the Saunders Museum Fund.
- d. 1.5% each to the following funds: Memorial Park Cemetery Fund and the City Tourism Fund.

CROSS REFERENCE: Ordinance 940; Section 1; December 4, 2012

CHAPTER 3.10

MILLAGE RATE

SECTIONS:

- 3.10.01 Real Property Millage for Maintenance and Operations**
- 3.10.02 Personal Property Millage for Maintenance and Operations**
- 3.10.03 Real Property City Cemetery Millage**
- 3.10.04 Personal Property City Cemetery Millage**

Section 3.10.01 Real Property Millage for Maintenance and Operations

A tax of zero (0.0) mills is hereby levied on all real property within the limits of the City of Berryville, Arkansas.

CROSS REFERENCE: Ordinance 951; Section 1; September 17, 2013

Section 3.10.02 Personal Property Millage for Maintenance and Operations

A tax of zero (0.0) mills is hereby levied on all personal property within the limits of the City of Berryville, Arkansas.

CROSS REFERENCE: Ordinance 951; Section 1; September 17, 2013

Section 3.10.03 Real Property City Cemetery Millage

A voluntary tax, approved on August 3, 1976 by the voters of the City of Berryville, Arkansas, of one mill (1.0) is hereby levied on all real property within the limits of the City of Berryville, the proceeds thereof to be for the purpose of and to be used for maintenance of the City Cemetery.

CROSS REFERENCE: Ordinance 951; Section 1; September 17, 2013

Section 3.10.04 Personal Property City Cemetery Millage

A voluntary tax, approved on August 3, 1976 by the voters of the City of Berryville, Arkansas, of one mill (1.0) is hereby levied on all personal property within the City of Berryville, the proceeds thereof to be for the purpose of and to be used for maintenance of the City Cemetery.

CROSS REFERENCE: Ordinance 951; Section 1; September 17, 2013