

ORDINANCE NO. 2018 - 17

**AN ORDINANCE AMENDING THE SEARCY CODE OF ORDINANCES;
AMENDING CHAPTER 17 OF THE SEARCY CODE OF ORDINANCES;
LEVYING A TAX UPON THE SALE OF CERTAIN BEVERAGE SALES
IN THE CITY OF SEARCY; DECLARING AN EMERGENCY; AND FOR
OTHER PURPOSES**

WHEREAS, the Arkansas Department of Finance and Administration, Alcoholic Beverage Control Board (the “ABC”) has issued permits for certain private clubs in the City of Searcy authorizing the sale of mixed drinks and beer and wine; and

WHEREAS, Arkansas Code Ann. § 3-9-223 provides for a supplemental tax of ten percent (10%) upon the gross proceeds or gross receipts derived from the private clubs from charges to members for the preparation and serving of mixed drinks or for the cooling and serving of beer and wine, drawn from the private stocks of members of the said private clubs;

WHEREAS, Arkansas Code Ann. § 3-9-223(f) provides that city in which the premises permitted by the ABC may impose an additional permit fee or tax, or both an additional permit fee or supplemental tax, not to exceed one-half (1/2) of the amount of the fee or rate provided to the State of Arkansas.

NOW, THEREFORE, be it ordained by the City Council of the City of Searcy, Arkansas, to wit:

Section 1. The Code of Ordinances of the City of Searcy, Arkansas, is hereby amended by adding a section to Chapter 17 of the said code, which said Article reads as follows:

“Section 17-18. Supplemental Tax Upon the Sale of Certain Beverages; Disposition of Proceeds. Pursuant to Ark. Code Ann. § 3-9-223(f), as may be amended from time to time, there is levied a supplemental tax of five (5) percent upon the gross proceeds or gross receipts derived from a private club licensed or permitted by the State of Arkansas from the charges to members for the preparation and serving of mixed drinks, for the cooling and serving of such beer and wine drawn from the private stocks of such member or otherwise provided for consumption. The sums derived from this supplemental tax shall be appropriated in the manner provided by Arkansas law. The City of Searcy shall maintain any information provided by the State of Arkansas in connection with any audit associated with the operation of any private club subject to the confidentiality requirements of Ark. Code Ann. § 26-18-303, as may be amended from time to time.”

Section 2. The provisions of this ordinance are separable and, upon any finding that any provision of this ordinance is unenforceable, the remaining provision shall be enforceable according to their terms.

Section 3. Emergency Clause. The need to provide for the fiscal affairs of the City

of Searcy, in accordance with the requirement of law being necessary for the preservation of the public peace, health, safety and welfare, an emergency is hereby declared and this Ordinance shall be in full force and effect from and after its passage.

Adopted this 8th day of May, 2018.

The City of Searcy, Arkansas:

/s/ David Morris
Mayor of Searcy

Attest:

/s/ Jerry Morris
City Clerk-Treasurer