

ORDINANCE NO. 2018-12

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF PRAIRIE GROVE, ARKANSAS ON THE QUESTION OF LEVYING A CITY-WIDE ONE-HALF OF A PERCENT (0.50%) SALES AND USE TAXES; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Prairie Grove, Arkansas (the "City") has passed on July 2, 2018, Ordinance No. 2018-12 (the "Tax Ordinance") providing for the levy of a 0.50% sales and use tax within the City to be used for the payment of fire department and police department personnel costs (the "Sales and Use Tax"); and

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the Sales and Use Tax;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Prairie Grove, Arkansas:

Section 1. There is hereby called a special election to be held on November 6, 2018, at which election there shall be submitted to the electors of the City the question of the levy of the Sales and Use Tax.

Section 2. The question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

0.50% SALES AND USE TAX

Adoption of a 0.50% local sales and use tax within the City of Prairie Grove, the net collections of which remaining after deduction of the administrative charges of the State of Arkansas and required rebates will be used for the following: for police and fire personnel costs. The levy of the tax is not dependent on any bonds being approved or issued.

FOR☐

AGAINST☐

Section 3. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections and only qualified voters of the City shall have the right to vote at the election.

Section 4. The results of the election shall be proclaimed by the Mayor, and such Proclamation shall be published one time in a newspaper having a general circulation in the City, which Proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of publication.

Section 5. A copy of this Ordinance shall be (a) filed with the Washington County

Clerk at least 60 days prior to the election date and (b) given to the Washington County Board of Election Commissioners so that the necessary election officials and supplies may be provided. A certified copy of this Ordinance shall also be provided to the Commissioner of Revenues of the State of Arkansas as soon as practical.

Section 6. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to call and hold the special election as herein provided and, if the levy of the Sales and Use Tax is approved by the electors, to cause the Sales and Use Tax to be collected, and to perform all acts of whatever nature necessary to carry out the authority conferred by this Ordinance.

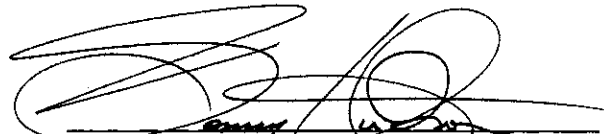
Section 7. Following adoption, this Ordinance shall be posted in the following public places in the City: City Hall, Water Department, Library, Community Building and Post Office.

Section 8. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 9. The provisions of this Ordinance are separable and if a section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance.

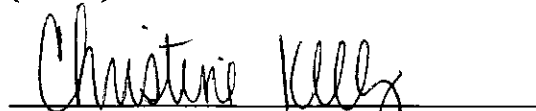
Section 10. Emergency Clause. This Ordinance being necessary to meet deadlines for getting on the ballot for the November 6, 2018 general election, the City Council hereby finds an emergency exists and this Ordinance shall take immediate effect.

PASSED: July 2, 2018.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, City Clerk

CERTIFICATE

The undersigned, City Clerk of the City of Prairie Grove, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 2018-12, passed at a special session of the City Council of the City of Prairie Grove, Arkansas, held at the regular meeting place of the City Council at seven o'clock p.m., on the 2nd day of July 2018, and that the Ordinance is of record in Ordinance Record Book No. 2018, Page 12, now in my possession.

GIVEN under my hand and seal this 2 day of July 2018.



Christine Kelly
Christine Kelly, City Clerk

Repealed

ORDINANCE NO. 2018-13

AN ORDINANCE PROVIDING FOR THE LEVY OF A CITY-WIDE ONE-HALF OF A PERCENT (0.5%) SALES AND USE TAX; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Prairie Grove, Arkansas (the "City") has determined that there is a great need for immediate improvement of fire department and police department 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-half percent (0.5%) citywide sales and use tax and

WHEREAS, the City is currently levying a two and a quarter percent (2.25%) sales and use tax under the authority of the Authorizing Legislation; and

WHEREAS, the City Council has proposed the levy of an additional city-wide sales and uses tax at the rate of 0.5% under the authority of the Authorizing Legislation, the net collections of which will be used for the purposes described above.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Prairie Grove, Arkansas:

Section 1. Under the authority of the Authorizing Legislation, there is hereby levied a one-half percent (0.5%) tax on the gross receipt from the sale at retail within the City of all items which are subject to the Arkansas Gross Receipts Act of 1941, as amended (ACA §26-52-101 et seq.) and the imposition of an excise (or use) tax on the storage, use, distribution or other consumption with the City of tangible personal property subject to the Arkansas Compensating Tax Act of 1949, as amended (ACA §26-53-101 et seq.) at a rate of one-half 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 "Sales and Use Tax"). The Sales and Use Tax shall be levied, and the net collections received after deduction of the administrative charges of the State of Arkansas and required rebates shall be used for the payment of fire department and police department personnel costs. The Sales and Use Tax shall be levied and collected on the gross receipts, gross proceeds or sales price in the maximum amount allowed from time to time under Arkansas law, subject to rebates and limitations as required for certain single transactions as from time to time required by Arkansas statutes.

Section 2. All ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

CERTIFICATE

The undersigned, City Clerk of the City of Prairie Grove, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 2018-13 passed at a regular session of the City Council of the City of Prairie Grove, Arkansas, held at the regular meeting place of the City Council at seven o'clock p.m., on the 16th day of July 2018, and that the Ordinance is of record in Ordinance Record Book No.2018, Page13, now in my possession.

GIVEN under my hand and seal this 16 day of July 2018.



Christine Kelly
Christine Kelly, City Clerk

ORDINANCE NO. 2018-14

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF PRAIRIE GROVE, ARKANSAS ON THE QUESTION OF LEVYING A CITY-WIDE ONE-HALF OF A PERCENT (0.5%) SALES AND USE TAX; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City Council of the City of Prairie Grove, Arkansas (the "City") has passed on July 16 2018, Ordinance No. 2018-13 (the "Tax Ordinance") providing for the levy of a 0.5% sales and use tax within the City to be used for the payment of fire department and police department personnel costs (the "Sales and Use Tax"); and

WHEREAS, the purpose of this Ordinance is to call a special election on the question of the levy of the Sales and Use Tax;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Prairie Grove, Arkansas:

Section 1. There is hereby called a special election to be held on November 6, 2018, at which election there shall be submitted to the electors of the City the question of the levy of the Sales and Use Tax.

Section 2. The question of levying the Sales and Use Tax shall be placed on the ballot for the election in substantially the following form:

0.5% SALES AND USE TAX

Adoption of a 0.5% local sales and use tax within the City of Prairie Grove, the net collections of which remaining after deduction of the administrative charges of the State of Arkansas and required rebates will be used for the following: for police and fire personnel costs. The levy of the tax is not dependent on any bonds being approved or issued.

FOR☐

AGAINST☐

Section 3. The election shall be held and conducted and the vote canvassed and the results declared under the law and in the manner now provided for municipal elections and only qualified voters of the City shall have the right to vote at the election.

Section 4. The results of the election shall be proclaimed by the Mayor, and such Proclamation shall be published one time in a newspaper having a general circulation in the

ORDINANCE NO. 2018-15

AN ORDINANCE TO AMEND THE CITY'S CURFEW REQUIREMENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the Curfew Amendment Ordinance.

Section Two: Section 7.12.03 Amended. Section 7.12.03, Subsection A of the Prairie Grove Municipal Code is hereby amended to read as follows:

7.12.03 Curfew for Minors

- A. It shall be unlawful for any minor to be upon the streets, sidewalks, parks, playgrounds, public places and vacant lots, or to ride in or upon, drive or otherwise operate or be a passenger in any automobile, bicycle, or other vehicle in, upon, over or through the streets, or other public places between the following hours:
1. On Sunday through Friday evenings from 10:00 p.m. through 5:00 a.m. (seven hours);
 2. On Saturday evenings beginning at 11:00 p.m. through 5:00 a.m. (six hours).

Section Three: Subsection B Unchanged. Section 7.12.03, Subsection B shall remain unchanged.

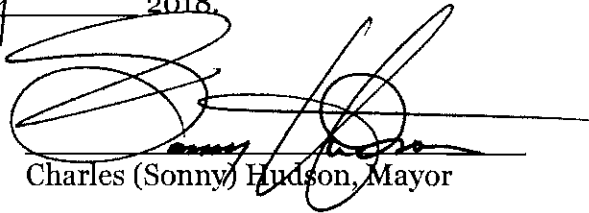
Section Four: Effective Date. This Ordinance shall become effective from and after 60 days of its posting unless an Emergency Clause is affixed.

Section Five: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Six: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Seven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 16 day of July 2018.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk

ORDINANCE NO. 2018-16

AN ORDINANCE TO DEFINE FIXED ASSETS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the Fixed Asset Ordinance.

Section Two: New Section 3.04.11 Created. A new section 3.04.11 to the Prairie Grove Municipal Code is hereby adopted to read as follows:

3.04.11 Fixed Assets

Fixed Assets are defined as any individual item with a purchase value in excess of \$1,000.00 and an expected life of five years or longer.

Section Three: Effective Date. This Ordinance shall become effective from and after 60 days of its posting unless an Emergency Clause is affixed.

Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

ORDINANCE NO. 2018-17

**AN ORDINANCE TO PROVIDE FOR THE REZONING AND REPLAT
OF CERTAIN LANDS IN PRAIRIE GROVE, ARKANSAS CURRENTLY
OWNED BY RAUSCH COLEMAN VV, LLC, MODIFICATION OF THE
ZONING MAP, AND AMENDMENT OF THE ZONING ORDINANCE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2018 Rausch Coleman
VV Rezoning and Replat Ordinance.

Section Two: Property Rezoned. From and after the effective date hereof, the
following described real estate in the City of Prairie Grove, currently owned by
Rausch Coleman VV, LLC, is hereby changed in zoning classification from A-1
(Agricultural) to R-1.75 (Residential):

Lots 20-28 of the South Club House Estates Subdivision to the City of Prairie
Grove, Arkansas

Section Three: Replat Approved. The Final Re-Plat of lots 23-28 of the South
Club House Estates Subdivision to new Lots 23A, 24A, 25A and 27A as submitted
by the developer and approved by the Prairie Grove Planning Commission, is
hereby approved and the Mayor and Clerk are authorized to affix their names and
the seal of the City thereto.

Section Four: Acceptance of Streets and Easements. The streets and easements
dedicated to the City on the Final Re-Plat of lots 23-28 of the South Club House
Estates Subdivision to new Lots 23A, 24A, 25A and 27A, are hereby accepted and

the Mayor and Clerk are authorized to affix their names and the seal of the City to a Certificate of Acceptance.

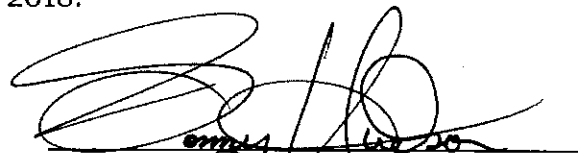
Section Five: Effective Date. This Ordinance shall become effective from and after 60 days of its posting.

Section Six: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Seven: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.


Section Eight: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 16th day of July 2018.



Charles (Sonny) Hudson, Mayor

(Attest)



Christine Kelly, Clerk

ORDINANCE NO. 2018-18

**AN ORDINANCE TO PROVIDE FOR THE REZONING OF CERTAIN
LANDS IN PRAIRIE GROVE, ARKANSAS CURRENTLY OWNED BY SILVA
PROPERTIES, LLC, MODIFICATION OF THE ZONING MAP, AND
AMENDMENT OF THE ZONING ORDINANCE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE GROVE,
ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as the 2018 Silva Properties
Rezoning Ordinance.

Section Two: Property Rezoned. From and after the effective date hereof, the
following described real estate in the City of Prairie Grove, currently owned by
Silva Properties, LLC, is hereby changed in zoning classification from A-1
(Agricultural) to B-2 (Commercial):

(805-20329-150)

Part of the Southeast Quarter and the Southwest Quarter of the Northwest
Quarter of Section 4, Township 15 North, Range 31 West, Washington County,
Arkansas being more particularly described as follows: commencing at the
Southwest corner of the Southeast Quarter of the Northwest Quarter of said
Section 4; thence West 130.39 feet, thence N34°36'47"E 232.72 feet; thence
S89°41'08"E 345.94 feet; thence South 189.64 feet; thence West 347.74 feet to
the point of beginning, containing 1.81 acres, more or less. LESS AND EXCEPT:
part of the South Half of the Northwest Quarter of Section 4, Township 15 North,
Range 31 West, being more particularly described as follows: beginning at the
Southeast corner of the Southwest Quarter of the Northwest Quarter of said
Section 4, then running West 128.04 feet to the East line of U.S. Highway 62,
thence in a Northeasterly direction along the East line of said U.S. Highway 62
164 feet; thence leaving U.S. Highway 62 and running East 335 feet; thence South
140 feet to the South line of said 80 acre tract; thence West 295.96 feet, more or
less, to the point of beginning.

AND

(805-20329-140)

A part of the South Half of the Northwest Quarter of Section 4, Township 15

North, Range 31 West, being more particularly described as follows: beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter of said Section 4, and running thence West 128.04 feet to the East line of U.S. Highway 62, thence in a Northeasterly direction along the East line of said U.S. Highway 62 164 feet; thence leaving U.S. Highway 62 and running East 335 feet; thence South 140 feet to the South line of said 80 acre tract; thence West 295.96 feet, more or less, to the point of beginning. LESS AND EXCEPT that part in the State Highway right-of-way on the West side.


Effective Date. This Ordinance shall become effective from and after 60 days of its posting.

Section Four: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.


Section Five: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Six: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Approved this 16th day of July 2018.


Charles (Sonny) Hudson, Mayor

(Attest)


Christine Kelly, Clerk