ORDINANCE NO. 2003-09

"Franchise Fee Cap Ordinance"

AN ORDINANCE TO SET A FRANCHISE FEE CAP, REPEALING ORDINANCE NO. 99-15, AND FOR OTHER PURPOSES.

WHEREAS, it is the responsibility of the City Council to regulate in accordance with current state statutes the franchise fees charged to utilities within the Corporate Limits of the City of Mulberry; and

WHEREAS, on June 28, 1999 the Resolution concerning franchise agreements between ASU Air-Separation and the City of Mulberry did expire; and

WHEREAS, the City Council has carefully considered and deliberated the matter of increasing the franchise fee cap set forth in Ordinance No. 99-15

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. That Ordinance No. 99-15 be and hereafter is repealed in its entirety.

SECTION 2. That the maximum amount to be collected in franchise fees from any one (1) customer shall be set at $2,000.00 per month per utility

SECTION 3. That the following ordinances be amended where noted in the subsections below and the above contents of Section (2) two be added to each as an additional section.

A. Ordinance No. 80-5 – add as Section 7-A

B. Ordinance No. 83-12 – add as Section 1-A

C. Ordinance No. 85-10 – add as Section 2-A

D. Ordinance No. 89-13 – add as Section 3-A

E. Ordinance No. 95-3 – add as Section 19

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any provisions of this ordinance is held invalid or unconstitutional, it shall be deemed severable and separable, and the remaining provisions shall remain in full force and effect.

PASSED AND APPROVED THIS 19TH DAY OF AUGUST, 2003.

APPROVED: _____
Jeff Marvin, Mayor

ATTEST: _____
Jerry Dickerson, Recorder-Treasurer