ORDINANCE NO. 79-3

AN ORDINANCE PROVIDING FOR THE COMPUTATION OF THE OCCUPATION (FRANCHISE) TAX THAT ALLIED TELEPHONE CO. PAY TO THE CITY OF MULBERRY, ARKANSAS, NOW AND IN THE FUTURE: PROVIDENCE FOR THE PAYMENT THEREOF: DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS, Allied Telephone Co. (hereinafter referred to as "Telephone Co.") is duly authorized by franchise Ordinance to operate a telephone system within the City of Mulberry and to occupy the street, highways or other public places within the municipality.

WHEREAS, the City of Mulberry, Arkansas is entitled to receive such just and reasonable taxes from Allied Telephone Co., which the City may lawfully impose and the Telephone Co. is obligated to pay; and

WHEREAS, the City has authority to pass such other rules and regulations for the Telephone Co. in its actual operation of its system within the municipality; and

WHEREAS, the City recognized the powers of the City of Mulberry, and the Public Service Commission under Act 324 of 1935 of Arkansas.

NOW THEREFORE, be it ordained by the City Council of the City of Mulberry, Arkansas;

SECTION 1: Said Telephone Co. shall pay three percent (3%) of the gross monthly revenue received by the said Telephone Co. within the City of Mulberry, Arkansas. The said amount will be paid by the Telephone Co. by or upon the first day of the next month.

SECTION 2: Said three percent (3%) shall be paid in lieu of all other taxes, licenses, charges, fees, or impositions except general or special ad valorem taxes which might be lawfully imposed by the City.

SECTION 3: As an incident to the privilege hereby taxed the Allied Telephone Company shall have the right to occupy present or future streets, alleys, or other pubic ways of the aforesaid municipality for the purpose of carrying on its said business.

SECTION 4: Said Telephone Company shall likewise in its base rate structure include the entire city limits of Mulberry, Arkansas. No extra rates shall be applied to customers living within the city limits other than extra charges incurred by the resident for extra installations, choice of phones, etc.

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SECTION 5: Said Telephone Company shall heretofore in the future provide in the City a staffed, full time office, so as to provide service stability to the City. Said office shall provide the residents a place in which to register complaints and to request service.

SECTION 6: Said Telephone Company shall likewise provide the City of Mulberry with a copy of all plans and work schedules scheduled within the City, at least fifteen (15) days prior to such work being begun.

SECTION 7: Failure on the part of the Telephone Company to comply with the rates, rules and regulations herein set out shall constitute a misdemeanor and shall be punishable by a fine based on a rate of $500.00 per day for each day said Telephone Company is in violation thereof.

SECTION 8: Nothing herein contained shall be construed as giving the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the City.

SECTION 9: Should any portion of this Ordinance be declared or found to be unconstitutional or invalid and so declared by a Court of competent jurisdiction, then the remainder of this Ordinance shall not be affected by such partial invalidity.

SECTION 10: That due to the need to raise more revenue, and due to the need within the City of increased service stability and service to the residents of Mulberry, Arkansas, in general, an emergency is therefore declared and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage, approval and publication.

SECTION 11: The said Telephone Company shall have twenty (20) days from and after its passage and approval to file its written acceptance of this Ordinance with the City Clerk, and upon such acceptance being filed, this Ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor.

PASSED AND APPROVED this 4th day of September, 1979.

Arnold D. Feller
MAYOR

ATTEST:

Jerry Dispenza
CITY CLERK