ORDINANCE NO. 85-10

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

WHEREAS, ALLTEL Arkansas, Inc. (herinafter 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 streets, alleys, highways or other public places within the municipality.

WHEREAS, the City of Mulberry, Arkansas is entitled to receive just and reasonable taxes from ALLTEL Arkansas, Inc., 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 four percent (4%) 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.

SECTION2: Said four percent (4%) 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 ALLTEL Arkansas, Inc. shall have the right to occupy present or future streets, alleys, or other public ways of the aforesaid municipality for the purpose of carrying on its said business.

SECTION 4: Said Telephone Co. 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 5: Failure on the part of the Telephone Co. 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 Co. is in violation thereof.

SECTION 6: Nothing herein contained shall be construed as giving the Telephone Co. any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Co. to maintain a telephone system within the City.

SECTION 7: Should any portion of this ordinance be declared or found to be unconstitutional or invalid and so be determined by a court of competent jurisdiction, then the remainder of this ordinance shall not be affected by such partial invalidity.

SECTION 8: The said Telephone Co. sahll have twenty (20) days from and after its passage and approval to file its written acceptance of this ordinance with the City Recorder-Treasurer, 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 6th DAY OF AUGUST, 1985.

ATTEST:

Joe Benham

Joe Benham,
Recorder - Treasurer

APPROVED:

Arnold D. Feller

Arnold D. Feller,
Mayor