ORDINANCE NO. 89-13

AN ORDINANCE GRANTING ARKANSAS VALLEY ELECTRIC CO-OP THE RIGHT AND PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC DISTRIBUTION SYSTEM; SETTING A FRANCHISE TAX RATE ; AND FOR OTHER PURPOSES.

WHEREAS, the City of Mulberry, Arkansas has recently annexed an area, or areas, which are provided electric service by Arkansas Valley Electric Co-op, and

WHEREAS, the City of Mulberry has franchise ordinances with all other utility companies providing service within the city limits of Mulberry, except Arkansas Valley Electric Co-op;

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

SECTION 1. That Arkansas Valley Electric Co-op be granted a non-exclusive franchise permit to conduct and carry on business in the City of Mulberry, Arkansas and shall pay as a monthly franchise tax four percent (4%) of the gross revenues received by said company in the preceeding month from the following classes of service to customers within the corporate limits of said city:

1. Residential 2. Commercial 3. Industrial

The said tax shall be payable on or before the 25th day of November, 1989, for the month of October, 1989, and monthly thereafter on or before the 25th of each month.

SECTION 2. That said franchise tax shall be paid in lieu of all other taxes, privilege taxes, pole 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, Arkansas Valley Electric Co-op shall have the right to occupy present and future streets, highways, alleys, or other public ways of the aforesaid municipality for the purpose of carrying on its said business.

SECTION 4. That, for the preservation of the health, welfare and safety of the citizens and residents of the City of Mulberry, Arkansas, the immediate passage of the act is necessary in order to collect franchise taxes on a current basis. Therefore, an emergency is declared to exist and this ordinance shall therefore take effect and be in full force from and after its passage.

PASSED AND APPROVED THIS 3RD DAY OF OCTOBER, 1989.

APPROVED: Arnold D. Feller
Arnold D. Feller, Mayor

ATTEST: Joe Benham
Joe Benham, Recorder-Treasurer