

ORDINANCE NO. 1831

**AN ORDINANCE AMENDING CHAPTER 4.28.05 OF THE
MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS,
ARKANSAS FIXING THE AMOUNT OF FRANCHISE
FEES TO BE PAID TO THE CITY BY TELESERVICE
CORPORATION OF AMERICA; AND PRESCRIBING
OTHER MATTERS PERTAINING THERETO.**

WHEREAS, pursuant to Chapter 4.28.05 of the Municipal Code of the City of Eureka Springs, Arkansas (the "City"), the City has fixed the franchise fees to be paid by Teleservice Corporation of America for the right, privilege and franchise of using the streets, highways and other public places in the City for the operation of a cable television system; and

WHEREAS, the franchise fees are authorized pursuant to Arkansas Code Annotated §§ 14-200-101, et. seq. (the "Authorizing Legislation"); and

WHEREAS, it is necessary to make certain technical changes to Chapter 4.28.05 of the Municipal Code of the City in order to comply with the Authorizing Legislation and to clarify that the charges fixed by Chapter 4.28.05 of the Municipal Code are fees and not taxes;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eureka Springs, Arkansas:

Section 1. Chapter 4.28.05 of the Municipal Code of the City is hereby amended to read as follows:

"For the use of the streets and other facilities of the City in the operation of the CATV system and for the municipal supervision thereof, the Grantee shall pay to the City as a franchise fee, annually, an amount equal to 5% of the Grantee's gross subscriber revenues, starting December 10, 1992, from operations within the City of Eureka Springs during the year. For this purpose, "gross subscriber revenues" does not include sales, excise or other privilege taxes billed to and collected from subscribers by Grantee in addition to charges for services rendered and shall not include amounts collected from installation charges."

Section 2. Chapter 4.28.05 of the Municipal Code, as amended hereby, shall remain and be in full force and effect.

Section 3. All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED: February 17, 2000.

ATTEST:

City Clerk

(SEAL)

APPROVED:

Mayor

CERTIFICATE

The undersigned, City Clerk of Eureka Springs, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 1831, passed at a regular session of the City Council of Eureka Springs, Arkansas, held at the regular meeting place of the City Council at 7:00 o'clock p.m., on the 17th day of February 2000, and that the Ordinance is of record in the Ordinance Record Book now in my possession.

GIVEN under my hand and seal this _____ day of February, 2000.

City Clerk

(SEAL)