

ORDINANCE NO. 1833

**AN ORDINANCE AMENDING CHAPTER 4.04.09 OF THE
MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS,
ARKANSAS FIXING THE AMOUNT OF FRANCHISE
FEES TO BE PAID TO THE CITY BY SOUTHWESTERN
ELECTRIC POWER COMPANY AND CARROLL
ELECTRIC COOPERATIVE CORPORATION; AND
PRESCRIBING OTHER MATTERS PERTAINING
THERE TO.**

WHEREAS, pursuant to Chapter 4.04.09 of the Municipal Code of the City of Eureka Springs, Arkansas (the "City"), the City has fixed the franchise fees to be paid by Southwestern Electric Power Company and Carroll Electric Cooperative Corporation for the right, privilege and franchise of using the streets, highways and other public places in the City for the operation of a electric systems; 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 4.04.09 of the Municipal Code of the City in order to comply with the Authorizing Legislation and to clarify that the charges fixed by Chapter 4.04.09 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 4.04.09 of the Municipal Code of the City is hereby amended to read as follows:

"4.04.09 Franchise Fee. The franchise charges for each Grantee, commencing the 1st day of October, 1988, and continuing thereafter until changes by Ordinance, shall be a sum equal to five (5%) percent of each Grantee's gross revenues that are derived from the sale of electric power and energy to domestic and commercial customers within the city limits of Grantor. The sum is to be due and payable quarterly, and the Grantees shall have thirty (30) days after the expiration of each calendar quarter in which to make said payment.

The franchise fee charges as set forth shall be in place of and in lieu of any and all occupation taxes, meter taxes, privilege taxes, and license fees, of whatever kind or nature (except general and ad valorem taxes) now in effect."

Section 2. Chapter 4.04.09 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 All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.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

APPROVED:

Mayor

(SEAL)

CERTIFICATE

The undersigned, City Clerk of Eureka Springs, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 1832, 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)