

**ORDINANCE NO. 1834**

**AN ORDINANCE AMENDING CHAPTER 4.12.02 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 BELL TELEPHONE COMPANY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.**

WHEREAS, pursuant to Chapter 4.12.02 of the Municipal Code of the City of Eureka Springs, Arkansas (the "City"), the City has fixed the franchise fees to be paid by The Southwestern Bell Telephone Company for the right, privilege and franchise of using the streets, highways and other public places in the City for the operation of a telephone 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 4.12.02 of the Municipal Code of the City in order to comply with the Authorizing Legislation and to clarify that the charges fixed by Chapter 4.12.02 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 4.12.02 of the Municipal Code of the City is hereby amended to read as follows:

"4.12.02. The Telephone Company shall be assessed an annual franchise fee in an amount equal to four percent (4%) of the Telephone Company's access line billing revenues for the previous calendar year. Said payments shall be payable in quarterly installments on or before the last day of March, June, September and December of each year.

The annual franchise fee herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the City under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to the City."

Section 2. Chapter 4.12.02 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 All ordinances and resolutions or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.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. 1834, 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.

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City Clerk

(SEAL)