

ORDINANCE NO. ~~821~~

1014

special

AN ORDINANCE AMENDING ORDINANCE NO. 821 AND REPEALING ORDINANCE NO. 912, BOTH OF THE CITY OF EUREKA SPRINGS, ARKANSAS, TO PROVIDE FOR THE PAYMENT OF A ~~STREET RENTAL CHARGE~~ TO THE CITY OF EUREKA SPRINGS, ARKANSAS BY SOUTHWESTERN BELL TELEPHONE COMPANY, A MISSOURI CORPORATION, TOGETHER WITH AN ADDITIONAL ANNUAL PAYMENT BASED ON THE NUMBER OF TELEPHONES WITHIN THE CORPORATE LIMITS OF THE CITY OF EUREKA SPRINGS, ARKANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS.

SECTION 1. Section 2 of Ordinance No. 821 of the City of Eureka Springs, Arkansas, is hereby amended to read in its entirety as follows, to-wit:

SECTION 2.

(a) The Telephone Company shall pay to the City on or before March 1, 1978, for the period January 1, 1978 to December 31, 1978, inclusive, and thereafter, for like periods, on or before each March 1, an amount determined by multiplying the number of telephones within the corporate limits of the City as of December 31 of the preceding year by the sum of \$0.87.

(b) The Telephone Company shall, in addition to the payment provided for by Paragraph (a) of this Section, pay a ~~privilege~~ ^{special} tax in the sum of Five Thousand Seven Hundred Dollars (\$ 5750.00) annually. The ~~privilege~~ ^{special} tax Fifty Two provided for by this Paragraph shall be due and payable quarterly, and the Telephone Company shall be allowed not more than thirty (30) days after the end of any calendar quarter to pay such ~~privilege~~ ^{special} tax. The first calendar quarter subject to this Paragraph shall be April 1, 1977 through June 30, 1977, inclusive, and the first such quarterly payment shall be due and payable on July 1, 1977, and must be paid not later than July 30, 1977.

(c) The payments and privilege tax herein required shall be in lieu of all other licenses, charges, fees or impositions. (other than the general or special ad valorem taxes) which may be imposed by the City under authority conferred by law.

(d) The City recognizes and concurs in the purpose and intent of an order of the Arkansas Public Service Commission entered on December 10, 1957, in Docket U-1281 relating to the treatment by the Telephone Company of all City special taxes.

SECTION 2. Ordinance No. 912 of the City of Eureka Springs, Arkansas,

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hereinafter called "the City," is repealed, in its entirety, effective at 12:00 o'clock Midnight on the 31st day of March, 1977. Therefore, the quarterly payment of Two Hundred Fifty and no/100 Dollars (\$250.00) which is due and payable to the City by Southwestern Bell Telephone Company, a Missouri Corporation, hereinafter called "the Telephone Company," for the first calendar quarter of the year 1977, is hereby declared to be due and payable in accordance with Sections I and II of said Ordinance No. 912.

SECTION 3. Section 3 of Ordinance No. 821 of the City is hereby repealed.

SECTION 4. Section 1, 4, 5, 6 and 7 of Ordinance No. 821 of the City are hereby ratified, confirmed and republished, just as if the same had been set forth herein, verbatim.

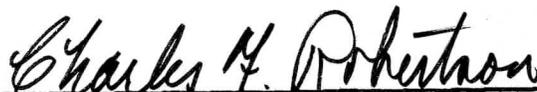
SECTION 5. All other ordinances and agreements and parts of ordinances and agreements relating to the operating of or the right to operate a telephone system with the City are hereby repealed.

SECTION 6. If a court of competent jurisdiction should hold that any part of this Ordinance is unenforceable for any reason, such holding shall not render the remainder of this Ordinance unenforceable.

SECTION 7. A copy of this Ordinance, certified by the City Clerk, shall be delivered to an appropriate official of the Telephone Company by certified mail, return receipt requested, from the office of the City Clerk.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS 12th DAY OF March, 1977.

APPROVED:



CHARLES F. ROBERTSON, MAYOR

ATTEST:



JUNE I. MONCRAVIE, CITY CLERK

(CITY SEAL)

EMERGENCY DECLARED

A majority of the members elected to the City Council of the City of Eureka Springs, Arkansas has found that an urgent need exists for additional revenues for the City. Therefore, an emergency is declared to exist, and Ordinance No. 1014, being necessary for the preservation and advancement of the public peace, health and safety, shall be in full force and effect from and after the date of its publication according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS,
ON THIS 12th DAY OF March, 1977.

ATTEST:

June I. Moncravie
June I. Moncravie

City Clerk

APPROVED:

Charles F. Robertson
Charles F. Robertson

Mayor

(City Seal)