

FILED

ORDINANCE NO. 13

MAY 1 1980
AT 12:35 P.

Town of Bethel Heights, Arkansas
County and Precinct

AN ORDINANCE WHEREBY THE TOWN OF BETHEL HEIGHTS, OF THE STATE OF ARKANSAS AND THE SOUTHWESTERN BELL TELEPHONE COMPANY, A MISSOURI CORPORATION AGREE THAT THE TELEPHONE COMPANY SHALL CONTINUE TO OPERATE ITS TELEPHONE SYSTEM AND ALL BUSINESS INCIDENTAL TO OR CONNECTED WITH THE CONDUCTING OF A TELEPHONE BUSINESS AND SYSTEM IN SAID TOWN; AND ERECT AND MAINTAIN ITS PLANT CONSTRUCTION AND APPURTENANCES ALONG, ACROSS, ON, OVER, THROUGH, ABOVE, AND UNDER ALL PUBLIC STREETS, AVENUES, ALLEYS, PUBLIC GROUNDS AND PLACES IN SAID TOWN; THAT THE TOWN SHALL RECEIVE AN ANNUAL PAYMENT FROM THE TELEPHONE COMPANY; AND REPEALING ALL ORDINANCES AND AGREEMENTS IN CONFLICT HEREWITH;

WHEREAS, the Town of Bethel Heights desires to enact and impose upon the Telephone Company a tax which shall be in lieu of all other licenses, charges, fees or special taxes other than the usual general or special ad valorem taxes, and

WHEREAS, the Town recognizes and concurs in the purposes and intent of an order of the Arkansas Public Service Commission entered on February 7, 1980, in Docket U-3013 relating to the treatment by the Telephone Company of all Town special taxes;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bethel Heights, Arkansas, that;

SECTION I: The Southwestern Bell Telephone Company, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the conducting of a telephone business and system in the Town of Bethel Heights, State of Arkansas, (herein referred to as "Town"). The plant construction and appurtenances used in or incident to the giving of telephone service and to the maintenance of a telephone business and system

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AT _____ O'CLOCK

Mary J. [Signature]
COUNTY CLERK

by the Telephone Company in said Town shall remain as now constructed, subject to such changes as may be considered necessary by the Town in the exercise of its inherent powers and by the Telephone Company in the conduct of its business and said Telephone Company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as the business and purpose for which it is or may be incorporated may from time to time require, along, across, on, over, through, above and under all the public streets, avenues, alleys, and the public grounds and places within the limits of said Town as the same from time to time may be established.

SECTION II: The Telephone Company shall pay to the Town for the period Jan. 1, 1981 to Dec. 31, 1981, inclusive and thereafter for like periods an amount determined by multiplying the number of telephones within the corporate limits of the Town as of the last day of the preceding year by the sum of \$1.04. Said sum to be paid in quarterly installments on or before the last day of March, June, September, and December of each year.

SECTION III: The annual payment 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 Town 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 said Town.

SECTION IV: The Telephone Company on the request of any person shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be

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paid by the party or parties requesting the *same*, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

SECTION V: Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said Town so as to prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all the said trimming to be done under the supervision and direction of any Town official to whom said duties have been or may be delegated.

SECTION VI: Nothing in this Ordinance contained shall be construed to require or permit any electric light or power wire attachments by the Town or for the Town. If light or power attachments are desired by the Town or for the Town, then a separate non-contingent agreement shall be a prerequisite to such attachments.

SECTION VII: Nothing herein contained shall be construed as giving to the Telephone Company any exclusive privileges, nor shall it affect any prior or existing rights of the Telephone Company to maintain a telephone system within the Town.

SECTION VIII: All other ordinances and agreements and parts of ordinances and agreements relating to the operating of or right to operate a telephone system with said Town are hereby repealed.

SECTION IX: The said Telephone Company shall have ninety (90) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this Ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor. The Ordinance shall continue in effect and be in force until terminated by the Town or the

Telephone Company as of the end of any year after giving one
(1) year's written notice of intention to terminate.

APPROVED THIS 13 day of October, 1980.

B. R. Turner

ATTEST:

Orville F. Clark

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AT _____ DELOCK

Mary J. [Signature]
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