

TITLE 4

BUSINESS LICENSES AND REGULATIONS

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- 4.04 Public Utility Franchise
- 4.08 Cable Television Franchise
- 4.12 Occupational Licenses

CHAPTER 4.04

PUBLIC UTILITY FRANCHISE

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4.04.01 Purpose To the extent permitted by law, the Council of the city of Ward, Arkansas, is enacting this ordinance to establish jurisdiction to determine the quality and character of each kind of, and rates for, product or service to be furnished or rendered by any public utility within the city of Ward, and all other terms and conditions, including a reasonable franchise fee, upon which the public utility may be permitted to occupy the streets, highways, or other public places within the city of Ward. (Ord. No. 0-2006-03, Sec. 1.)

4.04.02 Definition

Public utility shall mean any electric, gas, water, sewer, wastewater, cable or telephone company, and any company providing similar services. (Ord. No. 0-2006-03, Sec. 2.)

4.04.03 Non-exclusive franchise Unless specifically authorized, any franchise granted to a public utility is a non-exclusive franchise. Therefore, unless specifically authorized, the franchise is granted upon the express condition that it shall not in any manner prevent the city from granting other or further franchises for public utility services. (Ord. No. 0-2006-03, Sec. 3.)

4.04.04 Powers retained by the city Nothing contained in a franchise issued to a public utility under this ordinance shall be construed to prevent the city from purchasing or contracting for public utility services for city property from sources other than the public utility. (Ord. No. 0-2006-03, Sec. 4.)

4.04.05 Duties of the public utility The public utility shall at all times comply with all laws and obtain all necessary permits; construct company facilities per plan and specifications filed; record all company facilities, maintain and operate company facilities in a safe manner; operate as marketer of services; obtain and maintain bonds/insurance; reimburse the city for costs and expenses; file and maintain emergency response plan; and provide safe and efficient services to the city. (Ord. No. 0-2006-03, Sec. 5.)

4.04.06 Franchise fee As a condition for the use of public rights-of-way, the city may assess a municipal franchise fee against a public utility for the privilege of providing utility services to the public and for occupying the streets, highways, or other public places within the city of Ward. The franchise fee established herein shall be four percent (4%) of gross receipts derived by the public utility from the sale, supply, delivery, distribution, operation, transmission or transportation of goods, products and/or services within the city of Ward. The franchise fee shall be applicable to all residential, commercial and industrial customers. Such fee shall be exclusive and in addition to:

- A. The usual and general or special ad valorem taxes which the city is authorized to levy and impose upon real and personal property;
 - B. Sales taxes on the public utility's services to the extent permitted by state law; and
 - C. Assessments for public improvements.
- (Ord. No. 0-2006-03, Sec. 6.)

4.04.07 Confirmation of fees For the purpose of confirming the franchise fee paid under this ordinance, the public utility shall provide to the city documentation supporting its gross receipt statements for the prior year. The city shall have the right to conduct an independent review of the books and records of the public utility relating to the calculation of the gross

receipts calculation, and shall have the right to require an audit of the public utility's books and records if the city has any questions about the gross receipts calculation performed by the public utility. (Ord. No. 0-2006-03, Sec. 7.)

4.04.08 Existing franchise agreements Nothing in this ordinance shall amend or adversely impact the terms and provisions of an existing and binding franchise agreement between the city of Ward and a public utility. (Ord. No. 0-2006-03, Sec. 8.)

4.04.09 Business license tax The public utility shall also pay the business license tax as established. (Ord. No. 0-2006-03, Sec. 9.)

4.04.10 Non-compliance Non-compliance with the provisions of any ordinance or resolution adopted pursuant to the provisions of this agreement will result in a penalty of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each day such continues to exist. Each day shall constitute a separate offense. (Ord. No. 0-2006-03, Sec. 10.)

4.04.11 Indemnification and hold harmless The public utility shall agree to protect, hold harmless, and indemnify the city (including its officers, agents, contractors, and employees) from and against all claims, losses, damages, causes of action, suits and liability of every kind, which may occur to, or be suffered by, any person or persons, corporation, or property by reason of any act or failure to act on the part of the public utility. (Ord. No. 0-2006-03, Sec. 11.)

4.04.12 General In the event the municipal boundaries of a city or town are altered or amended by annexation or otherwise, the city or town shall notify the utility's registered agent for service of process of the alteration or amendment. (Ord. No. 0-2006-03, Sec. 12.)

CHAPTER 4.08

CABLE TELEVISION FRANCHISE

Sections:

4.08.01 Authorization

4.08.01 Authorization The Agreement, in substantially the form presented at the meeting at which this Ordinance is addressed, is hereby approved, and the Mayor and City Clerk of the City of Ward, Arkansas, are authorized to execute the Agreement on behalf of the City of Ward, Arkansas, with such changes as may be approved by the Mayor consistent with the Agreement presented and the terms of this Ordinance. (Ord. No. 2013-04, Sec. 1.)

[Pages 39-44 Reserved]

CHAPTER 4.12
OCCUPATIONAL LICENSES

Sections:

4.12.01	Annual license
4.12.02	Fees
4.12.03	Transfer
4.12.04	Validity
4.12.05	Dates to pay
4.12.06	False information
4.12.07	Fine

4.12.01 Annual license It shall be unlawful for any person, firm, or corporation to engage in, follow or carry on in the city of Ward, Arkansas, any business, trade, occupation, vocation, callings or professions without first having obtained and paid an annual license therefore from the City Collector in the amount of which the license is hereby fixed by this ordinance. (Ord. No. 0-00497, Sec. 1.)

4.12.02 Fees The fee for licenses issued under authority of this ordinance shall be determined by the number of paid employees of the business, trade, occupation, vocation, or profession, including both full and part-time employees, as follows:

<u>Number of employees</u>	<u>Fees</u>
1	\$10.00
2 – 5	\$25.00
6 – 10	\$50.00
11 or more	\$75.00

Provided, however, when more than one business, trade, occupation, vocation, and profession are carried on all different locations, and under the same management, a license fee shall be placed for each separate location. (Ord. No. 0-00497, Sec. 2.)

4.12.03 Transfer No license issued under this ordinance shall be transferred. (Ord. No. 0-00497, Sec. 3.)

4.12.04 Validity Should any section of this ordinance be for any reason held void or invalid, it shall not affect the validity of any section or provision hereof which are not itself valid or invalid. (Ord. No. 0-00497, Sec. 4.)

4.12.05 Dates to pay All license fee for the first six (6) months of 1997 shall be paid on or before July 1, 1997, in the amount of \$2.50. All license fees herein provided for shall correspond with the city of Ward's fiscal year which begins July 1. Therefore, all license fees herein provided for, shall be paid in advance not later than the 1st day of September 1997, and each year thereafter on or before the 1st of September. (Ord. No. 0-00497, Sec. 5.)

4.12.06 False information It shall be unlawful for any person, firm, or corporation to knowingly and willfully make a false or verbal statement in making application for a license to the City Collector for the purpose of defrauding the city of Ward, Arkansas, by procuring a license for a less sum than is lawfully due. It shall be unlawful for any person, firm, or corporation to fail to furnish the City Collector any further reasonable proof as may be demanded by the city to properly determine the amount of the license. (Ord. No. 0-00497, Sec. 6.)

4.12.07 Fine Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than double the amount of the annual license, and each day said violation shall constitute a separate offense. (Ord. No. 0-00497, Sec. 7.)