

TITLE 4

BUSINESS LICENSES AND REGULATIONS

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- 4.08 Gas Franchise
- 4.12 Telephone Franchise
- 4.16 Cable TV Franchise
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CHAPTER 4.04

ELECTRIC FRANCHISE

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- 4.04.02 Rights and responsibilities of grantor and grantee
- 4.04.03 Termination procedure
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4.04.01 Electric franchise granted to Entergy Arkansas The city of Bald Knob, Arkansas, (hereinafter called Grantor) hereby grants to the Arkansas Power and Light Company, its successors and assigns (hereinafter called Grantee), the exclusive right, privilege and authority within the present and all future expansion of the corporate limits of the city of Bald Knob, Arkansas, (1) to sell, furnish, transmit and distribute electric power and energy to Grantor and to all inhabitants and consumers within said limits, and (2) to construct, maintain, operate and extend a system for such purposes and to enter on, under and upon and use any and all of the

streets, alleys, avenues, bridges and other public grounds and ways belonging to, or under the control of Grantor, for the purpose of erecting, maintaining, repairing, replacing and operating poles, wires, anchors, stubs, transformers, substations, cables, conduits and other related facilities, appliances and apparatus which are necessary for, or useful in, the furnishing, sale, transmission or distribution of said electric service (hereinafter called facilities). (Ord. No. 102, Sec. 1.)

4.04.02 Rights and responsibilities of grantor and grantee.

- A. General Rights and Obligations. Grantee shall, and does by acceptance hereof, agree to provide to the city and its inhabitants adequate and reasonable electric service as a public utility and the facilities necessary to provide such service. Grantor, in recognition of the large and continuing investment necessary for Grantee to perform its obligations hereunder, and the need and duty to promptly construct its facilities, as defined above, required to serve customers, in all areas and zones of the city, consents to the construction of such facilities as defined in Section 4.04.01 in all such areas and zones, and Grantor agrees to protect by ordinance, regulation and otherwise, to the fullest extent permitted by law, and except as otherwise limited herein, the grants of rights and privileges to Grantee set forth in Section 4.04.01 from interference with, or duplication by, other persons, firms or corporations seeking to engage in the sale or distribution of electric energy.
- B. Standards and Right-of-Ways. All facilities of Grantee which may be located on public ways, places and public property, as authorized herein, shall be located so as to not unreasonably obstruct public use and travel. All of Grantee's facilities shall be constructed, operated and maintained in accordance with standards at least equivalent to the standards prescribed by the National Electrical Safety Code. Grantee, its successors and assigns, shall replace and repair, at its own expense, all excavations, holes or other damage caused or done by it to public streets, ways, places and public property in the construction, operation and maintenance of its facilities.
- C. Removal of Hazards; Clearing of Right-of-Ways. The Grantee, its successors and assigns, is hereby given the right to trim, cut or remove trees, shrubbery or growth on or in public ways, places and public property which interfere or offer hazards to the operation of Grantee's facilities used or useful for the rendition of electric service; further, Grantee is hereby given the right, authority and permission to trim, cut and remove portions of trees, shrubbery or growth growing on private property but overhanging or encroaching on public ways, places and public property which interfere or offer hazards to the construction, operation and maintenance of Grantee's facilities. (Ord. No. 102, Sec. 2-5.)

4.04.03 Termination procedure. The rights, privileges and authority hereby granted shall exist and continue from the date of passage of this ordinance, and thereafter, until termination in accordance with provisions of Section 44 of Act 324 of the 1935 Acts of the State of Arkansas, as presently enacted or hereinafter amended. (Ord. No. 102, Sec. 3.)

4.04.04 Rates. The rates which are to be charged by Grantee for electric service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be amended by Grantee in accordance with law or by any regulatory authority having jurisdiction thereof. (Ord. No. 102, Sec. 6.)

4.04.05 City not liable for negligence of grantee. In the construction, operation, and maintenance of its facilities, said Grantee shall use reasonable and proper precaution to avoid damage or injury to persons or property and shall hold and save harmless the said Grantor from damage, injury, loss or expense caused by the negligence of the Grantee or its agents, servants, or employees, in constructing, operating and maintaining said facilities or in repaving or repairing any streets, avenues, alleys, bridges or other public grounds. (Ord. No. 102, Sec. 7.)

4.04.06 Standard of care for facilities. The Grantee shall endeavor at all times to keep its facilities in a reasonable state of repair and to conform to such practices and install such appliances and equipment as may be in keeping with the customary usage and practice in cities of similar size in this state during the time this franchise shall remain in force. (Ord. No. 102, Sec. 8.)

4.04.07 Franchise tax. Beginning in 1966, and thereafter during the life of this franchise, the Grantee shall pay to Grantor each year a franchise tax in an amount equal to: Four and twenty-five hundredths percent (4.25%) of the preceding calendar year's gross residential and commercial electric revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the city of Bald Knob, Arkansas. Payments shall be made by the Grantee to the Grantor in approximately equal quarterly installments beginning in January, 1966. Residential and commercial electric revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise tax is due. In the event of a controversy, between the Grantor and Grantee as to the amount of gross revenues received by Grantee in the city of Bald Knob, Arkansas, upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and taxpayers) which are now or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or

taxes are imposed by Grantor, the obligation of the Grantee set forth in Section 4.04.07 hereof, to pay the city the sum of four and twenty-five hundredths percent (4.25%) annually of the gross residential and commercial electrical revenues shall immediately terminate. (Ord. No. 102, Sec. 9.)

4.04.08 Street lighting. Electric service furnished the Grantor for street lighting and other purposes shall be paid for by the Grantor in accordance with the applicable rate schedules of the Grantee now on file and/or as they may in the future be filed by the Grantee and approved by the Arkansas Public Service Commission or other regulatory authority having jurisdiction. The Grantee shall have the privilege of crediting any amount due Grantor with any unpaid balances due said Grantee for electric service rendered to said Grantor. (Ord. No. 102, Sec. 10.)

4.04.09 Private generation facilities allowed. Nothing herein shall be construed to prohibit any person, firm or corporation from owning and operating facilities for generating, distributing, or furnishing electric energy for his or its own use or for the use of his or its tenants, all of which facilities and use are wholly on the same premises owned by such person, firm or corporation. (Ord. No. 102, Sec. 11.)

4.04.10 Contract Upon written acceptance by Grantee, this ordinance shall constitute a contract between Grantor and the Grantee, and its successors and assigns. (Ord. No. 102, Sec. 12.)

4.04.11 Street lighting service In consideration of the Company making facilities available for street lighting purposes and/or the improvement of certain existing street lighting facilities and the benefits accruing to the parties hereto, the City agrees to purchase all street lighting service required by it from the Company in the areas where company may legally serve, and the Company agrees to supply and sell to the City, and City agrees to pay for, all such service under company's applicable Rate Schedules and Service Regulations as now on file with the Arkansas Public Service commission or as provided in said Schedules and Regulations as they may be lawfully amended, altered or superseded in the future, with the approval of the Arkansas Public Service Commission or any other regulatory agency having jurisdiction. (Ord. No. 110, Sec. 1.)

4.04.12 Removals Company will at its expense make the following removals from its present street lighting facilities serving the city of Bald Knob:

79	92-watt Street Lights
18	405-watt Luminaires
8	620-watt Street Lights

(Ord. No. 110, Sec. 2.)

4.04.13 Additions Company will at its expense make the following additions to its street lighting facilities serving the city of Bald Knob:

79 100-watt Mercury Vapor Luminaires
26 250-watt Mercury Vapor Luminaires
(Ord. No. 110, Sec. 3.)

4.04.14 New lighting After completion of the hereinabove described removals and additions, the Company's street lighting facilities serving the city of Bald Knob will consist of:

80 100-watt Mercury Vapor Luminaires
33 175-watt Mercury Vapor Luminaires
47 250-watt Mercury Vapor Luminaires
19 400-watt Mercury Vapor Luminaires
(Ord. No. 110, Sec. 4.)

4.04.15 Changes In order to provide for further improvements to the street lighting in the future serving the city of Bald Knob, Company agrees to make additions or changes in its street lighting facilities when requested in writing by the Mayor, upon authorization of the City Council, provided, in Company's judgment, such changes do not constitute a major revision of the street lighting facilities. Such additional street lights or changes in existing street lights will be made at Company's expense and electric service for such lights will be supplied by the Company and will be paid for by the city in accordance with the provisions of the applicable Rate Schedule, and under the terms and conditions of this agreement. (Ord. No. 110, Sec. 5.)

4.04.16 Lighting service In addition to supplying street lighting service from Company owned street lighting facilities, Company agrees to supply and sell to the City street lighting service from non-Company owned street lighting facilities and the City agrees to purchase and pay for such service in accordance with the provisions of the applicable Rate Schedule, and the terms and conditions of this agreement. Non-Company owned street lighting facilities consist of:

None

(Ord. No. 110, Sec. 6.)

CHAPTER 4.08

GAS FRANCHISE

Sections:

- 4.08.01 Gas franchise granted to Arkansas Louisiana Gas Company
- 4.08.02 Rights and responsibilities of Gas Company and city
- 4.08.03 Franchise tax
- 4.08.04 Construction of chapter

4.08.01 Gas franchise granted to Arkansas Louisiana Gas Company. The Arkansas Louisiana Gas company, hereinafter referred to as “Gas Company,” is or will be duly authorized by franchise ordinance to operate a gas distribution system and appurtenances thereto used in or incident to the rendition of gas service to the city of Bald Knob, Arkansas, (hereinafter referred to as “City”), and the citizens residing within the corporate limits of the city. (Ord. No. 85-05.)

4.08.02 Rights and responsibilities of Gas Company and city. The Gas Company is now or will be occupying the streets and alleys of the City for the purpose of operating, maintaining and extending its gas service to said city and its citizens. (Ord. No. 85-05,.)

4.08.03 Franchise tax. Beginning in July, 1985, and thereafter during the existence of this ordinance, the Gas company shall pay to the City a franchise tax in an amount equal to: Four and Twenty-Five Hundredths per cent (4.25%) of the preceding calendar month’s gross residential and commercial gas revenues as paid to the Gas Company by residential and commercial customers located within the corporate limits of the city of Bald Knob. Payments shall be made by the Gas Company to the city by the last day of the month in the amount equal to Four and Twenty-Five Hundredths per cent (4.25%) of the preceding month’s gross revenues beginning in August, 1985. The City shall have the right to examine and verify, from the records of the Gas Company, any data relating to the gross revenues of the Gas company from customers on which said franchise tax is due. In the event of a controversy between the City and the Gas Company as to the amount of gross revenues received by the Gas Company in the city of Bald Knob upon which said tax is due, such controversy shall be referred to the Arkansas Public Service Commission or such successor regulatory agency which may have jurisdiction over the Gas Company, for final determination and the decision of said Commission shall be binding upon both parties hereto. (Ord. No. 8-05, Sec. 1.)

CHAPTER 4.12

TELEPHONE FRANCHISE

Sections:

- 4.12.01 Franchise granted to Century Telephone Company of Arkansas
- 4.12.02 Erection of poles
- 4.12.03 City Engineer to review work
- 4.12.04 Maintenance of equipment
- 4.12.05 Exclusive right
- 4.12.06 Franchise tax
- 4.12.07 Complete payment and discharge

4.12.01 Franchise granted to Century Telephone Company of Arkansas Permission be and is hereby granted to Century Telephone company of Arkansas, its successors and assigns, to construct, maintain and operate, its poles, posts, cables, wires, and all other necessary overhead apparatus on, over and along; and its conduits, ducts, mains, pipes, cables, wires, manholes, distributing poles and all other necessary underground appliances on, in, under and through the streets, alleys and highways, within the limits of the city of Bald Knob, state of Arkansas, for a period of ten (10) years from the date of the enactment hereof; and thereafter in successive periods of one year each unless and until canceled by either party; and to use the property of other companies and permit other companies to use its property upon such arrangements as the two companies may agree, subject to the following conditions: (Ord. No. 85-06, Sec. 1.)

4.12.02 Erection of poles All poles erected by said Company shall be located as they will not interfere with the safety or convenience of persons traveling on or over the said streets, alleys and highways; and in the work of installing and maintaining its underground system, said Company shall not open or encumber more of any street, alley or highway than will be necessary to enable it to perform same with proper economy and efficiency; nor shall it permit such opening or encumbrance to remain for a longer period than shall be necessary to do the work for which said opening shall have been made. (Ord. No. 85-06, Sec. 2.)

4.12.03 City Engineer to review work All work done under the provision of this ordinance in said City, shall be subject to review by the City Engineer or some other representative appointed by said Council and said Company shall replace and properly relay any sidewalk or street pavement which may have been displaced or damaged by it in the construction and maintenance of its system in said City. (Ord. No. 85-06, Sec. 3.)

4.12.04 Maintenance of equipment Said Company shall maintain all poles, cables, wires, conduits, ducts, mains, pipes, manholes, distributing poles and all other apparatus erected or constructed under the provisions of this ordinance, in good and safe order and condition; and shall at all times fully indemnify, protect, and save harmless the said City from and against all loss and necessary expenditures arising from the erection, construction and maintenance of its

systems in said City, or from its neglect or failure to maintain the said apparatus in good and safe order and condition. (Ord. No. 85-06, Sec. 4.)

4.12.05 Exclusive right That nothing in this ordinance shall be construed to grant unto the said Century Telephone Company of Arkansas, its successors and assigns, any exclusive right, or to prevent a grant of similar privileges to other companies. (Ord. No. 85-06, Sec. 5.)

4.12.06 Franchise tax So long as Century Telephone Company of Arkansas, its successors and assigns, shall operate a telephone system within the City, it shall pay to the City a franchise tax in an amount equal to 4.25 percent of basic local service excluding extension, terminal equipment, yellow pages and other miscellaneous equipment revenues within the corporate boundaries of the City. This amount will be paid to the city of Bald Knob monthly, and shall be made no later than thirty (30) days following at the end of the preceding month; provided, the amount of the tax levied herein by the City may be collected by the Telephone company from those of the Telephone Company customers receiving local exchange telephone service within the corporate boundaries of the city of Bald Knob, in accordance with the tariffs of the telephone company and the rules, regulations and orders of the Arkansas Public Service Commission. This ordinance does not restrict the City from the right to alter the tax, upon proper notification in advance to the Telephone Company. (Ord. No. 85-06, Sec. 6.)

4.12.07 Complete payment and discharge it is expressly agreed and understood by the city of Bald Knob and Century Telephone Company of Arkansas, its successors and assigns, that the aforesaid payment shall constitute and be considered as a complete payment and discharge by Century Telephone Company of Arkansas, its successors and assigns, of all license, fees, charges, impositions or taxes of any kind (other than automobile license fees, special millage taxes, general ad valorem taxes and other general taxes applicable to all citizens and taxpayers) which are now or might in the future be imposed by the city of Bald Knob by law. In the event such other taxes are imposed by the city of Bald Knob the obligation of Century Telephone Company of Arkansas, its successors and assigns, to pay the city of Bald Knob the franchise tax set out in Section 6 of this ordinance shall be immediately terminated. (Ord. No. 85-06, Sec. 7.)

CHAPTER 4.16

CABLE TV FRANCHISE

Sections:

- 4.16.01 Franchise agreement with Bald Knob Cable TV
- 4.16.02 Mayor must complete forms
- 4.16.03 Form to local cable operator

4.16.01 Franchise agreement with Bald Knob Cable TV The city of Bald Knob has entered into a franchise agreement with the Bald Knob Cable TV, Inc., cable company to provide

cable television service to the people of the city of Bald Knob. (Ord. No. 93-5.)

4.16.02 Mayor must complete forms The Mayor is hereby authorized and directed to file two completed FCC Forms 328 by registered mail (not certified mail) with return receipts requested to:

Federal Communications Commission
Cable Franchising Authority Certification
P.O. Box 18539
Washington, D.C. 20036
(Ord. No. 93-5, Sec. 1.)

4.16.03 Form to local cable operator The Mayor is further directed to mail a completed copy of this form 328 to our local cable operator at the address listed on the form by certified mail, return receipt requested, on the same day copies are mailed to the FCC. (Ord. No. 93-5, Sec. 2.)

CHAPTER 4.20

AMBULANCE SERVICE

Sections:

- 4.20.01 Franchise agreement
- 4.20.02 City facilities
- 4.20.03 Authority

4.20.01 Franchise agreement The Mayor and City Clerk be and hereby are authorized to enter in to an extension of the existing Franchise Agreement with Northstar EMS, Inc., for a five year term commencing November 4, 2019, to provide ambulance service to the citizens and residents of the City of Bald Knob, Arkansas, in accordance with the terms of the agreement previously reviewed by the City Council of the City of Bald Knob, Arkansas. (Ord. No. 2019-06, Sec. 1.)

4.20.02 City facilities The Mayor and City Clerk be and hereby are authorized to enter in to a Lease Agreement with Northstar EMS, Inc., to extend the lease of a portion of the city facilities in order to provide ambulance service to the citizens and residents of the City of Bald Knob, Arkansas, in accordance with the terms of the existing lease agreement by the City Council of the City of Bald Knob, Arkansas, in favor of Northstar EMS, Inc. (Ord. No. 2019-6, Sec. 2.)

4.20.03 Authority That the terms and charges for the services to be rendered by Northstar EMS, Inc., to the citizens and residents of the City of Bald Knob, Arkansas, are approved and accepted as reviewed by the City Council of the City of Bald Knob, Arkansas, at the city council meeting conducted November 4, 2019, and as set forth in Exhibit "A" attached hereto. (Ord. No. 2019-6, Sec. 3)

That all ordinances or parts of ordinances or resolutions adopted by the Bald Knob City Council in conflict herewith are hereby repealed. (Ord. No. 2019-6, Sec. 4)

CHAPTER 4.24

OCCUPATION AND PRIVILEGE TAX

Sections:

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| 4.24.01 | Business license |
| 4.24.02 | Inspection |
| 4.24.03 | Renewal |
| 4.24.04 | Transfer or refund |
| 4.24.05 | Fine |

4.24.01 Business license Any person, firm, corporation or other entity (hereinafter referred to as "business") in the corporate city limits of Bald Knob must register and obtain a business license in the amount of Twenty-Five Dollars (\$25.00). The license will be issued by a representative of the city of Bald Knob. (Ord. No. 2012-9, Sec. 1.)

4.24.02 Inspection Each newly constructed place of business will be inspected by the City Fire Department, the City Inspector and if serving food, a current Health Department Certificate will be required. (Ord. No. 2012-9, Sec. 2.)

4.24.03 Renewal Each business shall begin January 1, 2013, obtaining this business license and it will be renewed annually in January of each following year. (Ord. No. 2012-9, Sec. 3.)

4.24.04 Transfer or refund No license issued under this ordinance shall be transferred or assigned to another business, and that any business obtaining a license shall not be allowed any refund for said fee upon sale or otherwise disposition or termination of operations for said business, trade occupation, vocation, calling or profession. (Ord. No. 2012-9, Sec. 4.)

4.24.05 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 an amount not less than Twenty-Five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), plus court costs, with each day of said violation constituting a separate offense. (Ord. No. 2012-9, Sec. 5.)