

Ordinance No. 38

An Ordinance whereby Ozarks Electric Cooperative Corporation, an Arkansas Corporation, and the Town of Tontitown, Arkansas, a Municipal Corporation, agree that Ozarks Electric Cooperative Corporation shall operate its electrical system within the Corporate limits of the Town of Tontitown, Arkansas, as said Corporate limits are now located or as may hereafter be located, together with all business incidental to or connected with said system including the erection and maintenance of its plant, construction and appurtenances thereto, along, across, on, over, through, above and under public streets, avenues, alleys, public grounds and places within said operating areas within said Corporate limits as same are now located or as may hereafter be located: that the Town of Tontitown shall receive an annual payment from the Ozarks Electric Cooperative Corporation: and for other purposes:

WHEREAS, the Town of Tontitown desires to enact and impose upon the Ozarks Electric Cooperative Corporation a franchise 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;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TONTITOWN, ARKANSAS:

- I That the Ozarks Electric Cooperative Corporation, its successors and assigns, shall operate its electrical power system and all business incidental to or connected with the conduction of business system engaged in the sale of electrical power and energy within the corporate limits of the Town of Tontitown, Arkansas. The plant construction and appurtenances used in or incidental to the giving of electrical power service and to the maintenance of an electrical power service business shall remain as now constructed, subject to such changes as may be considered necessary by the Town in the exercise of its inherent power and by the Ozarks Electric Cooperative Corporation in the conduct of its business and by the Arkansas Public Service Commission in its regulatory power of public utilities. The said Ozarks Electric Cooperative Corporation shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances thereto, along, across, over, on, through, above and under all the public streets, alleys, avenues and the public grounds and places in certain areas within the corporate limits of the Town of Tontitown, Arkansas, as said corporate limits are now located or as may hereafter be located.
- II That the Ozarks Electric Cooperative Corporation agrees to pay to the Town of Tontitown, Arkansas, for the period commencing October 1, 1962, and ending December 31, 1962, a sum equal to two per cent (2%) of its gross sales of electrical power to domestic and commercial consumers served by the Ozarks Electric Cooperative Corporation within the corporate limits of the Town of Tontitown, Arkansas, as now located or as may be hereafter located, said sum to be paid in equal quarterly-annual payments. The Ozarks Electric Cooperative Corporation shall have thirty (30) days from the end of each quarter to compute and make the payments provided for herein. Insofar as payment of an annual Franchise Tax, said payment shall be continued from year to year following December 31,

1962, unless the Town of Tontitown, Arkansas, or the Ozarks Electric Cooperative Corporation shall terminate this agreement at the end of any year after giving sixty (60) days advance notice of intention to so terminate.

- III The annual payment herein required shall be in lieu of all other charges, licenses, fees or impositions (other than the usual general or special ad valorem taxes) which may be imposed by the Town of Tontitown, Arkansas, under authority conferred by law.
- IV This franchise shall take effect and continue and remain in force perpetually as provided in Section 44 of "Public Utilities Act of 1935," Acts of the State of Arkansas, as same may be amended from time to time, and upon the written acceptance by the Grantee of the terms and condition of this franchise.
- V The Ozarks Electric Cooperative Corporation 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 paid by the party or parties requesting the same, and the Ozarks Electric Cooperative Corporation shall be given not less than forty-eight hours advance notice to arrange for such temporary wire changes.
- VI Permission is hereby granted to the Ozarks Electric Cooperative Corporation 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 Ozarks Electric Cooperative Corporation all of 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.
- VII 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 power attachments are desired by the Town or for the Town, than a separate non-contingent agreement shall be a pre-requisite to such attachments.
- VIII This Ordinance shall take effect and be in force from and after its passage, approval and publication.

Dated this 2nd day of Oct. 1962

Approved:

Harry Sbanotto
Mayor

Attest:

Richard M. Ardemagni
Clerk