

1 City. This fee is levied as a franchise fee and shall be collected by the provider of long
2 distance telecommunications services in accordance with Arkansas Law.

3 **Section 2.** Payments to the City by companies providing long distance telecommunications services in
4 accordance with the franchise fee imposed herein shall be made monthly within thirty (30) days of the end
5 of each month commencing January 1, 2015.

6 **Section 3.** The City reserves the right to perform any necessary public works or make any necessary
7 public improvements to the City's rights-of-way or airways (to the extent airways are related to facilities
8 attached to or between poles) during the term of this Agreement. If, as a result of any action by the City, or
9 by any action authorized by the City for the benefit of the public good, relocation of any of the Company's
10 conduit or other facilities is required, such relocation shall be accomplished at the sole expense of the
11 Company. Nothing in this Franchise shall be deemed a waiver of the City's right to require the Company
12 to comply with all applicable zoning and other applicable regulatory ordinances or to pay any reasonable
13 permit fees or to seek appropriate authorizations from the Company to perform any work in connection
14 with the Franchise. Should the City close, eliminate, or discontinue use of any public street during the term
15 of this Franchise, or any renewal term, this Franchise shall cease with respect to such streets upon the date
16 of final action by the City with respect to the closure, elimination or discontinuance of such streets.

17 **Section 4.** All ordinances and parts of ordinances that conflict herewith are hereby repealed; provided,
18 however, only to the extent that the same are in direct conflict herewith. Except as provided, nothing herein
19 shall be construed to alter or change the terms or conditions of the present franchise under which the
20 providers of long distance telecommunications services are operating, pursuant to Ordinance 15,706 and
21 15,729.

22 **Section 5.** This ordinance shall be in effect on and after January 1, 2015.

23 **PASSED: December 16, 2014**

24 **ATTEST:**

APPROVED:

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27 **Susan Langley, City Clerk**

_____ **Mark Stodola, Mayor**

28 **APPROVED AS TO LEGAL FORM:**

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31 **Thomas M. Carpenter, City Attorney**

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