

TITLE 4

BUSINESS LICENSES AND REGULATIONS

Chapters:

- 4.04 Gas Franchise
- 4.08 Telephone Franchise
- 4.12 Cable TV Franchise
- 4.16 Occupation Tax
- 4.20 Coin-Operated Amusement Games

CHAPTER 4.04

GAS FRANCHISE

Sections:

- 4.04.01 Gas franchise granted to Arkansas Louisiana Gas Company
- 4.04.02 Franchise tax
- 4.04.03 No other charges
- 4.04.04 Exclusive privileges

4.04.01 Gas franchise granted to Arkansas Louisiana Gas Company. The Arkansas Louisiana Gas Company, its successors and assigns (hereinafter referred to as the gas company) shall continue to operate its gas system and all business incidental to or connected with conducting of a gas business and system in the city of Foreman, for the state of Arkansas, (herein referred to as city). The plant construction and appurtenances used in or incident to the giving of gas services and to the maintenance of gas business and assisted by the gas company in said City shall remain as now constructed, subject to such changes as may be considered by the city in the exercise of its inherent powers by the gas company in the conduct of its business and said gas company shall continue to exercise its right to place, remove, construct and reconstruct, extend and maintain its said plant and appurtenances as a business and purpose for which it is or may be incorporated from time to time require, along, across, on, over, through, above and under all streets, avenues, alleys, and the public grounds and places within the limits of said city as the same from time to time and may be established. (Ord. No. 154, Sec. 1.)

4.04.02 Franchise tax The gas company shall pay to the city as compensation for the rights and privileges granted thereunder, a sum equal to .040 (4%) of its gross receipts received by Arkansas Louisiana Gas Company in the operation of said system within the city limits of

Foreman, Arkansas. Said compensation shall be remitted to the city in quarterly installments each year. (Ord. No. 154, Sec. 2.)

4.04.03 No other charges The payments 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 city under authority confirmed by law. (Ord. No. 154, Sec. 3.)

4.04.04 Exclusive privileges Nothing contained herein shall be construed as giving to the gas company any exclusive privileges nor shall it affect any prior or existing rights of the gas company to maintain a gas system within the city. (Ord. No. 154, Sec. 4.)

CHAPTER 4.08

TELEPHONE FRANCHISE

Sections:

- 4.08.01 Telephone franchise granted to Walnut Hill Telephone Company
- 4.08.02 Franchise tax
- 4.08.03 No other charges
- 4.08.04 Wire changes
- 4.08.05 Trimming trees
- 4.08.06 Power attachments
- 4.08.07 Exclusive privileges

4.08.01 Telephone franchise granted to Walnut Hill Telephone Company The Walnut Hill Telephone Company, its successors and assigns (hereinafter referred to as the telephone company) shall continue to operate its telephone system and all business incidental to or connected with conducting of a telephone business and system in the city of Foreman, for the state of Arkansas, (herein referred to as city). The plant construction and appurtenances used in or incident to the giving of telephone services and to the maintenance of a telephone business and assisted by the telephone company in said City shall remain as now constructed, subject to such changes as may be considered by the city in the exercise of its inherent powers 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 a business and purpose for which it is or may be incorporated from time to time require, along, across, on, over, through, above and under all streets, avenues, alleys, and the public grounds and places within the limits of said city as the same from time to time and may be established. (Ord. No. 153, Sec. 1.)

4.04.02 Franchise tax The telephone company shall pay to the city as compensation for the rights and privileges granted thereunder, a sum equal to .040 (4%) of its gross receipts received by Walnut Hill Telephone Company in the operation of said system within the city limits of Foreman, Arkansas. Said compensation shall be remitted to the city in quarterly installments each year. (Ord. No. 153, Sec. 2.)

4.04.03 No other charges The payments 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 city under authority confirmed by law. The telephone company shall have the privilege of crediting such sums with unpaid balance due to said company for telephone services rendered or facilities furnished to said city. (Ord. No. 153, Sec. 3.)

4.08.04 Wire changes 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 paid by the 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 hours advance notice to arrange for such temporary wire changes. (Ord. No. 153, Sec. 4.)

4.08.05 Trimming trees Permission is hereby granted to the telephone company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said city so as to prevent the branches of such trees from coming in contact with the wires and cables of the telephone company, all of the said trimming to be done under the supervision and direction of any city official to whom said duties have been or may be delegated. (Ord. No. 153, Sec. 5.)

4.08.06 Power attachments Nothing in this ordinance contained shall be construed to require or permit any electric light or power wire attachments by the city or for the city. If light or power attachments are desired by the city or for the city, then a separate non-contingent agreement shall be a prerequisite to such attachments. (Ord. No. 153, Sec. 6.)

4.08.07 Exclusive privileges Nothing contained herein 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 city. (Ord. No. 153, Sec. 7.)

CHAPTER 4.12

CABLE TV FRANCHISE

Sections:

- 4.12.01 F.C.C. forms
- 4.12.02 Rate regulations
- 4.12.03 Consideration of views
- 4.12.04 Certification forms
- 4.12.05 Consultant and costs

4.12.01 F.C.C. forms The Mayor is hereby authorized and directed to file two completed F.C.C. Forms 328 by registered mail with return receipt requested to:

Federal Communications Commission
Cable Franchising Authority Certification
P.O. Box 18538
Washington D.C. 20036

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 F.C.C. (Ord. No. 232, Secs. 1-2.)

4.12.02 Rate regulations The city will follow the FCC rate regulations in its regulation of the basic service rates and charges of the company and any other cable television system operating in the city, notwithstanding any different or inconsistent provision in the franchise. (Ord. No. 233, Sec. 1.)

4.12.03 Consideration of views In connection with such regulations, the city will ensure a reasonable opportunity for consideration of the views of interested parties. (Ord. No. 233, Sec. 2.)

4.12.04 Certification forms The Mayor or his or her designee, is authorized to execute on behalf of the city and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC rate regulations in order to enable the city to regulate basic service rates and charges. (Ord. No. 233, Sec. 3.)

4.12.05 Consultant and costs

- A. The city may utilize a rate consultant to advise it on proposed rate changes and to assist it in the procedures and the standards for review adopted by the FCC. A

rate consultant may be any person who has sufficient background and experience, in the sole opinion of the city, to properly evaluate and analyze rates and charges.

- B. All costs for the review of initial rates or rate changes shall be paid by the cable operator upon demand of the city, unless contrary to applicable rules of the FCC governing these procedures or unless otherwise specifically preempted by state or federal law. The cost shall include, but not be limited to, rate consultants, attorneys fees and the reasonable value of services (as determined by the city) rendered by the city or any city employees, agents or representatives of the city. (Ord. No. 233, Sec. 4.)

CHAPTER 4.16

OCCUPATION TAX

Sections:

4.16.01	Defining organization
4.16.02	Official listing
4.16.03	Cumulative ordinance
4.16.04	Information
4.16.05	Severable
4.16.06	Fine
4.16.07	Annual license
4.16.08	Date for collection
4.16.09	Paying of tax
4.16.10	Penalty
4.16.11	Transfer
4.16.12	Fine
4.16.13	Posting of license

4.16.01 Defining organization The word "organization" as used herein means any group of individuals, whether incorporated or unincorporated. (Ord. No. 59, Sec. 1.)

4.16.02 Official listing Any organization operating or functioning within the city of Foreman, Arkansas, including but not limited to civic, fraternal, political, mutual benefit, legal, medical, trade, or other organization, upon the request of the Mayor, Alderman, City Clerk (or Recorder), City Collector, or City Attorney shall list with the City Clerk (or Recorder) the following information within 15 days after such request is submitted:

- A. *The official name of the organization.*
- B. The office, place of business, headquarters of usual meeting place of such organization.
- C. The officer, agents, servants, employees or representatives of such organization, and the salaries paid to them.
- D. The purpose or purposes of such organization.
- E. A financial statement of such organization, including dues, fees, assessments and/or contributions paid, by whom paid, and the date thereof, together with the statement reflecting the disposition of such sums, to whom and when paid, together with the total net income of such organization.
- F. An affidavit by the president or other officiating officer of the organization stating whether the organization is subordinate to a parent organization, and if so, the name of the parent organization. (Ord. No. 59, Sec. 2.)

4.16.03 Cumulative ordinance This ordinance shall be cumulative to other ordinances heretofore passed by the city with reference to occupation licenses and the collection thereof. (Ord. No. 59, Sec. 3.)

4.16.04 Information All information obtained pursuant to this ordinance shall be deemed public and subject to the inspection of any interested party at all reasonable business hours. (Ord. No. 59, Sec. 4.)

4.16.05 Severable Any section or part of this ordinance declared to be unconstitutional or void shall not affect the remaining sections of the ordinance, and to this end the sections or subsections hereof are declared to be severable. (Ord. No. 59, Sec. 5.)

4.16.06 Fine Any person or organization who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00), and each day of violation shall constitute a separate offense. The City Council in the enforcement of this ordinance shall have the power to seek injunctive relief. (Ord. No. 59, Sec. 6.)

4.16.07 Annual license It should be unlawful for any person, firm, corporation or entity in the city of Foreman, Arkansas, to engage in, follow, or carry on any business, trade, occupation, vocation, calling or profession without first having obtained and paid an annual license in the sum of Ten Dollars (\$10.00) to the City Treasurer. (Ord. No. 171, Sec. 1.)

4.16.08 Date for collection Said tax shall be collected by the City Treasurer on or before January 1st of each year for such privilege. (Ord. No. 171, Sec. 2.)

4.16.09 Paying of tax Any person, firm or corporation beginning a business in the city of Foreman, Arkansas, on or after January 1st of any respective year, shall pay said tax prior to the commencement of business in the town of Foreman. (Ord. No. 171, Sec. 3.)

4.16.10 Penalty All persons, firms or corporations failing to pay the City Treasurer the license due on or before January 20th of each year or within 20 days after commencing business shall pay an additional penalty of ten percent (10%) and be subject to a fine in Mayor's Court. Each day without payment of said tax shall constitute a separate offense. (Ord. No. 171, Sec. 4.)

4.16.11 Transfer No license issued under this ordinance shall be transferred except by the consent of the City Council of Foreman, Arkansas, and no license shall be transferred, in any event, more than once and never from one business to another. (Ord. No. 171, Sec. 5.)

4.16.12 Fine A person, firm, corporation or entity violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction in Mayor's Court, shall be fined in any sum not more than double the amount of the annual license and each day said violation shall continue shall constitute a separate offense. (Ord. No. 171, Sec. 6.)

4.16.13 Posting of license Each license shall be posted in a conspicuous place where such business, corporation or entity is carried on and the holder of such license shall immediately show such license to any officer of the city upon being requested to do so. (Ord. No. 171, Sec. 7.)

CHAPTER 4.20

COIN-OPERATED AMUSEMENT GAMES

Sections:

4.20.01	Purpose
4.20.02	Definitions
4.20.03	Tax
4.20.04	Public nuisance
4.20.05	Revenue

4.20.01 Purpose the purposes of this ordinance is to permit and to license the operation of coin-operated amusement games and to regulate the same and fix a penalty for the violation of this ordinance pursuant to the authority granted to municipalities in Act. No. 201 or 1939. (Ord. No. 148, Sec. 1.)

4.20.02 Definitions Amusement games shall be defined and shall include all such games as defined in Section 2 of Act. No. 201 of 1939 as amended by Section 1 of Act No. 76 or 1949, and as may be further amended by the General Assembly, compiled in A.C.A. 26-57-402. (Ord. No. 148, Sec. 2.)

4.20.03 Tax On each amusement game there shall be imposed an annual privilege tax of Five Dollars (\$5.00), beginning July 1, 1983. This privilege tax shall be paid to the city of Foreman, Arkansas, and shall be in addition to any tax imposed by the state of Arkansas, the United States of America, or any other taxing authority. The city shall collect for each machine the full annual license fee when paid during the first six months of the fiscal year ending June 30, but any license fee paid during the last six months of the fiscal year shall be upon the basis of one-half of the annual tax. Upon the payment of the tax, the city shall issue a license tag, which shall state the period of time said amusement game may be operated, and said tag must be attached to the amusement game before placing in operation. (Ord. No. 148, Sec. 3.)

4.20.04 Public nuisance Every amusement game as defined in this ordinance on which the individual privilege tax of Five Dollars (\$5.00) has not been paid is hereby declared to be a public nuisance and may be seized by any authorized agent of the city of Foreman, Arkansas, and sold by the city of Foreman on an order of the Little River County Chancery Court, provided further that the owner thereof shall have the privilege of redeeming said amusement game within ten days by paying the tax due and cost. Further, any willful violation of this act shall be deemed a misdemeanor, and punishable by a fine of up to One Hundred Dollars (\$100.00) and/or imprisonment in the county jail of up to thirty days. (Ord. No. 148, Sec. 4.)

4.20.05 Revenue All revenue collected under this ordinance shall be deposited in the general fund of the city of Foreman, Arkansas. (Ord. No. 148, Sec. 5.)