ORDINANCE NO. 289

AN ORDINANCE PROVIDING FOR THE COMPUTATION OF THE ANNUAL OCCUPATION (LICENSE, FRANCHISE, OR OTHER SPECIAL CITY) TAX THAT THE ARKANSAS LOUISIANA GAS COMPANY SHALL HEREAFTER PAY TO THE CITY OF ATKINS, ARKANSAS; PROVIDING FOR THE PAYMENT THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Arkansas Louisiana Gas Company (hereinafter sometimes referred to as the "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 Atkins, Arkansas, and the inhabitants thereof residing in said City, and

WHEREAS, the Gas Company is now or will be occupying the streets and alleys of Atkins, for the purposes of operating, maintaining and extending its gas service to the City and the inhabitants and consumers residing in said City and supplying to the City and consumers therein gas service, and

WHEREAS, the City is entitled to receive such just and reasonable taxes from the Gas Company which the City may lawfully impose and the Gas Company is entitled to pay.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATKINS, ARKANSAS:

SECTION I. The amount of Occupation (license, franchise, or other special city) Tax to be paid by Arkansas Louisiana Gas Company for the balance of the calendar year 1969 beginning September 1, 1969, and during future years until changed by Ordinance shall be determined as follows:

The Gas Company has already paid to the City of Atkins the sum of $1,268.00 tax for the calendar year 1969, which amount was based on the average number of meters for the calendar year 1968 multiplied by $2.00 per meter. The tax for the balance of the

year 1969, based upon the provisions of this Ordinance shall be $634.00 (4/12 x $3.00 x 634 meters), which shall be due and payable by December 1, 1969.

At the close of the calendar year 1969 and each calendar year thereafter, the Gas Company shall determine the average number of domestic and commercial meters for the year then ending, within the corporate limits of the City of Atkins, and shall inform the Mayor of the results of this determination. The Tax for each year shall be computed by multiplying the average number of meters for the preceding year by $5.00 per meter, of which amount the additional $3.00 per meter shall be passed on by the Gas Company to its customers in the City of Atkins, together with costs of collection, and shall be shown separately on bills to customers as "City Tax", in accordance with the rules and regulations of the Arkansas Public Service Commission. Said Tax for each year shall be paid by July 1st of each year.

SECTION II. Nothing herein shall be construed to alter or change the terms or conditions of the present franchise under which the Gas Company is operating.

SECTION III. All other ordinances, agreements, and parts of ordinances and agreements in conflict with the provisions of this Ordinance are hereby repealed.

SECTION IV. Whereas there is a great need for revenues in the City of Atkins to carry on necessary public service; and, whereas the Arkansas Public Service Commission has approved a standard formula for computation of municipal Occupation (license, franchise, or other special city) Taxes in the amount of $2.00 per meter, based on the average number of meters, and whereas under such formula any additional such tax will be passed on by the Gas Company to its cusomters in the City, together with costs of collection; and whereas such additional taxes are necessary in order to provide the City with additional funds for necessary municipal purposes and it is necessary that this Ordinance shall become

effective immediately in order to provide for the prompt computation and collection of said taxes; therefore, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate protection of the public peace, health and safety shall take effect immediately upon its passage and approval.

DATE PASSED: AUGUST 5, 1969

MAYOR

ATTEST:

CITY RECORDER

C E R T I F I C A T E

The undersigned, City Recorder of Atkins, Arkansas, hereby certifies that the foregoing pages numbered 1 to 3, inclusive, are a true and correct copy of Ordinance No. 289 passed at a REGULAR session of the City Council of Atkins, Arkansas, held at the regular meeting place of the Council at 7:30 o'clock P.M., on the 5th day of AUGUST, 1969, and that said Ordinance is of record in Record Book No. 1, Page _____, now in my possession.

Given under my hand and seal this 5th day of AUGUST, 1969.

CITY RECORDER

(SEAL)