Ord-
51

An ordinance granting a non-exclusive franchise for a period of twenty five (25) years to the Barling Cable TV Company, for the construction, maintenance and operation of a Community Antenna System and lines of television co-axial cables, including poles, wires, and fixtures where necessary upon, along through and over and under streets, alleys, bridges and other public places of the City of Barling, Arkansas.
Be it ordained by the City Council of the City of Barling, Arkansas as follows:

SECTION 1. In consideration of the benefits to be derived by the citizens and inhabitants of the City of Barling, Arkansas, and the privilege license to be paid as hereinafter set out, there is hereby granted to the Barling Cable TV Company, herein after called Grantee, its successors and assigns, for a period of twenty five (25) years from the effective date of this ordinance, the non-exclusive right, privilege and authority to construct, maintain and operate a plant or plants and system or system for the distribution and transmission of television signals and operation of a community antenna system and lines of television co-axial cables, including poles, wires, and fixtures where necessary upon, along, through, over and under the street, alleys, bridges and other public places of the City of Barling, Arkansas, subject to the ordinances, rules, and regulations of the City of Barling, Arkansas, and subject to the conditions of the provisions of this ordinance.

SECTION 2. There is hereby granted the further right, privilege and authority to the grantee to lease, rent, or in any other manner obtain the use of such towers, poles, lines, cables and other equipment and facilities from any and all holders of public licenses and franchises within the corporate limits of the City of Barling, Arkansas, and use such towers, poles, lines, cables and other such equipment and facilities, subject to all the existing and future ordinances and regulations of the City.

SECTION 3. If the Grantee herein fails and neglects to provide service to the said City of Barling, Arkansas within a twelve month period from he effective date thereof, this Franchise shall be null and void.

SECTION 4. The grantee its successors or assigns, may from time to time declare, make and enforce reasonable rules and regulations as conditions for the sales and distribution by it of television signals to any person, firm or corporation. Provided, however, the installation fee and monthly fee for the first year shall be as follows:

INDIVIDUAL HOMES
(One Set)
Ten ($10.00) dollars for the first month which shall include installation and $5.00 each month thereafter.

(Two Sets)
Fifteen ($15.00) dollars for the first month and $6.00 each month thereafter.

ADDITIONAL SETS
For each additonal set more than two there will be an additional fee of $5.00 for the first month and an additional $1.00 each month hereafter. Commercial buildings shall be by separate contract to be negotiated.

SECTION 5. Whenever the grantee shall cause any opening, alteration or change whatsoever to any property owned or controlled by the City of Barling, Arkansas, for any purpose, the work shall be completed within a reasonable time, and the grantee shall upon the completion of such work restore the property disturbed or changed to as good a condition as it was before such opening, alteration or change, and shall hold the City of Barling, Arkansas, free and harmless and free from all claims and damages arising from or by reason of the laying or erection, construction maintenance or operation of said cables, laterals or the distribution system or acessories there to.

SECTION 6. Whenever the City of Barling, Arkansas, finds that the construction of any of its streets and properties requires the relocation of any part of grantees system, the City of Barling, Arkansas may order the grantees to relocate the grantees properties therefor, and such shall

be done at the sole expense of the grantee.

SECTION 7. The rights and privileges granted in this ordinance are upon the following terms and conditions.

As a permit fee and as compensation for the rights and privileges enjoyed hereunder, the grantees shall pay quarterly to the City of Barling, Arkansas an amount equal to two (2) percent of their gross revenues for the pre-ceding quarter. The City shall have all reasonable rights of inspection and audit of the grantees books and records.
The permit fee herein provided shall be in lieu of any privilege tax and ordinance Number 51 as amended, is thus further amended.

SECTION 8. The grantees agree that they will furnish evidence to the City of Barling, Arkansas, that they have compiled with all the laws of the United States and of the State of Arkansas, relative to this operation, and grantees shall furnish proper certificates showing prior to the beginning of any construction of the said system, that they have in full force and effect Workmens Compensation Insurance and Public Liability Insurance indemnifying themselves, any subcontractor, officers and agents against claims for personal injuries or accidental death which might arise from any operation under this franchise, whether such operations be granted to grantees, their subcontractors or any person directly or indirectly employed by either. The minimum amount of such insurance provided for in this section shall be $10,000.00. The grantees shall also take out and maintain property damage insurance in the amount of $10,000.00. The aforesaid insurance shall be maintained by grantee so long as the grantee shall operate said system under this ordinance.

SECTION 9. In event the television service or the Community Antenna System shall be interrupted or fail to function by reason fo act of God, or accident, Cause otherwise beyond the control of the grantee, the grantee shall restore the service in a reasonable time and such interruption shall be not constitute a breach of this franchise.

SECTION 10. The grantee shall be subject to all ordinances now in force or that may hereafter be enacted relative to the use of the streets,alleys, and public grounds, and property of the City of Barling, Arkansas.

SECTION 11. If any of the provisions of this ordinance shall be held invalid or void, it shall not affect the validity of the remainder, but the remainder shall stand.

PASSED THIS 7 day of Nov 1967

APPROVED:

Ronnie W. Smith
Mayor

ATTEST:

Raymond L. Carter
City Recorder

This ordinance being necessary for the production of revenues, the health and safety of the public and for the protection of the public peace an emergency is declared to exist and this Ordinance shall take effect and be in force from and after the date of its passage.

PASSED THIS 7th day of Nov 1967

Ronnie W. Smith
Mayor

ATTEST:

Raymond L. Carter
City Recorder

I, Raymond L. Carter, City Recorder for the City of Barling, Arkansas hereby certify that this is a true and correct copy of Ordinance number 51 of the City of Barling, Arkansas duly adopted this 7th day of Nov, 1967.

Raymond L. Carter
City Recorder