

AN ORDINANCE FIXING RENTALS TO BE PAID BY TELEPHONE ELECTRIC, GAS AND OTHER UTILITY COMPANIES FOR THE PRIVILEGE OF USING WITH THE POLES? WIRES? CONDUITS, PIPES, AND FIXTURES, THE STREETS? EASEMENTS, ALLEYS, AND OTHER PUBLIC WAYS WITHIN THE CITY OF TATUM TEXAS PROVIDING PENALTIES FOR VIOLATIONS? AND DECLARING AND EMERGENCY.

BE IT ORDAINED BY THE CITY COMMISSION OF TATUM TEXAS

#42-01

Section 1. That all persons, associations, organizations, and corporations using or maintaining any telephone electric light or other poles, gas pipes lines and other fixtures, in any of the streets, highways, easements, alleys parks or other places within the corporate limits of Tatum Texas shall make quarterly, on the first day of January, April, July and October of each year, and file with the City Secretary a sworn report showing the gross receipts from the business conducted by such persons, associations, organization and corporations within the corporate limits of the said City for the quarter next preceding.

Section 2. The City Commission may when it may see fit, have books and records of the person, association organization or corporation rendering the statement required in Section 1 of this Ordinance, examined by a representative of the City to ascertain whether such statement is accurate but nothing in this ordinance shall be construed to prevent the City from ascertaining the facts by any other method.

Section 3. That upon the first day of January, April July and October of each and every year, every person, association organization, or corporation occupying or using the streets, highways, easements, alleys, parks, or other public places in Tatum, Texas with poles pipes, and for other fixtures shall as a condition to such further occupancy pay to the City for such privileges a rental equal to two (2%) percent of the gross receipts received by such person, association, organization or corporation from its business conducted in the corporate limits of Tatum Texas for the quarter next preceding.

1

Section 4. That upon receipt of the above rental by the City the City Secretary shall deliver to the person association, organization or corporation paying the same a receipt for such rental. That upon receipt of the rental for the quarter ending December 31 of each calendar year by the city Secretary shall deliver to the payer a permit which shall authorize such person, association, organization or corporation to use and occupy the streets, highways, easements alleys, parks and other public ways of the City in carrying on its business for the next twelve months.

Section 5. That the rental for the privilege of using the streets, alleys, highways, easements and public places of Tatum Texas provided for in this ordinance is not charged as a tax but is made for the privilege now enjoyed by such persons, associations organizations or corporations of using the streets, easements alleys, and other public ways of the City in the conduct of their respective businesses; and such charges are additional to all advalorem and franchise taxes and to all taxes of every nature whatsoever against the persons, associations, organizations or corporation mentioned herein.

Section 6. That this ordinance does not grant a franchise to any utility or person, association, organization or corporation to use the streets, easements, alleys, or other public ways and shall never be so construed by the courts or otherwise and the City reserves the right to cancel the privileges granted hereunder and refund the unearned rentals paid to the City.

Section 7. That every person, association, organization and corporation, who shall ~~operate~~ ^{OPERATE} any business without the payment of the rentals provided for herein shall be subject to a penalty of Ten (\$10.00) Dollars for each and every day, in excess of thirty days, that such person, association, organization, or corporation shall conduct such business using and occupying the streets easements alleys, or other public ways of the City of Tatum without the payment of the said rental which said sum may be recovered by the City of Tatum in a court of competent jurisdiction by a suit filed therein.

Section 8. That every person, association, organization or corporation and the local manager or agent of every such person, association, organization or corporation failing or refusing to make the report required by Section 1 of this Ordinance or failing or refusing to allow the examination provided for in Section 2 herein shall upon conviction, in the Corporation Court of the City of Tatum, Texas be fined any sum not to exceed Fifty Dollars and every day failure or refusal as mentioned in this Section, shall be deemed a separate offense.

Section 9. If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 10. That the fact that the utility companies have been occupying and using the streets, easements alleys and other public ways of the City of Tatum Texas for many years without payment of rent for such use creates an emergency and for this ordinance shall take effect immediately upon its passage, approval and ~~publication~~ as required by law.

Passed and approved this 14th day of February A.D. 1942

(Signed)



MAYOR

ATTEST:

(Signed)



CITY SECRETARY