

## **TITLE 4**

### **BUSINESS LICENSES AND REGULATIONS**

#### **Chapters:**

- 4.04 Electric Franchise to Southwestern Electric Power Company
- 4.08 Electric Franchise to Carroll Electric Cooperative
- 4.12 Gas Franchise
- 4.16 Telephone Franchise
- 4.20 Cable Television Franchise
- 4.24 Occupational License
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#### **CHAPTER 4.04**

##### **ELECTRIC FRANCHISE TO SOUTHWESTERN**

##### **ELECTRIC POWER COMPANY**

#### **Sections:**

- 4.04.01 Electric franchise granted to Southwestern Electric Power Company
- 4.04.02 Franchise fee
- 4.04.03 No other fees
- 4.04.04 Franchise takes effect
- 4.04.05 Raising and lowering of wires
- 4.04.06 Permission for tree trimming
- 4.04.07 Separate agreement
- 4.04.08 No exclusive privileges

4.04.01 Electric franchise granted to Southwestern Electric Power Company. That Southwestern Electric Power company, its successors and assigns, shall continue to operate its electrical power system and all business incidental to or connected with the conducting of business system engaged in the sale of electric power and energy within the city of Little Flock, Arkansas, as heretofore allocated to Southwestern Electric Power Company by the Arkansas Public Service Commission. The plant construction and appurtenances used in or incident to the giving of electrical power service and to the maintenance of an electrical power service business

shall remain as now constructed, subject to such changes as may be considered necessary by the city of Little Flock, Arkansas, in the exercise of its inherent power and by Southwestern Electric

Power Company in the conduct of its business and by the Arkansas Public Service Commission in its regulatory power of public utilities. Said Southwestern Electric Power Company shall continue to exercise its right to place, remove, construct, extend and maintain its said plant and appurtenances thereto, along, over, across, on, through, above and under all public streets, alleys, avenues, and the public grounds and places in certain areas heretofore allocated by the Arkansas Public Service Commission and within the corporate limits of the city of Little Flock, Arkansas, as said corporate limits are now located or as may hereafter be located within the area assigned to Southwestern Electric Power Company by the Arkansas Public Service Commission. (Ord. No.21, Sec. 1.)

4.04.02 Franchise fee. That Southwestern Electric Power Company shall pay to the city of Little Flock, Arkansas, a sum equal to four percent (4.25%) of its gross sales of electrical power to domestic and commercial consumers within the territory served by Southwestern Electric Power Company within the corporate limits of the city of Little Flock, Arkansas, as said corporate limits now exist or may hereafter exist; and a sum equal to one percent (1%) of its gross sales of electrical power to industrial consumers within the territory served by Southwestern Electric Power Company within the corporate limits of the city of Little Flock, Arkansas, as said corporate limits now exist or may hereafter exist; said sum to be paid in quarterly-annual payments. Southwestern Electric Power Company shall have thirty (30) days from the end of each quarter to compute and make the payments provided for herein. Insofar as payment of an annual Franchise fee, said payment shall be continued from year to year following September 30, 1981, unless the city of Little Flock, Arkansas, or Southwestern Electric Power Company shall terminate this agreement at the end of any year after giving sixty (60) days' advance notice of intention to terminate. (Ord. No. 21, Sec. 2.; Ord No. 2025-003)

4.04.03 No other fees. Quarterly payments herein required shall be in lieu of all other charges, licenses, fees or impositions (other than the usual general or special ad valorem fees) which may be imposed by the city of Little Flock, Arkansas, under authority conferred by law. (Ord. No. 21, Sec. 3.)

4.04.04 Franchise takes effect. This franchise shall take effect and continue and remain in force as provided in A.C.A. 14-200-103 as same may be amended from time to time. (Ord. No. 21, Sec. 4.)

4.04.05 Raising and lowering of wires. Southwestern Electric Power 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 party or parties requesting the same, and the Southwestern Electric Power Company shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes. (Ord. No. 21, Sec. 5.)

4.04.06 Permission for tree trimming. Permission is hereby granted to Southwestern Electric Power 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 Southwestern Electric Power 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. 21, Sec. 6.)

4.04.07 Separate agreement. 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. 21, Sec. 7.)

4.04.08 No exclusive privileges. Nothing herein contained shall be construed as giving to Southwestern Electric Power Company any exclusive privileges, nor shall it affect any prior or existing rights of Southwestern Electric Power Company to maintain an electrical power system within the city of Little Flock, Arkansas. (Ord. No. 21, Sec. 8.)

## **CHAPTER 4.08**

### **ELECTRIC FRANCHISE TO CARROLL ELECTRIC COOPERATIVE**

#### Sections:

4.08.01	Franchise granted to Carroll Electric Cooperative
4.08.02	Franchise fee
4.08.03	No other fees
4.08.04	Franchise takes effect
4.08.05	Raising and lowering of wires
4.08.06	Permission for tree trimming
4.08.07	Separate agreement
4.08.08	No exclusive privileges

4.08.01 Franchise granted to Carroll Electric Cooperative. That Carroll Electric Cooperative, its successors and assigns, shall continue to operate its electrical power system and all business incidental to or connected with the conducting of business systems engaged in the sale of electric power and energy within the city limits of the city as heretofore allocated to Carroll Electric Cooperative by the Arkansas Public Service Commission. The plant construction and appurtenances used in or incident to the giving of electrical power service and to the maintenance of an electrical power service business shall remain as now constructed, subject to such changes as may be considered necessary by the city of Little Flock, in the exercise of its inherent power and by Carroll Electric Cooperative in the conduct of its business and by the Arkansas Public Service Commission in its regulatory power of public utilities.

Said Carroll Electric Cooperative shall continue to exercise its right to place, remove, construct, extend and maintain its said plant and appurtenances thereto, along, over, across, on, through, above and under all public streets, alleys, avenues, and the public grounds and places in

certain areas heretofore allocated by the Arkansas Public Service Commission and within the corporate limits of the city of Little Flock, as said corporate limits are now located or as may hereafter be located within the area assigned to it by Arkansas Public Service Commission. (Ord. No. 20, Sec. 1.)

4.08.02 Franchise fee. That Carroll Electric Cooperative shall pay to the city of Little Flock, Arkansas, a sum equal to four per cent (4.25%) of its gross sales of electrical power to domestic and commercial consumers within the territory served by Carroll Electric Cooperative within the corporate limits of the city of Little Flock, as said corporate limits now exist or may hereafter exist; and a sum equal to one percent (1%) of its gross sales of electrical power to industrial consumers within the territory served by Carroll Electric Cooperative within the corporate limits of the city of Little Flock, Arkansas, as said corporate limits now exist or may hereafter exist; said sum to be paid in quarterly annual payments. Carroll Electric Cooperative shall have thirty (30) days from the end of each quarter to compute and make the payments provided for herein. Insofar as payment of an annual Franchise fee, said payment shall be continued from year to year following June 30, 1981, unless the city of Little Flock or Carroll Electric Cooperative shall terminate this agreement at the end of any year after giving sixty (60) days' advance notice of intention to terminate. (Ord. No. 20, Sec. 2.; Ord No. 2025-003)

4.08.03 No other fees. Quarterly payments herein required shall be in lieu of all other charges, licenses, fees or impositions (other than the usual general or special ad valorem fees) which may be imposed by the city of Little Flock, Arkansas, under authority conferred by law. (Ord. No. 20, Sec. 3.)

4.08.04 Franchise takes effect. This franchise shall take effect and continue and remain in force as provided in A.C.A. 14-200-103 as same may be amended from time to time. (Ord. No. 20, Sec. 4.)

4.08.05 Raising and lowering of wires. Carroll Electric Cooperative 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 party or parties requesting the same, and the Carroll Electric Power Company shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes. (Ord. No. 20, Sec. 5.)

4.08.06 Permission for tree trimming. Permission is hereby granted to Carroll Electric Cooperative 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 Carroll Electric Power 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. 20, Sec. 6.)

4.08.07 Separate agreement. 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. 20, Sec. 7.)

4.08.08 No exclusive privileges. Nothing herein contained shall be construed as giving to Carroll Electric Power Company any exclusive privileges, nor shall it affect any prior or existing rights of Carroll Electric Power Company to maintain an electrical power system within the city of Pea Ridge, Arkansas. (Ord. No. 20, Sec. 8.)

## **CHAPTER 4.12**

### **GAS FRANCHISE**

#### **Sections:**

- 4.12.01 Gas franchise granted to Arkansas Western Gas Company
- 4.12.02 Rights and responsibilities of Gas Company and city
- 4.12.03 Breaking open streets
- 4.12.04 City is harmless
- 4.12.05 Rates
- 4.12.06 Furnishing information
- 4.12.07 Franchise fee

4.12.01 Gas franchise granted to Arkansas Western Gas Company. The city of Little Flock hereby grants to Arkansas Western Gas Company the exclusive right, privilege and authority within the present and all future expansions of the corporate limits of the city of Little Flock (1) to sell, furnish, transmit and distribute natural gas to all inhabitants and consumers within the said limits; and (2) subject to the terms, conditions and situations mentioned in this ordinance, consents, and the right, permission and franchise is hereby given to Arkansas Western Gas Company, a corporation organized and existing pursuant to the laws of the state of Arkansas, Grantee, and to its successors, lessees, and assigns to lay, construct, equip, operate, repair, and maintain a system of gas mains, pipes, conduits, feeders and appurtenances for the purpose of supplying and distributing natural gas for light, fuel, power, and heat and for any other purpose, to the residents or inhabitants of the said city; and further, the right to lay, construct, operate and maintain a system of gas mains, pipelines, pipe conduits and feeders and the necessary attachments, connections, fixtures and appurtenances for the purpose of conveying, conducting or distributing natural gas from any point beyond said city limits in order to enable the said Grantee to distribute and sell natural gas to the said city and to the residents or inhabitants thereof, and to others. As used in this ordinance the terms “natural gas” and “gas” shall be defined as including, in addition to natural gas, such alternate, substitute or supplemental

fuels as (without necessarily limited to) liquefied natural gas, liquefied petroleum gas, synthetic natural gas and propane-air; except that nothing in this ordinance shall be deemed to grant to Arkansas Western Gas Company any exclusive right, privilege or authority to sell, furnish,

transmit, or distribute said additional, alternate, substitute, or supplemental fuels. (Ord. No. 24, Sec. 1.)

4.12.02 Rights and responsibilities of Gas Company and city. The Grantee herein is expressly given the permit (subject to the provision hereinafter contained) to use the streets, avenues, roads, highways, alleys, sidewalks and other public places, as now laid out, or hereafter to be established, for the purpose of laying gas mains, pipelines, conduits and feeders, and the necessary attachments, fixtures, connections and appurtenances for the purpose of conveying or conducting natural gas from any point within the said city of to any point beyond the city limits of the said city, or to any other point, through and beyond the city limits of said city, and to operate and maintain a system of pipelines, pipes, conduits, feeders and the necessary attachments, connections, fixtures and appurtenances for the distribution of natural gas within said city to serve the said city and the residents and inhabitants thereof, and others; provided, however, that where alleys are accessible for laying mains and pipes, the city shall have the right to require that the mains and pipes shall be laid in the alleys instead of the streets, so long as this is economically feasible (does not create an economic hardship). (Ord. No. 24, Sec. 2.)

4.12.03 Breaking open streets

- A. No fees or charges of any kind shall be imposed by Grantor upon the Grantee or upon any successors, or upon any consumer of natural gas for the breaking or opening of any highway, street, road, avenue, alley, or other public places, or for the laying of any main, service pipe or other connections therein, except as would be generally imposed on others performing similar work under similar circumstances and conditions.
- B. Nothing in this franchise shall be construed in such manner as to in any manner abridge the right of the city to pass and enforce the necessary police regulations for the purpose of protecting the citizens of said city and their property and the property of the Grantee.
- C. Grantee shall at all times keep and display the necessary danger signals and proper guards around all excavations and obstructions and shall keep sufficient space in good condition for the travel of vehicles on at least one side of all excavations and obstructions, and shall as soon as practicable restore all opening on the highway, road, street, avenues, alley and other public places to condition equally as good as before said opening or obstructions were made. Anything to the contrary notwithstanding, when in the judgment of Grantee it is necessary for the safety of the citizens, to divert or detour traffic from the area of excavations they have the power to so do upon notice to said city. (Ord. No. 24, Sec. 3.)

4.12.04 City is harmless. The Grantee shall do no injury to any highway, road, street, avenue, alley, lane, bridge, stream or water course, park or public place, except as specifically allowed, nor with any public or private sewer or drainage system, or water lines, now or hereafter laid or constructed by the said city or by any authorized person or corporation, but no sewer or water pipes, electric conduits, telephone or TV cables shall be so laid as to interfere unnecessarily with any gas main of pipes which shall have been laid prior to the time of laying such electrical conduits, telephone and TV cables, sewer or water pipes. The Grantee shall fully

indemnify and save harmless the city from any and all claims for damage for which said city shall or might be made or become liable by reason of the granting of this franchise, or any negligence or carelessness on the part of said Grantee, or because of any act or omission of the Grantee in the construction and operation of its system of mains and pipes. (Ord. No. 24, Sec. 4.)

#### 4.12.05 Rates

- A. Natural gas service shall be provided under the terms and conditions herein specified and pursuant to the rules and regulations of the Arkansas Public Service Commission governing utility service, as well as Grantee's rules and regulations governing natural gas service on file with the Arkansas Public Service Commission and as interpreted and enforced by Grantee. All utility services shall conform with these rules and regulations, as well as any other applicable rules and regulation, federal or state laws, including but not limited to the Arkansas Plumbing Code.
- B. The rates which are to be charged by Grantee for natural gas service hereunder shall be those which are now lawfully approved or prescribed, and as said rates may, from time to time, be lawfully approved or prescribed by the Arkansas Public Service Commission or any successor regulatory authority having jurisdiction thereof.
- C. The Grantee shall have the right to make and enforce as a part of the conditions under which it will supply natural gas for heat, power, light, fuel or other purposes as herein provided, all needful rules and regulations not inconsistent with law and the provision of this franchise. (Ord. No. 24, Sec. 5.)

4.12.06 Furnishing information. The Grantee shall furnish promptly to the proper authorities any and all information which may be asked for by them in regard to the size, location or depths of any of the pipes, main, conduits, or service pipes, in any form whatsoever, and any other information in regard to its occupation of roads, highway, streets, avenues, or public grounds of said city, which they may demand. Whenever the word Grantee occurs in this ordinance, it shall mean and it shall be understood to be Arkansas Western Gas Company, its successors, lessees or assigns, and whenever the words "authorities" or "proper authorities" occur in this franchise they shall mean and shall be understood to mean the authorized officer or officers, committee or board representing the city of Little Flock, Arkansas or Grantor. (Ord. No. 24, Sec. 6.)

4.12.07 Franchise fee. During the life of this franchise the Grantee shall pay to Grantor each year a franchise fee in an amount equal to two percent (4.25%) of the Grantee's revenues before fees for residential and commercial revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the city of Little Flock. Payments shall be made by the Grantee to the Grantor in quarterly installments and Grantee shall have thirty (30) days after the end of each calendar quarter within which to make such payment. Residential and commercial gas revenues are those revenues so classified pursuant to Grantee's uniform classification standards. Grantor shall have the right to examine and verify, from the records of the Grantee, any data relating to the gross revenues of Grantee from customers on which said franchise fee is due. In the event of a controversy between the Grantor and Grantee

as to the amount of gross revenues received by Grantee in the city of Little Flock upon which said fee is due, such controversy shall be referred to the Arkansas Public Service Commission, or such successor regulatory agency which may have jurisdiction over the Grantee, for final determination, and the decision of said Commission shall be binding upon both parties hereto.

It is expressly agreed and understood by the Grantor and Grantee that the aforesaid payment shall constitute and be considered as complete payment and discharge by the Grantee, its successors and assigns, of all licenses, fees, charges, impositions or fees of any kind (other than automobile license fees, improvement districts, special millage fees, and the general ad valorem fees) which are not or might in the future be imposed by the Grantor under authority conferred upon the Grantor by law. In the event such other tax or fees are imposed by Grantor, the obligation of the Grantee set forth in 4.12.07 hereof, to pay the franchise fees annually shall immediately terminate. (Ord. No. 24, Sec. 7.; Ord No. 2025-003)

## **CHAPTER 4.16**

### **TELEPHONE FRANCHISE**

#### **Sections:**

- 4.16.01 Authority granted for operation of telephone system
- 4.16.02 Franchise fee
- 4.16.03 No other fees
- 4.16.04 Wire changes
- 4.16.05 Permission to trim trees
- 4.16.06 Light or power attachments
- 4.16.07 Exclusive privileges

4.16.01 Authority granted for operation of telephone system. The Southwestern Bell Telephone Company, its successors and assigns (herein referred to as "Telephone Company") shall continue to operate its telephone system and all business incidental to or connected with the

conducting of a telephone business and system in the city of Little Flock, state of Arkansas, (herein referred to as "City") the plant construction and appurtenances used in or incidental in the giving of telephone service and to the maintenance of a telephone business and system by the Telephone Company in said City shall remain as now constructed, subject to such changes as may be considered necessary by the City in the exercise of its inherent powers and 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 the business and purposes for which it is, or may be, incorporated may from time to time require, along, across, on, over, through, above and under all



the public streets, avenues, alleys, and the public grounds and places within the limits of said City as the same from time to time may be established. (Ord. No. 23, Sec. 1.)

4.16.02 Franchise fee. The Telephone Company shall pay to the city on or before March 1<sup>st</sup> of each year inclusive and thereafter a franchise fee in an amount equal to two percent (4.25%) of the Grantee's revenues before fees for residential and commercial revenues as paid to the Grantee by residential and commercial customers located within the corporate limits of the city of Little Flock. (Ord. No. 31, Sec. 1.; Ord No. 2025-003)

4.16.03 No other fees. The annual payment herein required shall be in lieu of all other licenses, charges, fees or impositions (other than the usual general or special ad valorem fees) which may be imposed by the City under authority conferred by law. The Telephone Company shall have the privilege of crediting such sums with any unpaid balance due said Company for telephone services rendered or facilities furnished to said City. (Ord. No. 23, Sec. 3.)

4.16.04 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 party or 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 (48) hours advance notice to arrange for such temporary wire changes. (Ord. No. 23, Sec. 4.)

4.16.05 Permission to trim 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, and all 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. 23, Sec. 5.)

4.16.06 Light or 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. 23, Sec. 6.)

4.16.07 Exclusive privileges. Nothing herein contained 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. 23, Sec. 7.)

## CHAPTER 4.20

### CABLE TELEVISION FRANCHISE

#### Sections:

4.20.01	Title
4.20.02	Definitions
4.20.03	Application for franchise
4.20.04	Compliance
4.20.05	Territorial area
4.20.06	Liability and indemnification
4.20.07	General specifications
4.20.08	Technical standard
4.20.09	Operation and maintenance of system
4.20.10	Emergency use of facilities
4.20.11	Safety requirements
4.20.12	Limitations on rights granted
4.20.13	Ownership and removal of facilities
4.20.14	Transfer
4.20.15	Duration and renewal
4.20.16	Revocation for cause
4.20.17	Modifications of obligations
4.20.18	Severability
4.20.19	Franchise fees
4.20.20	Fine

4.20.01 Title. This ordinance shall be known and may be cited as the Little Flock Cable Television Ordinance. (Ord. No. 88-54, Sec. 1.)

4.20.02 Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “Shall” is always mandatory and not merely directory.

**Cable service** means the transmission of telecommunication signals, including the retransmission of broadcast and satellite received signals, and the origination of the programming by a Grantee.

**Cable television reception services** means the delivery by a Grantee to television receivers (or any other suitable type of electronic terminal or receiver) of the electronic signals and other communications services carried over said system.

**Cable television system** or **cable system** is a system utilizing certain electronic and other components which deliver to subscribing members of the public various communications services.

**City** is the city of Little Flock, Arkansas.

**Council** is the City Council of Little Flock.

**FCC** shall mean Federal Communications Commission.

**Grantee** is any and all persons granted a franchise to operate a cable television system in the city of Little Flock.

**Person** is any person, firm, partnership, association, corporation or organization of any kind and any other legally recognized entity.

**Subscribers** are those persons contracting to receive cable television reception services furnished under this ordinance by a Grantee. (Ord. No. 88-54, Sec. 2.)

#### 4.20.03 Application for franchise

- A. A person who desires to become a Grantee as defined herein shall apply to the Council for a franchise. Whether to grant the application shall be at the sole discretion of the Council. The Council shall assure that access to cable service is not denied to any group of potential residential cable subscribers because of the income of residents of the local area in which such group resides.
- B. All persons who presently operate a Cable Television System in the city of Little Flock shall be subject to all provisions of this ordinance and shall apply for a franchise. Until a franchise application is made by such persons and is approved by the Council, such persons may not expand their Cable Television System or Cable Television Reception Service in the city of Little Flock beyond the present extent of such system or service. Nothing in this ordinance shall be construed to prevent such persons from continuing to operate their systems and services in regard to the area and subscribers now serviced by them, but such area may not be  
  
expanded without obtaining a franchise. Until such persons obtain a franchise, they may not use the non-exclusive authority granted in the next paragraph.
- C. There is hereby granted by the City to each Grantee, the non-exclusive right to erect, maintain and operate in, under, over, along, across and upon the present and future streets, lanes, avenues, sidewalks, alleys, bridges, highways, easements dedicated for compatible uses and other public places in the city of Little Flock, and subsequent additions thereto, towers, poles, lines, cables, wires, manholes and all other fixtures and

equipment necessary for the maintenance and operation in the city of a Cable Television System for the purpose of transmission and distribution of audio, visual, electronic and electric impulses in order to furnish television and radio programs and various other communications services by what is commonly called a Community Antenna Television System.

- D. The right to use and occupy said streets, alleys public ways and places for the purposes herein set forth shall not be exclusive. A Grantee shall insure that the safety, functioning, and appearance of the property and the convenience and safety of other persons are not adversely affected by the installation or construction of the facilities necessary for a cable system. The costs of the installation, construction, or removal of such facilities shall be borne by the Grantee or subscriber, or a combination of both. A Grantee shall justly compensate the owners of any property damaged by the installation, construction, operation, or removal of cable facilities. (Ord. No. 88-54, Sec. 3.)

4.20.04 Compliance. All Grantees shall, except in those areas which have been preempted by the Cable Communications Policy Act of 1984, or by any other statute or rule, or which are regulated by the Federal Communications Commission, be subject to all lawful exercise of the regulating and policy powers of the city. (Ord. No. 88-54, Sec. 4.)

4.20.05 Territorial area. This ordinance relates to the present territorial limits of the city and to any area annexed thereto. A Grantee shall not be required to service residents of newly annexed areas of the city that are beyond four hundred (400) feet from existing distribution lines except where economically feasible. A Grantee may, but shall not be required to serve areas or individual homes adjoining, but outside the city limits, that may be served from its existing facilities. A Grantee may negotiate directly with such customers the amount to be charged for the bringing or the service to the customer. (Ord. No. 88-54, Sec. 5.)

4.20.06 Liability and indemnification. A Grantee shall, at all times, keep in effect the following types of insurance coverage:

- A. Workers' Compensation upon its employees engaged in any manner in the installation or servicing of its plant and equipment.
- B. Property Damage Liability insurance to the extent of \$300,000.00 as to each occurrence and personal injury liability insurance to the extent of \$300,000.00 as to each occurrence, automobile bodily injury liability insurance of \$100,000.00 as to each occurrence and property damage liability of \$100,000.00 for each occurrence and \$300,000.00 limit liability for hired, borrowed or non-ownership automobile liability coverage.

A Grantee shall indemnify, protect, and save harmless the City from and against losses and physical damage to property and bodily injury or death to persons, including payments made under any Worker's Compensation law which may arise out of the erection, maintenance, presence, use or removal of said attachments or poles within the City, or by any act of a Grantee,

its agents or employees. A Grantee shall carry insurance in the above described claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage. A Grantee shall also carry such insurance as it deems necessary to protect it from all claims under the Worker's Compensation law as in effect that may be applicable to Grantee. All insurance required shall be and remain in full force and effect for as long as a Grantee operates a Cable Television System in the City. Insurance certificates evidencing such insurance coverage shall be deposited with and kept on file by the City.

These damages or penalties shall include, but shall not be limited to, damages arising out of copyright, infringements, and all other damages arising out of the installation, operation, or maintenance of the Cable Television System authorized herein, whether or not any act of omission complained of is authorized, allowed or prohibited by this ordinance. (Ord. No. 88-54, Sec. 6.)

#### 4.20.07 General specifications

- A. The facilities used by a Grantee shall have a minimum capacity of 12 channels.
- B. A Grantee shall provide, upon construction of a cable system, and as built construction drawing. (Ord. No. 88-54, Sec. 7.)

4.20.08 Technical standard. A Grantee shall be governed by technical standards as may be established by the FCC from time to time. (Ord. No. 88-54, Sec. 8.)

#### 4.20.09 Operation and maintenance of system

- A. A Grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest possible time.
- B. All non-emergency service requests and complaints shall be responded to within not more than three (3) days of receipt. (Ord. No. 88-54, Sec. 9.)

4.20.10 Emergency use of facilities. In the case of any emergency or disaster, a Grantee shall, upon request of the Council, make available its facilities to the City for emergency use during the emergency or disaster. If the City wishes to operate a Civil Emergency Alert System on a plan that is mutually acceptable to the City and a Grantee and provides a Grantee with the necessary equipment for such system, a Grantee will permit the system to be used on the cable system. (Ord. No. 88-54, Sec. 10.)

4.20.11 Safety requirements. A Grantee shall, at all time, employ ordinary care and shall use and maintain commonly accepted methods and devices for preventing failure and accidents which are likely to cause damages, injuries or nuisances to the public. (Ord. No. 88-54, Sec. 11.)

#### 4.20.12 Limitations on rights granted

- A. All transmission and distribution structures, lines and equipment erected by a Grantee within the City shall be so located as to cause minimum interference with the proper use of the streets, alleys and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places, and said poles or towers shall be removed by a Grantee whenever the Council reasonably finds that the same restrict or obstruct the operation or location of any future streets or public places in the City. All transmission and distribution lines shall be buried to the extent possible.
- B. Construction and maintenance of the transmission distribution system shall be in accordance with the provisions of the National Electrical Safety Code, the National Electrical Code, and such applicable ordinances and regulations of the City affecting electrical installation, which may be presently in effect, or changed by future ordinances.
- C. A Grantee shall have the authority to trim trees over-hanging streets, alleys, sidewalks and public ways and places of the City so as to prevent the branches of such trees from coming into contact with the wires and cables of the Grantees. This work will be done with good forestry practices.
- D. A Grantee shall, in the case of disturbance of any street, sidewalk, alley, public way or paved area at the Grantee's expense, restore same to its original condition as otherwise required by other ordinances of the City. (Ord. No. 88-54, Sec. 12.)

4.20.13 Ownership and removal of facilities. All cable and passive equipment for cable television reception services installed by a Grantee at a subscriber's location shall remain the property of the Grantee and the Grantee shall have the right to remove said cable and equipment. In any event, said equipment shall be removed from the premises of a subscriber upon his request. (Ord. No. 88-54, Sec. 13.)

4.20.14 Transfer. A Grantee may not assign its rights hereunder to another person or corporation. (Ord. No. 88-54, Sec. 14.)

4.20.15 Duration and renewal. The rights granted to a Grantee herein shall remain in effect for as long as established by the Council when the Grantee status is approved. The rights shall be subject to renewal pursuant to the provisions of the Cable Communications Policy Act of 1984, Section 626, applicable to new ordinances that are in the nature of a franchise. Pending final completion of renewal proceedings, the rights shall remain in effect even if the original term has expired. If these rights are not renewed or if they are revoked for cause by the City, the transfer of the Grantee's system shall be governed by Section 627 of the Cable Communications Policy Act of 1984. (Ord. No. 88-54, Sec. 15.)

4.20.16 Revocation for cause. The City Council may revoke the franchise to a Grantee upon breach of any of the conditions herein stated by the Grantee should the Grantee fail to cure

such breach within thirty (30) days after receiving written notice by the City. (Ord. No. 88-54, Sec. 16.)

4.20.17 Modifications of obligations. In addition to any other remedies provided by law or regulations, a Grantee's obligations under this ordinance may be modified in accordance with Section 625 of Cable Communications Policy Act of 1984 as it now exists, or as hereafter amended. (Ord. No. 88-54, Sec. 17.)

4.20.18 Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, or is superseded by preempted by Federal Communications Commission regulations, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. No. 88-54, Sec. 18.)

4.20.19 Franchise fees. The Council shall require each Grantee to pay a franchise fee. For any twelve-month period, the franchise fees paid by a Grantee shall not exceed five percent (5%) of such Grantee's gross revenues derived in such period from the operation of its cable system. The Council may require that the franchise fees be prepaid on a monthly basis with the Grantee to provide an accounting at the end of the year for any underpayment or overpayment. The collection of franchise fees shall otherwise be governed by Section 622 of the Cable Communications Act of 1984. (Ord. No. 88-54, Sec. 19.)

4.20.20 Fine. Any person violating this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of Twenty-Five Dollars (\$25.00) to One Hundred Dollars (\$100.00), and each day in violation shall be considered a separate offense. In addition, the City may apply to the appropriate court for injunctive relief against any violation of this ordinance. (Ord. No. 88-54, Sec. 20.)

## **CHAPTER 4.24**

### **OCCUPATIONAL LICENSE**

#### **Sections:**

4.24.01	General
4.24.02	License required
4.24.03	Excepted businesses
4.24.04	Door-to-door sales
4.24.05	Procurement of license
4.24.06	Application
4.24.07	Separate license for each business
4.24.08	Fee not returnable

- 4.24.09 Transfer prohibited
- 4.24.10 Posting

4.24.01 General. The conducting and carrying on of any business, including but not limited to, all trades, occupations, vocations, callings and professions, except those specifically exempted in 4.24.03 of this ordinance, those specifically exempted by the laws of the state of Arkansas, and also excepting public utilities otherwise taxed by the city, within the boundaries of the city of Little Flock, is hereby declared to be a privilege, and each and every person conducting or engaging in any such business shall apply for and pay for a license therefore in the amounts and procedural requirements as set out.

**Business** is defined as any commercial activity whether such activity is the providing of a service or of goods. (Ord. No. 95-111, Sec. 1.)

4.24.02 License required. It shall be unlawful for any person in the city of Little Flock to engage in, exercise, or pursue any line of business without first having obtained a business license therefore from the city of Little Flock.

**Person** is defined as any individual, firm, entity, partnership or corporation. (Ord. No. 95-111, Sec. 2.)

4.24.03 Excepted businesses. Certain businesses shall be exempt from the requirements of this ordinance. The City Council of the city of Little Flock is authorized to amend this list from time to time by resolution, duly adopted. The list of exempted businesses is as follows:

- A. Animal husbandry businesses including but not limited to beef, pork, poultry, and dairy production unless the sole purpose of the business is commercial breeding of livestock;
- B. Yard sales provided that a person has no more than three (3) yard sales in any calendar year; and
- C. Door-to-door sales businesses except as provided in 4.24.04 of this ordinance. (Ord. No. 97-163, Sec. 1.)

4.24.04 Door-to-door sales. Those persons engaged in door-to-door commercial sales transactions, including but not limited to make-up sales, vacuum cleaners, etc., shall first pay a permit fee of Seventy-Five Dollars (\$75.00). Upon the payment of the permit fee to the city Recorder/Treasurer, the city Recorder/Treasurer shall issue a permit to the person requesting such permit. This permit shall state the amount paid, the person to whom it was issued, the nature of the business, and the expiration date of the permit. Such permits shall be issued for one (1) year and shall expire one (1) year from the date of issuance. (Ord. No. 2011-375, Sec. 1.)

4.24.05 Procurement of license. All licenses issued under this ordinance shall become due on January 1<sup>st</sup> of each year. If not paid by February 1<sup>st</sup> a penalty of double the amount of the license fee will be assessed, together with the costs necessary for the collection including, but not



limited to, court costs and reasonable attorney fees. All licenses shall be payable annually and no license shall be issued for a longer period of time than one (1) year. All persons required to purchase a license under this ordinance shall pay the full amount. (Ord. No. 97-163, Sec. 2.)

4.24.06 Application. Any applications for license shall be made to the city Recorder/Treasurer who shall collect from the applicant the license fee, which is hereby set at Seventy-Five Dollars (\$75.00) per year effective January 1, 2012. (Ord. No. 2011-375, Sec. 1, amending Ord. No. 97-163, amending Ord. No. 95-111)

The city Recorder/Treasurer shall issue to the applicant a license certificate which shall state the amount thereof, the period covered thereby, the name of the person to whom issued, the business to be carried on, and the locations of the place where same is to be carried on. (Ord. No. 95-111, Sec. 6.)

4.24.07 Separate license for each business. Any person engaged in two (2) or more businesses, or conducting business at two (2) or more locations, shall be required to obtain a license for each separate business or business location. (Ord. No. 95-111, Sec. 7.)

4.24.08 Fee not returnable. The license fee provided for in this ordinance, when paid for any period provided herein, shall not be returnable in case the licensee, for any reason, surrenders his license or discontinues his business, and any sum so paid shall not be returnable to any person. (Ord. No. 95-111, Sec. 8.)

4.24.09 Transfer prohibited. No license issued under the provisions of this ordinance shall be transferred from one person to another or from one business to another without authorization from the City Council. (Ord. No. 95-111, Sec. 9.)

4.24.10 Posting. Each license procured under the provisions of this ordinance shall be posted in a permanent place where the business covered thereby is carried on, and the holder thereof shall immediately show such license to any officer of the city, upon being requested to do so. (Ord. No. 95-111, Sec. 10.)

## CHAPTER 4.28

### PEDDLING AND SOLICITATION

#### Sections:

4.28.01	Definitions
4.28.02	License
4.28.03	Exemption from licensing requirement
4.28.04	Exhibition of license
4.28.05	Limitation on time
4.28.06	Fine

#### 4.28.01 Definitions

**Peddler** shall mean any person, whether a resident of this city or not, traveling by foot, vehicle or any other type of conveyance, from place to place, from house to house or from street to street, selling or attempting to sell, or taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for present or future delivery, or for services to be furnished or performed in the present or in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale and whether he is collecting any payments on such sales or not.

**Solicitor** shall mean any person whether a resident of this city or not, traveling by foot, vehicle or any other type of conveyance, from place to place, from house to house or from street to street, soliciting funds or other gifts of value for any philanthropic, religious or public service project. (Ord. No. 2008-312, Sec. 1.)

#### 4.28.02 License

- A. All peddlers, prior to peddling in the city of Little Flock, shall obtain from the city a peddling license. The application for the peddling license shall disclose all items that the peddler intends to peddle in the city. The cost of the peddling license shall be Ten Dollars (\$10.00) for a one (1) day license, Thirty Dollars (\$30.00) for a one (1) week license and Seventy-Five Dollars (\$75.00) for a one (1) month license. The peddling license shall be carried by the peddler at all times that the peddler is peddling in the city.
- B. All solicitors, at least three (3) days prior to soliciting in the city of Little Flock, shall obtain from the city a solicitation license. No license fee shall be required, but to obtain the solicitation license, the solicitor shall give a complete and accurate disclosure of the nature and purpose of the philanthropic, religious or public service project and the use to which the solicited funds or other gifts of value are to be put, which information shall be kept on file by the city and be subject to inspection by anyone. A solicitation license shall be valid for only one (1) month, but a solicitor may apply to renew a solicitation

license. The solicitation license shall be carried by the solicitor at all times that the solicitor is soliciting in the city. (Ord. No. 2008-312, Sec. 2.)

#### 4.28.03 Exemption from licensing requirement

- A. A peddler who is selling only produce raised by the peddler shall not be required to obtain a peddling license.
- B. A Boy Scout or a Girl Scout selling items for his or her troop shall not be required to obtain a peddling license.
- C. A student at a primary or secondary school selling items for a school or team fundraiser shall not be required to obtain a peddling license.
- D. A solicitor who solicits only inside a church shall not be required to obtain a solicitation license. (Ord. No. 2008-312, Sec. 3.)

#### 4.28.04 Exhibition of license

- A. At the beginning of each peddling activity, the peddler shall exhibit his or her peddling license and state to the person to whom the peddling activity is being directed that he or she has a peddling license issued by the city of Little Flock.
- B. At the beginning of each solicitation activity, the solicitor shall exhibit his or her solicitation license and state to the person to whom the solicitation is being directed that he or she has a solicitation license issued by the city of Little Flock. (Ord. No. 2008-312, Sec. 4.)

4.28.05 Limitation on time. No peddler or solicitor shall engage in peddling or solicitation in the city before 9:00 a.m. on Monday through Saturday or before 1:00 p.m. on Sunday. No peddler or solicitor shall engage in peddling or solicitation in the city after the earlier of 7:00 p.m. or sundown on any day. (Ord. No. 2008-312, Sec. 5.)

4.28.06 Fine. A violation of any provision of this ordinance shall be punished on a first offense by a fine from Twenty-Five Dollars (\$25.00) to Two Hundred Fifty Dollars (\$250.00), on a second offense by a fine from Two Hundred Fifty Dollars (\$250.00) to Seven Hundred Fifty Dollars (\$750.00), and on a third or subsequent offense by a fine of One Thousand Dollars (\$1,000.00). (Ord. No. 2008-312, Sec. 6.)