O-21- 67

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE COLLECTION OF A FRANCHISE FEE BY UNITE PRIVATE NETWORKS, LLC, ON SERVICES PROVIDED WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; THE METHOD OF PAYMENT THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Unite Private Networks, LLC ("UPN"), is duly authorized to have custody, operation and maintenance of its fiber optic cable telecommunications network and provide services for users located in the City of North Little Rock ("the City"), collecting revenues therefor; and

WHEREAS, UPN will be providing services to the City and its inhabitants and occupying the streets, alleys, airways and other public rights-of-way within the City; and

WHEREAS, the City is legally authorized to impose, and Unite has agreed to pay, a just and reasonable franchise fee in connection with its operations in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That upon approval by City Council, UPN shall pay to the City of North Little Rock a fee equal to 5.0% of its gross revenue collection as paid to it by industrial, commercial, and residential users located within the corporate limits of the City of North Little Rock.

SECTION 2: That said franchise fee payments to the City by UPN in the amounts as provided for in Section 1 hereof shall be made monthly on or before the 15th of the following month.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: It is hereby found and determined that the fair and equal treatment of telecommunication providers is important to the connectivity of all City residents and the immediate passage of this ordinance is necessary in order to insure the proper and orderly growth of this land and the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare, THEREFORE, an emergency is hereby

declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Terry C. Hartwick

SPONSOR:

Mayor Terry C. Hartwick

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

Amy Beckman Fields, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/ABF

FILED _____ A.M. _____ P.M.

By _____

DATE _____

Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas

RECEIVED BY _____