

ORDINANCE NO. 329

AN ORDINANCE AMENDING ORDINANCE NO. 151 LEVYING AN ANNUAL INSPECTION FEE ON ANY PERSON, FIRM OR CORPORATION OPERATING A TELEPHONE EXCHANGE IN THE CITY OF STILWELL, OKLAHOMA, AND FIXING SAID FEE AS IN LIEU OF CERTAIN TAXES; PROVIDING PENALTY FOR VIOLATIONS; MAKING PROVISIONS SEVERABLE; REPEALING CONFLICTING PROVISIONS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

SECTION I: From and after September 7, 2004, there is hereby levied an annual inspection fee and service charge upon each and every person, firm, or corporation operating a telephone exchange in the City of Stilwell, Oklahoma, in an amount equal to two (2) per cent of the gross revenues for each current year for exchange of telephone transmission service rendered wholly within the limits of the City of Stilwell to compensate said City for the expense incurred and services rendered incident to the exercise of its police power, supervision, police regulation and police control of the construction of lines and equipment of said telephone company in the City of Stilwell. The said inspection fee and charge shall be due and payable before the 1st day of June each year, commencing with the 1st day of June, 2005, and shall be paid into and appropriated and expended from the General Revenue Fund of said City.

SECTION II. During continued substantial compliance with the terms hereof by the owner of any telephone exchange, the charge levied herein shall be and continue to be in lieu of all concessions; charges; excise, franchise, license, privilege and permit fees; or taxes, except ad valorem taxes, special assessments for improvements, building permits and charges for paving and sidewalk cuts; provided, however, that it is not intended hereby to impair or disturb existing rights of any person, firm or corporation doing a telephone business in said city, and any such person, firm or corporation shall be entitled to a credit upon a deduction from the sum due and payable for any given year to said City hereunder of a sum equal to the amount in value paid or furnished to said City by such person, firm and/or corporation during such year under any previous or existing arrangement, contract or ordinance; and provided further that it is not intended hereby to abrogate or extinguish any existing right of said City to use underground conduit, duct, space or pole contracts of said Company for the first fire alarm and/or police system of said City.

SECTION III. Failure to pay the fee prescribed herein, when due, shall constitute a misdemeanor, and each day's violation shall be a separate offense, punishable by a fine not to exceed Twenty Dollars (\$20.00), including costs.

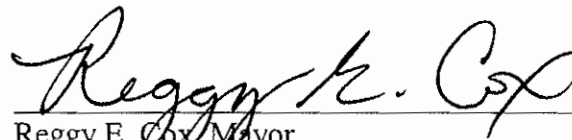
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SECTION IV. The provisions of this Ordinance are severable, and, if any part or provision hereof shall be void, the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions.

SECTION V. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

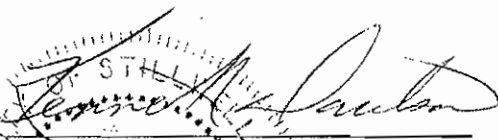
SECTION VI. EMERGENCY CLAUSE: WHEREAS, an immediate necessity exists for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED and APPROVED this 7th day of September, 2004.

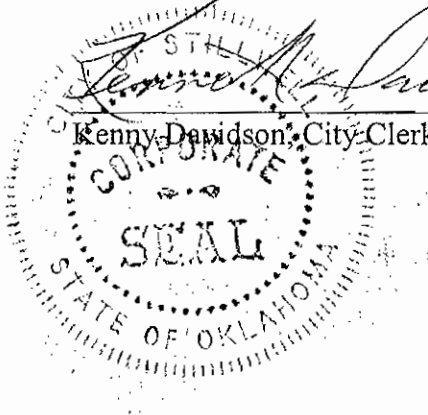


Reggy E. Cox, Mayor

ATTEST:



Kenny Davidson, City Clerk


The seal is circular with a double-line border. The outer ring contains the text "STATE OF OKLAHOMA" at the bottom and "CORPORATE SEAL" at the top. The center of the seal features a five-pointed star.