



ORDINANCE 736

AN ORDINANCE OF THE CITY OF THE VILLAGE, OKLAHOMA AMENDING CHAPTER 7, SECTIONS 7-351 AND 7-354 OF THE CODE OF ORDINANCES OF THE CITY OF THE VILLAGE; PERTAINING TO TELEPHONE SERVICES REGULATIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE VILLAGE:

Section 1. That Chapter 7, Section 7-351 of the Code of Ordinances is hereby amended to read as follows:

Sec. 7-351. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning and except where otherwise defined by federal or state law:

Annual gross revenues means the total income received by Grantee during the calendar year derived from telephone system operations originating or terminating within The Village. Annual gross revenues shall not include sales taxes or other taxes collected by Grantee.

Telephone System or Exchange means a set of transmission paths and associated signal generation, reception and control equipment that is designed to provide telephone communication services to residential and commercial customers within the City. It shall include, without limitation, all of the components, physical operation and programming elements of a network of telephone, electrical and electronic equipment, designed, constructed, wired or used for the purpose of producing, receiving, amplifying and transmitting by coaxial cable, fiber optics, or by other means, voice, data, fax or other related electronic signal impulses in either analog or digital format.

Grantee means any person or group of persons who have been granted a permit by the City to construct and operate upon the rights-of-way of the city, a telephone system or exchange pursuant to the terms and conditions of this Article.

Public way means the surface, air space above the surface and the area below the surface of any public street, sidewalk, alley, utility easement or other public way in the City.



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Section 2. That Chapter 7, Section 7-354 of the Code of Ordinances is hereby amended to read as follows:

Sec. 7-354. Payments to City.

(a) Grantee shall pay to the City annually an amount equal to two (2%) percent of that portion of the Annual Gross Revenues attributable to the operations of its telephone system within the City. Payment due under this provision shall be payable forty-five (45) calendar days after the end of each calendar year, or at such other time as may be agreed to in writing by the City and Grantee.

(b) The fee levied herein shall compensate the 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 the telephone system or exchange in the City.

(c) Except as may otherwise be provided herein, the fee levied herein shall be in lieu of all concessions, charges, excise, franchise, license, privilege and permit fees, or taxes or assessments, provided however, said fee shall not be in lieu of ad valorem taxes.

Section 3. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability Clause. If any section, subsection, sentence, clause, or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance

Section 5. Emergency Clause. WHEREAS, it being necessary for the preservation of the public health, peace, and safety of the City of The Village, Oklahoma, an emergency is declared to exist and by reason thereof this Ordinance shall take full force from and after its adoption.



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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF THE VILLAGE, OKLAHOMA, this 5th day of March, 2018, after compliance with the notice requirements of the Open Meeting Law (25 O.S. § 301, *et seq.*).



DAVE BENNETT, MAYOR

ATTEST 

Bruce K. Stone, City Clerk

APPROVED AS TO FORM AND LEGALITY this 5th day of March, 2018.

Leslie V. Batchelor, City Attorney