
PUBLIC NOTICE

ORDINANCE NO. 848

AN ORDINANCE GRANTING TO RT COMMUNICATIONS, INC., ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE RIGHT AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE IN, ON AND UNDER THE PRESENT AND FUTURE STREETS, ALLEYS, PUBLIC PLACES AND WAYS OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING, A TELEPHONE SYSTEM FOR THE PURPOSE OF SUPPLYING TELEPHONE SERVICE TO THE CITY OF WORLAND, THE INHABITANTS THEREOF, AND OTHERS; SUBJECT TO THE TERMS AND CONDITIONS AND TO THE MAKING OF PAYMENTS SPECIFIED IN THE ORDINANCE. THIS ORDINANCE REPEALS ORDINANCE NO. 755 (WORLAND CITY CODE APPENDIX D) AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WORLAND, WASHAKIE COUNTY, WYOMING:

SECTION 1: The City of Worland, Washakie County, Wyoming, hereinafter called the City, does hereby grant to RT COMMUNICATIONS, INC., authorized to do business in the State of Wyoming, and to its successors and assigns, hereinafter called Grantee, a nonexclusive right and franchise for the period of seven (7) years from and after the effective date of this Ordinance, to construct, maintain, and operate in, on and under the present and future streets, alleys, public places and ways, hereinafter referred to as "streets", telephone transmission and distribution lines, with all necessary or desirable appurtenances, including underground conduits, poles and wires, hereinafter referred to as "facilities", for the purpose of supplying telephone service within said City, the inhabitants thereof, and persons and corporations within and beyond the limits of the City, subject to the terms and conditions and to the making of payments hereinafter specified.

SECTION 2: Grantee shall erect and maintain all such facilities in accordance with good engineering practice and in such manner as not to interfere with the use of said streets for travel, and whenever it shall be necessary in the erection of such facilities to dig or in any manner to disturb or interfere with any of said streets, Grantee shall within a reasonable time thereafter put such streets in as good condition as they were before becoming broken, dug or disturbed, and shall remove all rubbish or other material from said streets. Whenever and wherever Grantee shall rebuild, relocate or construct new telephone lines within the City such lines shall, if feasible, be located in the alleys of the City.

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SECTION 3: Grantee shall have the right and privilege at its sole cost, risk and expense of trimming all trees which overhang said streets in such a manner and to such an extent as will prevent the branches or limbs or other parts of such trees from touching or interfering with its facilities; providing no such trees shall be trimmed or cut back further than may be necessary to prevent such interference and to allow the proper operation and maintenance of said facilities.

SECTION 4: Grantee shall furnish for public and private use during the term hereof and under the conditions of this franchise, telephone service at the rates and prices and in accordance with tariffs filed and fixed by the Public Service Commission of the State of Wyoming or approved by said Commission and in accordance with the laws and Constitution of the State of Wyoming.

SECTION 5: As a consideration for all franchise rights and contractual privileges granted by the City under the franchise hereby granted, Grantee shall pay to the City an amount equal to five percent (5 %) of Grantee's gross revenue as said term is defined herein. Such payments shall be made monthly on or before the twentieth(20th) day of each month during the term hereof and shall be computed upon the gross operating revenue accrued during the previous month or portion thereof. The term "Gross Revenue" as used herein shall mean and be construed as Grantee's gross operating revenue accruing during the preceding month or fraction thereof from the sale of local telephone exchange service within the corporate limits of the City, after deducting therefrom any amounts paid by Grantee to the United States or to the State of Wyoming as excise or business taxes upon the sale of telephone service in the City. The amounts so payable by Grantee shall not be in addition to any other license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from Grantee in respect to Grantee's telephone business or of the exercise of this franchise within the corporate limits of the City, and the amount of any such license, occupation, franchise, or excise taxes or other charges for corresponding periods shall be reduced by deducting therefrom the franchise fee or charge payable hereunder by Grantee; provided that this provision shall not apply or pertain to lawful and valorem taxes levied by the City or other public authority against Grantee's property within the City.

SECTION 6: Grantee hereby agrees and covenants to indemnify and save harmless the City and officers thereof against and from any and all claims, and all damages, cost and expense to which it or they may be subjected by reason of any acts or neglects of Grantee, or its agents or servants, in any manner arising out of

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the construction, maintenance or operation of any property of Grantee in or on any of said streets.

SECTION 7: Grantee will furnish City with a current map showing the location of all of Grantee's facilities now located within the City limits on demand by City, and said map shall be kept current by Grantee at Grantee's expense.

SECTION 8: Performance of Grantee's obligations hereunder shall be subject to and suspended during prevention thereof or interference therewith, by action of or under governmental authority claiming jurisdiction, or by Acts of God, adverse weather, supply, labor or other conditions shall not relieve Grantee from any monthly payment aforesaid to the City, and providing further that as soon as the act or actions or other conditions causing the suspension have been removed or cease to exist, Grantee shall forthwith resume the suspended operations.

SECTION 9: The officers, agents, or representatives of the City shall have the right at all reasonable hours and times to examine the books and records of Grantee which are subject to the provisions of the Ordinance and to make copies of the entries or contents thereof.

SECTION 10: This Ordinance, upon becoming effective, repeals Ordinance No. 755 (Worland City Code Appendix D) and all ordinances and parts of ordinances in conflict herewith.

SECTION 11: If any portion of this Ordinance is held or found to be invalid, the remainder of the Ordinance shall continue to be in full force and effect.

SECTION 12: This ordinance shall take effect on July 1, 2019, after having been published in the Northern Wyoming News.

PASSED ON FIRST READING May 7, 2019.

PASSED ON SECOND READING May 21, 2019.

PASSED, APPROVED AND ADOPTED ON THE THIRD AND FINAL READING June 4, 2019.

CITY OF WORLAND, WYOMING
A Municipal Corporation
By:
James R. Gill - Mayor

ATTEST:
Tracy A. Glanz - City Clerk

June 20, 2019