

ARTICLE 11.800 RENTAL FOR USE OF STREETS: ELECTRIC, TELEGRAPH, AND TELEPHONE COMPANIES, ETC.

Sec. 11.801 To File Report August 1

All persons, associations, organizations, and corporations, except distributors of natural gas, using or maintaining any telegraph, telephone, electric light or other poles, and other fixtures in any of the streets, highways, easements, alleys, parks, or other places within the corporate limits of the City of Abernathy, Texas, shall on the 1st day of August of each and every year file with the city secretary a sworn report showing the gross receipts from the business conducted by such persons, associations, organizations and corporations within the corporate limits of the said city for the preceding year ending June 30th. (1974 Code, Chapter 14, Article 8, Section 14-71)

Sec. 11.802 City may have Books and Records Examined

The city council may when it may see fit have the books and records of the person, association, organization, or corporation rendering the statement required in Section 11.801 of this article examined by a representative of the city to ascertain whether such statement is accurate, but nothing in this article shall be construed to prevent the city from ascertaining the facts by any other method. (1974 Code, Chapter 14, Article 8, Section 14-72)

Sec. 11.803 To Pay Rental

Upon the 1st day of August of each and every year, every person, association, organization, or corporation, except distributors of natural gas, occupying or using the streets, highways, easements, alleys, parks or other public places in the City of Abernathy, Texas, with poles and other fixtures shall as a condition to such further occupancy pay to the city annually for such privileges a rental equal to two (2%) per cent of the gross receipts received by such person, association, organization, or corporation from its business conducted in the corporate limits of the City of Abernathy, Texas, for the preceding year, which sums shall be paid to the City of Abernathy, Texas. (1974 Code, Chapter 14, Article 8, Section 14-73)

Sec. 11.804 Receipt to be Given to Payee

Upon receipt of the above rental, the city secretary shall deliver to the person, association, organization, or corporation paying the same a receipt for such rental, which said receipt shall authorize such person, association, organization, or corporation to use and occupy the streets, highways, easements, alleys, parks and other public ways of the city in carrying on its business for twelve (12) months from August 1st of such year. (1974 Code, Chapter 14, Article 8, Section 14-74)

Sec. 11.805 Rental Not a Tax, Etc.

The rental for the privilege of using the streets, alleys, highways, easements, and public places of the City of Abernathy, provided for in this article is not charged as a tax but is made for the privilege now enjoyed and to be enjoyed by such persons, associations, organizations, and corporations of using the streets, easements, alleys, and other public ways of the city in the conduct of their respective businesses; and such charges are additional to all ad valorem and franchise taxes and to all taxes of every nature whatsoever against the persons, associations, organizations or corporations mentioned herein. (1974 Code, Chapter 14, Article 8, Section 14-75)

Sec. 11.806 Not to Relieve Corporations, Etc., of any Condition, Restriction, or Requirement

Nothing herein is intended to relieve any person, association, or organization, or corporation of any condition, restriction or requirement imposed by any law or ordinance of the said City of Abernathy, Texas. (1974 Code, Chapter 14, Article 8, Section 14-76)

Sec. 11.807 Article does not Grant Franchise

This article does not grant a franchise to any utility or person, association, organization or corporations to use the streets, easements, alleys and other public ways, and shall never be so construed by the courts or otherwise, and the city reserves the right to cancel the privileges granted hereunder and refund the unearned rentals paid the city. (1974 Code, Chapter 14, Article 8, Section 14-77)

Sec. 11.808 City Reserves Right to Adopt Other Regulations

The City of Abernathy hereby reserves the right to put into effect at any time other restrictions and regulations as to the erection and maintenance of poles, wires, and other appurtenances in the streets, easements, alleys and other public ways of the said city and from time to time to require such poles, wires and other property, equipment and fixtures as it may deem proper to be removed and to require wires to be run in conduits on such terms as the city may deem proper. (1974 Code, Chapter 14, Article 8, Section 14-78)

Sec. 11.809 Penalty for Operation Without Payment

Every person, association, organization, and corporation who shall operate any business without payment of the rentals provided for herein shall be subject to a penalty in accordance with the general penalty provision found in Section 1.106 of this code for each and every day that such persons, association, organization, or corporation shall conduct such business using and occupying the streets, easements, alleys, or other public ways of the City of Abernathy without the payment of the said rentals, which said sum may be recovered by the City of Abernathy in a court of competent jurisdiction by a suit filed therein. (1974 Code, Chapter 14, Article 8, Section 14-79)

Sec. 11.810 Penalty for Failure to Make Report or Permit Examination of Records

Every person, association, organization, or corporation and the local manager or agent of every such person, association, organization or corporation failing or refusing to make the report required by Section 11.801 of this article, or failing or refusing to allow the examination provided for in Section 11.802 herein shall upon conviction in the Municipal Court of the City of Abernathy, Texas, be fined in accordance with the general penalty provision found in Section 1.106 of this code, and every day's failure or refusal, as mentioned in this section, shall be deemed a separate offense. (1974 Code, Chapter 14, Article 8, Section 14-80)

Sec. 11.811 City Officials to Examine and Inspect

The city fire marshal, building inspector, electrical inspector, city's police officers, and such other persons designated by the city, shall have power and it shall be their duty to examine and inspect from time to time all telegraph, telephone, electric light or other poles, and other fixtures in the public places within the city for the purpose of seeing that all of same are in a safe and suitable condition, and whenever any such item is found to be unsafe or unsuitable for the purpose for which it is used, the person using, possessing or maintaining same shall be notified and required to place same in a safe and suitable condition. (1974 Code, Chapter 14, Article 8, Section 14-81)