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CERTIFICATION

I, Olin E. Sheppard, Clerk of the City of Roanoke, Alabama, hereby certify that the above and foregoing Ordinance No. 545, was passed and adopted by the City Council of the City of Roanoke, Alabama, on the 28th day of April, 1975, and was herein recorded and was published in The Roanoke Leader, a newspaper of general circulation in the City of Roanoke, Alabama, on the 30th day of April, 1975.

(Sn) Olin E. Sheppard  
City Clerk

ORDINANCE NO. 546

AN ORDINANCE GRANTING A FRANCHISE TO ROANOKE TELEPHONE COMPANY, INC. TO CONDUCT AND OPERATE A BUSINESS AND SYSTEM FOR THE FURNISHING OF TELEPHONE SERVICES IN THE CITY OF ROANOKE, ALABAMA, AND TO USE THE PUBLIC STREETS AND WAYS OF THE CITY IN CONNECTION THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA AS FOLLOWS:

Section 1. Whereas, by Ordinance No. 394 adopted February 12, 1951, the City Council of the City of Roanoke, Alabama, granted a franchise to Rowena Ethel Cauthen, her heirs, administrators, executors and assigns, to operate and conduct a telephone business and system in the City of Roanoke, with all rights incident thereto, for a period of thirty (30) years from the date thereof; and, whereas, the said Rowena Ethel Cauthen did cause to be formed a corporation known as Roanoke Telephone Company, Inc., and did assign and transfer said franchise to said corporation; and, whereas, said Roanoke Telephone Company, Inc. is an Alabama corporation having its principal place of business in Roanoke, Alabama; and, whereas, the said Rowena Ethel Cauthen and said Roanoke Telephone Company, Inc. have invested and expended large sums of money in constructing, maintaining and operating such business in the City of Roanoke since that date pursuant to said franchise;

and, whereas, said Roanoke Telephone Company, Inc. is desirous of continuing to operate said business and to properly maintain and expand its services and to that end will incur future expenses and long-term indebtednesses; and, whereas, said company has applied for and needs a new franchise extending its right to conduct said business beyond the expiration of the present franchise and is willing to waive and relinquish the remaining term of the present franchise upon the granting of a new franchise as hereinafter provided; now, therefore, the City Council determines that it would be of great benefit to the City of Roanoke and to the inhabitants thereof that telephone services continue to be provided within the City of Roanoke, in accordance with this franchise.

Section 2. In consideration thereof, Roanoke Telephone Company, Inc., an Alabama corporation having its principal place of business in Roanoke, Alabama, hereinafter called the Grantee, is hereby granted the right and authority to construct, erect, install, renew, repair, maintain, operate and conduct in the City of Roanoke a telephone business and system, and to sell the services thereof, and to construct, erect, suspend, install, renew, repair, maintain and use such poles, wires, equipment and other apparatus as may be necessary in maintaining, operating and conducting said telephone business and system in, under, over, along, upon and across all streets, avenues, alleys, ways, bridges and public places in said City as now erected or as may be hereafter erected; together with the right, privilege and franchise to construct, erect, suspend, install, renew, repair, maintain, operate and use such poles, wires, equipment, cables and other apparatus necessary for the operation of a telephone system capable of serving within and beyond the limits of said City, including the extending of said lines beyond the limits of said City, and for all other legal purposes for which a telephone

business and system may now or hereafter be operated.

Section 3. All poles, cables, fittings, lines and appurtenances shall be so constructed and maintained so as not to unreasonably or negligently interfere with the proper and safe use by the public of the streets, avenues, alleys, ways, bridges and public places in said City.

Section 4. Whenever the Grantee shall cause an opening or alteration in any street, avenue, way alley, bridge or public place of said City for the purpose of installing, maintaining, operating or repairing any poles, cables or other appliances, the work shall be completed within a reasonable time, and the Grantee shall upon completion of such work restore such portion of the street, alley, avenue, way, bridge or other public place to as good condition as it was before the opening or alteration was so made.

Section 5. The Grantee shall protect and save harmless the City of Roanoke, its agents, servants, employees, successors and assigns, from any and all claims, debts, demands, damages and liability for and on account of injury or damage to any person or property caused by or arising out of the condition of any streets, avenues, alleys, ways, bridges and public places in the City of Roanoke which shall result from the installation, maintenance, operation, repair or use of any poles, wires, cables, equipment, appliances, vehicles or other apparatus belonging to or under the control of Grantee, and shall pay and reimburse the City of Roanoke for any expenses, payments or liabilities incurred in the defense of or satisfaction of any claims, demands or judgments which it may sustain by reason thereof. The City of Roanoke may require the Grantee to provide and maintain sufficient public liability or other insurance with some company authorized to do

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business in the State of Alabama satisfactory to the City of Roanoke to protect the City of Roanoke and to insure Grantee's liability hereunder, the amount thereof to be determined by the City of Roanoke, but not to exceed One Million Dollars.

Section 6. The Grantee may from time to time, declare, make and enforce lawful and reasonable rules and regulations as a condition for the sale of telephone service to any person, firm or corporation.

Section 7. In the event the operation of said telephone system should be interrupted or fail by reason of an accident or other causes beyond the reasonable control of the Grantee, the Grantee shall restore the service within a reasonable time and such interruption shall not constitute a breach of this franchise, nor shall the grantee be liable for damages by reason of such interruption or failure caused by accident or other causes beyond the reasonable control of the Grantee. In the event Grantee, its successors or assigns, shall fail to continuously operate said business in the City of Roanoke, except for temporary interruption as provided above, this franchise shall terminate.

Section 8. This franchise shall be transferable or assignable by the grantee and may be pledged as security for debt. Such successors or assigns shall be bound by all the conditions hereof.

Section 9. The Grantee shall within sixty (60) days after the adoption of this ordinance file a written acceptance of the ordinance with the City Clerk. By the acceptance hereof, Grantee waives and surrenders the remaining or unexpired term of the present franchise owned by said Grantee.

Section 10. Grantee shall be required to pay the cost of publication of this ordinance as provided by law.

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Section 11. The term of the franchise herein granted is for a period of thirty (30) years from the date hereof; provided, however, the City of Roanoke, Alabama, shall have the right to revoke this franchise for lawful cause.

Section 12. All ordinances and parts of ordinances in conflict with this ordinance and the enactment and adoption hereof, to the extent of such conflict, are hereby repealed.

Section 13. This ordinance shall be in force and effect upon its passage and publication or as otherwise provided by law.

Adopted this 28th day of July, 1975.

(Sn) Tommy Hill  
Mayor Pro Tem

ATTEST:

(Sn) Olin E. Sheppard  
City Clerk

I, Olin E. Sheppard, as City Clerk of the City of Roanoke, Alabama hereby certify that the foregoing ordinance was passed and adopted by the Mayor and City Council of the City of Roanoke, Alabama on the 28th

day of July, 1975, and was herein recorded and was published in The Roanoke Leader of general circulation in the City of Roanoke, Alabama on the 30th day of July, 1975.

(Sn) Olin E. Sheppard  
City Clerk

ORDINANCE NO. 547

AN ORDINANCE AMENDING ORDINANCE NO. 431 TO INCREASE THE AMOUNT OF THE LICENSE TAX LEVIED ON PERSONS, FIRMS, CORPORATIONS AND OTHERS ENGAGED IN THE BUSINESS OF SELLING, STORING OR DELIVERING CIGARETTES WITHIN THE CORPORATE LIMITS OF THE CITY OF ROANOKE AND ITS POLICE JURISDICTION; AND TO FIX THE AMOUNT OF COMPENSATION TO WHOLESALE DEALERS FOR AFFIXING THE TAX STAMPS; AND TO FIX THE EFFECTIVE DATE OF THESE AMENDMENTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, ALABAMA AS FOLLOWS:

Section 1. Section 2 (a) of Ordinance No. 431 is amended to