

ORDINANCE NO. 95-2
12-97
TOWN OF CHATHAM, LOUISIANA

GRANTING TO CENTURY TELEPHONE COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO USE AND OCCUPY THE PUBLIC ROADS, HIGHWAYS, STREETS, ALLEYS, SIDEWALKS AND OTHER PUBLIC PLACES IN THE TOWN OF CHATHAM, LOUISIANA, FOR A PERIOD OF TEN YEARS, FOR THE PURPOSE OF ERECTING, CONSTRUCTING, MAINTAINING, AND OPERATING LINES OF TELEPHONE THEREON AND THEREUNDER AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SECTION 1. BE IT ORDAINED by the Mayor and Town Council of the Town of Chatham, Louisiana, that the Century Telephone Company, its successors or assigns, shall be and is hereby granted the right in the Town of Chatham, Louisiana, to conduct a business of furnishing telephone service and any business incident thereto and to erect, construct, maintain and operate a telephone system, including the necessary poles, conduits, lines, cables, electrical conductors, and other fixtures and such other telephone apparatus and appurtenances of whatever nature necessary for the furnishing of telephone service, upon, along, under, over and across all of the public roads, highways, streets, alleys, sidewalks, and other public places of said Town of Chatham for the purpose of conducting such business and as may be from time to time required in connection therewith.

SECTION 2. BE IT FURTHER ORDAINED that the poles, conduits, lines, cables, electrical conductors, and all other fixtures, apparatus and appurtenances used by the Century Telephone Company shall in the conduct of its business, be so placed and maintained at all times so as not to interfere with the travel on or use of said public roads, highways, streets, alleys, sidewalks and public places.

SECTION 3. BE IT FURTHER ORDAINED that the Century Telephone Company shall replace or properly relay and repair such portion of any public road, highway, street, alley, sidewalk or other public place that may be displaced by reason of the erection, construction, or maintenance of any of its poles, or underground conduits, and upon failure of the Century Telephone Company to do so, after twenty days notice in writing shall have been given by the Mayor of the Town of Chatham to the Century Telephone Company, the Town of Chatham may repair such portion of the public road highway, street, alley, sidewalk or public place that may have been disturbed by the

Century Telephone Company and collect the cost of said repairs from the Century Telephone Company.

SECTION 4. BE IT FURTHER ORDAINED that the Century Telephone Company shall indemnify, defend and hold harmless the Town of Chatham from and against any and all losses, claims, suits, damages, liabilities, and expenses, including without limitation reasonable attorney fees and court costs, based upon, arising out of, or attributable to the doing of any work by Century Telephone Company herein authorized or the neglect of Century Telephone Company or any of its agents or employees to comply with an ordinance regulating the use of the public roads, highways, streets, alleys, sidewalks, and other public places of the Town of Chatham, provided the Town of Chatham shall give written notice to Century Telephone Company of each claim and each suit for such damages within a period of thirty days after it has been notified hereof.

SECTION 5. BE IT FURTHER ORDAINED that in consideration of the rights and privileges herein granted, the Century Telephone Company shall during the term of this franchise and effective on the 1st day of January, 1996 pay quarterly to the Town of Chatham an amount equivalent to two percent of its gross revenue derived from its exchange station service rendered within the said Town of Chatham, such quarterly installments to be paid within thirty (30) days following the expiration of the quarter for which same are payable and as an additional consideration the grantee shall provide free to the Town of Chatham free local access lines for the following telephone numbers said free service not to be extended to long distance toll calls, the telephone numbers being set forth as follows:

249-2541
249-3792
249-3300

SECTION 6. BE IT FURTHER ORDAINED that the rights and privileges herein granted shall be subject to all existing police ordinances of the Town of Chatham not inconsistent herewith, as well as all other ordinances, hereafter passed not inconsistent herewith.

SECTION 7. BE IT FURTHER ORDAINED that the terms of this franchise shall be for a period of ten years from and after the date of its passage and publication.

SECTION 8. BE IT FURTHER ORDAINED that this franchise shall not be exclusive.

SECTION 9. BE IT FURTHER ORDAINED that the Century Telephone Company shall file with the Town Clerk of the Town of Chatham its acceptance of this ordinance within sixty days from the date when it shall take effect, and upon filing of such

acceptance the terms and provisions of this ordinance shall thereafter be binding upon the Century Telephone Company.

SECTION 10. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed. The promulgation and its acceptance in writing by the Century Telephone Company for itself, its successors and assigns.

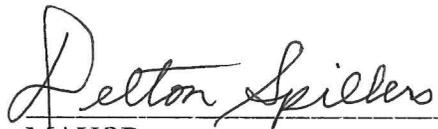
The foregoing ordinance was read and considered section by section and as a whole, and thereupon, on motion of MARVIN DAVIS, seconded by SHIRLEY HENDERSON, the said ordinance was adopted section by section and as a whole by the following votes:

YEAS: 5

NAYS: None

ABSTAIN: None

The foregoing ordinance was thereupon declared adopted by the Mayor and was approved and signed by him on the 10th day of October, 1996 and ordered published.


MAYOR

ATTEST:


TOWN CLERK