

~~5-12-02~~ 6-19-12

Ordinance No. 5-12-02

**ORDINANCE ADOPTING FRANCHISE FEES FOR UTILITY COMPANIES
FURNISHING ELECTRIC, NATURAL GAS, WATER AND/OR SEWER
SERVICES WITHIN THE MUNICIPAL LIMITS OF LAURENS, SOUTH
CAROLINA**

WHEREAS, the City of Laurens, South Carolina, pursuant tattle Constitution and Statutes of South Carolina, is authorized to grant franchises and to impose franchise fees for the use of public streets and rights-of-ways within its corporate limits for the provision of public utilities; and

WHEREAS, pursuant to Article VIII Section 16 of the Constitution of South Carolina, the City of Laurens owns and operates through the Laurens Commission of Public Works its own utility systems, including electric and gas utilities; and

WHEREAS, it is the policy of the City of Laurens that all water, sewer, gas, and electric utility customers within the City of Laurens be served by the Laurens Commission of Public Works unless specific consent is granted by ordinance to another utility to serve a particular customer due to extraordinary circumstances or unless another utility has a legal right to serve a customer within the City of Laurens by operation of law, such as by annexation of premises already being served; and

WHEREAS, other utility companies presently do serve certain premises and customers within areas that have been annexed into the corporate limits of the City of Laurens without the consent of the City of Laurens to use the public streets and rights-of-way and without the payment of a franchise fee on the revenue earned by the use of such public streets and rights-of-way; and

WHEREAS, the within ordinance shall be binding on and applicable to all utility companies not owned by the City of Laurens or its Commission of Public Works to the extent that such companies derive income from the sale of utility services within the corporate limits of City; and

WHEREAS, the Laurens Commission of Public Works will transfer the same percentage of its gross revenues derived from sales of utility services within the municipal limits into the treasury of the City pursuant to a separate agreement.

NOW, THEREFORE, this ordinance is enacted imposing a franchise fee on an revenue earned by all utility companies not owned by the City of Laurens or its Commission of Public Works from operations and sales within all areas that lie within or shall hereafter be annexed into the corporate limits of the City of Laurens.

1. **FRANCHISE FEE.** There is hereby imposed upon each and every utility company providing public utility services within the corporate limits of the City of Laurens, and not owned by the City of Laurens or its Commission of Public Works. a franchise fee equal to five percent (5%) of its gross revenues derived from sales of utility services within the corporate limits


of the City Of Laurens.


2. ACCOUNTING. On or before the 60th day following the end of each calendar quarter, each utility company providing public utility services within the corporate limits of the City of Laurens will pay to the treasurer of the City of Laurens a sum of money equal to five percent (5%) of its gross revenues derived from sales of utility services within the corporate limits of Laurens, whether residential, general service, or industrial accounts, or however designated, for the previous calendar quarter. If the first period of service from the effective date of this ordinance is less than a full calendar quarter, then the first franchise fee payment to the City hereunder shall be for that part of the quarter from the effective date of this ordinance to the end of that calendar quarter.

3. NOT A GRANT OF CONSENT. The enactment of this ordinance does not constitute any consent to use the streets, public rights-of-way, or public property within the corporate limits of the City of Laurens. It is the intent of this ordinance to impose a franchise fee on revenue from sales by utility companies not owned by the City of Laurens or its Commission of Public Works to customers or premises that they are lawfully serving or can lawfully serve without the consent of the City, whether in the existing corporate limits or in areas that may be annexed in the future, and sales to any customers or premises served pursuant to specific consent that may have been granted or may be granted hereafter by separate ordinance.

BE IT SO ORDAINED.

Done in council duly assembled this 22 day of May, 2012.

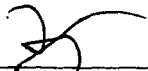

Sharon P. Brownlee, Mayor


Gary Coleman, City Clerk

Date of first reading: May 22, 2012

Date of second reading: ~~June 19~~ June 19, 2012

Approved as to form: May 22, 2012


Thomas J. Thompson,
City Attorney