

ORDINANCE NO. 3-22
OF THE CITY OF AUBURN, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE ADDING SECTION 111.06 TO THE CITY OF AUBURN, NEBRASKA CODE OF ORDINANCES; TO SET THE FRANCHISE FEE FOR COMBINED UTILITIES FOR THE CITY OF AUBURN WITH EXCLUSIONS THERETO; TO REPEAL ALL ORDINANCES, RESOLUTIONS, OR PARTS THEREOF IN CONFLICT HERewith; TO MAKE SEVERABLE PROVISIONS HEREIN; AND TO DECLARE AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUBURN, NEBRASKA:

SECTION 1. Ordinance No. 3-22 of the City of Auburn, Nebraska, adding § 111.06 to the City of Auburn, Nebraska Code of Ordinances as follows:

“City Code § 111.06 COMBINED UTILITIES FRANCHISE FEES.

(A) There is hereby assessed a franchise fee for the distribution of electricity for sale in an amount equal to three percent (3%) of the gross receipts derived from the business of distributing and selling electricity. Payment shall be made to the City Clerk monthly.

(B) There is hereby assessed a franchise fee for the distribution of water for sale in an amount equal to three percent (3%) of the gross receipts derived from the business of distributing and selling water. Payment shall be made to the City Clerk monthly.

(C) There is hereby assessed a franchise fee for the processing of sewer in an amount equal to three percent (3%) of the gross receipts derived from the business of processing sewer. Payment shall be made to the City Clerk monthly.

(D) City and Board of Public Works accounts are excluded from provisions (A), (B), & (C) above.

(E) Pursuant to City Resolution No. 21-11, adopted September 12, 2011, Industrial facilities within the city limits of the City of Auburn, Nebraska with at least One Hundred (100) full-time employees, shall be exempt from paying such fees herein and shall be excluded provisions (A), (B), & (C) above.

Ordinance reference: Ordinance No. 9-02, adopted June 10, 2002.

Resolution reference: Resolution No. 21-11, adopted September 12, 2011”

SECTION 2. That original City Ord. No. 9-02 of the City of Auburn, Nemaha County, Nebraska, remains in full force and effect, EXCEPT as amended herein within Section 4(f) of Ord. No. 9-02.

SECTION 3. All other Ordinances, Resolutions, or parts thereof passed and approved prior to the passage, approval and publication or posting of this Ordinance that are in conflict herewith, are hereby repealed.

SECTION 4. Provisions Severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are hereby declared to be severable.

SECTION 5. In accordance with City Code § 35.07, this Ordinance shall be in full force and effect fifteen days from and after its passage, approval.

Passed and Approved by City Council on this 10th Day of January 2022, by the following votes:

Tom Clark (Ward 1) Aye: x Nay: Absent: Abstain:

Shawn Clark (Ward 1) Aye: x Nay: _____ Absent: _____ Abstain: _____
 Katy Billings (Ward 2) Aye: x Nay: _____ Absent: _____ Abstain: _____
 Rick Janssen (Ward 2) Aye: x Nay: _____ Absent: _____ Abstain: _____
 Chris Erickson (Ward 3) Aye: x Nay: _____ Absent: _____ Abstain: _____
 Jeff Jeanneret (Ward 3) Aye: x Nay: _____ Absent: _____ Abstain: _____


 R. Daniel White, Mayor of
 City of Auburn, Nebraska

ATTEST:




Sherry Westcott, Municipal Clerk
 of City of Auburn, Nebraska
 Approved as to Form & Legality:


 City Attorney

1-10-22
 Date