

HART FISCAL COURT

ORDINANCE NO. 450.7

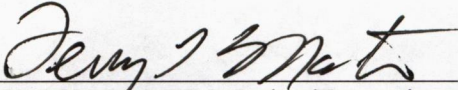
AN ORDINANCE REQUIRING ENTITIES WISHING TO OPERATE CABLE TELEVISION AND TELECOMMUNICATIONS OPERATIONS OR ACTIVITIES IN HART COUNTY, KENTUCKY.

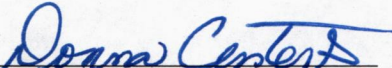
BE IT ORDAINED BY THE HART FISCAL COURT AS FOLLOWS:

1. The Hart Fiscal Court faces the loss of certain tax revenues from franchise fee taxes on cable television and telecommunications companies due to changes in the tax modernization bill (HB 272/EN).
2. In order to avoid this loss of revenue, it is HEREBY ORDAINED that the Fiscal Court shall charge a franchise fee for all entities doing business in the cable television or telecommunications business at the rate of 5% of gross revenues.
3. An entity purchasing a franchise fee shall pay the Fiscal Court 5% of gross monthly receipts for cable television or telecommunication services provided to all subscribers located within the grantor. The payment must be made within 90 days of the end of each calendar year.
4. Every entity wishing to engage in the business of providing cable television or providing telecommunication services within Hart County, Kentucky shall do so only upon the grant of a non-exclusive franchise to that entity made by the Hart Fiscal Court. Such franchises shall be granted for a period of twenty years, and shall be reduced to writing on a form to be devised by the Hart Fiscal Court. Said franchise agreements must be signed within 90 days of the effective date of this ordinance.
5. Remedies – In the event that any entity wishing to provide cable television or telecommunication services in Hart County, Kentucky breaches the terms of this ordinance or breaches the terms of any franchise agreement entered into pursuant to this ordinance shall be subject to remedies available to the Hart Fiscal Court which shall include any of the following, or any combination thereof:
  - A. Termination of the franchise.
  - B. The bringing of any legal proceedings to enforce this ordinance or franchise agreement, including but not limited to injunctions, specific performance, or other equitable remedies.

- C. A penalty in addition to the amounts owed under the franchise ordinance in the amount of \$1000.00 per day for each continuing violation.
  - D. Interest on all unpaid amounts at the rate of 12% per annum.
  - E. Any other remedy allowed by applicable law.
6. Definitions – For the purpose of this ordinance cable television shall refer to television systems capable of transmitting local, regional or network television broadcasts by means other than through the airways by traditional television broadcast or by satellite broadcasts. Telecommunications operations or services include competitive access providers; customer owned coin operated telephones; personal communication or pager services; telephone services including telephone companies and rural telephone cooperatives; telephone tower companies; local telephone exchanges; cellular telephone equipment and operations; telephone interLata long distance services; telephone operator services; mobile telephone services; telephone reseller of watts service.

This 16 day of June, 2005.

  
TERRY MARTIN, Judge/Executive  
Hart Fiscal Court

  
CLERK, Hart Fiscal Court

ORDINANCE NO. KOC 450.7

AN ORDINANCE RELATING TO THE GRANT TO U.S. CABLE TELEVISION GROUP, L.P., ITS SUCCESSORS AND ASSIGNS, OF A NON-EXCLUSIVE FRANCHISE TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE COMMUNITY ANTENNA TELEVISION SYSTEM FACILITIES AND ADDITIONS THERETO, IN, UNDER, OVER, ALONG, ACROSS AND UPON THE STREETS, LANES, AVENUES, ALLEYS, SIDEWALKS, BRIDGES, HIGHWAYS, PARKING LOTS AND OTHER PUBLIC FACILITIES IN HART COUNTY, KENTUCKY FOR THE PURPOSE OF TRANSMISSION AND DISTRIBUTION OF CABLE TELEVISION IMPULSES AND TELEVISION ENERGY TO THE INHABITANTS OF HART COUNTY, KENTUCKY, REGULATING THE SAME, AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ordinance No. KOC 450.1 of the Fiscal Court of Hart County, Kentucky (the "County"), the County created a non-exclusive Franchise for a CATV system in the unincorporated area of Hart County, Kentucky as defined in said Ordinance (a "Non-exclusive Franchise");

WHEREAS, in compliance with the requirements of Ordinance No. KOC450.1 and the law of the Commonwealth of Kentucky, the County awarded a franchise to C4 Media Cable Mid-South Limited Partnership by Ordinance No. KOC 450.2;

WHEREAS, C4 Media Cable Mid-South Limited Partnership assigned its rights to U.S. Cable Television Group, L.P. ("U.S. Cable") upon notice to the County by letter dated December 9, 1987; and

WHEREAS, U.S. Cable and the County desire to amend Section 7 (A) of Ordinance No. KOC 450.1.

BE IT ORDAINED, by the Fiscal Court of Hart County, Commonwealth of Kentucky as follows:

Section 1. Effective January 1, 1993, Section 7 (A) of Ordinance No. KOC 450.1 is amended to read as follows:

(A) Each Grantee shall pay to the County a franchise fee equal to not less than five percent (5%) with the County accepting the highest and best bid received of the Grantee's gross annual subscriber revenues from "basic cable television service", which term as defined and used in this ordinance, shall mean the CATV system's primary service level and, therefore, shall not include optional or incidental services, movie channel services, or other premium services.

Section 2. All other terms contained in Ordinance No.

KOC 450.1 which are not amended this Ordinance shall remain in full force and effect.

Section 3. This Ordinance is hereby declared to be a measure in the interest of public peace, health, welfare and safety, and shall therefore go into immediate effect upon its passage, adoption, and publication as required by law, and upon execution by Grantor of an Acceptance of this Ordinance.

Published prior to passage on the 10<sup>th</sup> day of April, 1993.

Read and approved on first reading on the 1<sup>st</sup> day of April, 1993.

Read and approved on second reading on the 15<sup>th</sup> day of April, 1993.

FISCAL COURT OF HART COUNTY

BY: Vince Long  
Hart County Judge/Executive

ATTEST:

HART COUNTY CLERK

Tammie Gray

CAF1001/246-247

450.7

HART COUNTY SOLID WASTE MANAGEMENT DISTRICT  
REGULATION 6.00

A REGULATION BANNING YARD WASTE FROM THE DISTRICT'S WASTE STREAM

WHEREAS, the Hart County Solid Waste Management District (DISTRICT) is required by the mandate of KRS 224 to reduce the volume of solid waste entering the DISTRICT's waste stream; and

WHEREAS, leaves, grass and shrubbery trimmings (Yard Waste) make up a significant amount of the DISTRICT's waste stream; and

WHEREAS, the County-wide solid waste franchise does not require the Franchisee to pick up yard waste and further, that yard waste generated in the mandated pick-up areas of Hart County will be collected and recycled by the DISTRICT in to a useable by-product; NOW, THEREFORE

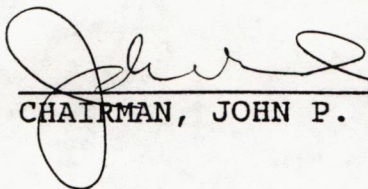
BE IT ORDAINED by the Hart County Solid Waste Management District that no yard waste generated in Hart County shall be disposed of in the Glasgow City Landfill. Yard wastes shall be placed at the curbside of residents in mandated collection areas of the county and collected by the DISTRICT for composting.

The effective date of this Regulation shall be the date of its publication in the Hart County News Herald.

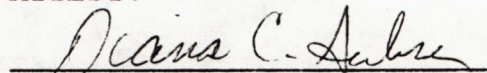
First reading given on the 16th day of June, 1993; Second reading given on the 14<sup>th</sup> day of July, 1993.

Published in the Hart County News Herald on the 19<sup>th</sup> day of July, 1993.

Executed this 14<sup>th</sup> day of July, 1993.

  
CHAIRMAN, JOHN P. NILAND

ATTEST:

  
SECRETARY, DIANA AUBREY