

VILLAGE OF SPENCER, OHIO

ORDINANCE NO. 10-83

AN ORDINANCE GRANTING TO MULTI-COUNTY CABLEVISION, INC.
A PERMIT AND LICENSE TO DO BUSINESS AS A COMMUNITY ANTENNA
TELEVISION SYSTEM IN THE VILLAGE OF SPENCER, COUNTY OF
MEDINA, AND STATE OF OHIO, AND DECLARING SAME AN EMERGENCY.

WHEREAS:

Multi-County Cablevision, Inc., an Ohio corporation, having its principal place of business in the Village of Lodi, Ohio, desires to construct and conduct the business of a community antenna television system, including all types of services which are usually, or can be, furnished by such a system in the County of Medina, Ohio, by the media or distribution and transmission through cable and/or wires commonly known as a master antenna cable system or otherwise, and,

WHEREAS:

Such contemplated cable system to a large extent would be attached to poles, cables, wires and other appurtenances which would cross over the streets, highways, alleys, sidewalks and other public lands and places in the Village of Spencer, Ohio.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF SPENCER, COUNTY OF MEDINA, AND STATE OF OHIO, its members concurring herein as follows:

SECTION I:

That there is hereby granted to Multi-County Cablevision, Inc., an Ohio corporation having its principal place of business in the Village of Lodi, Ohio, its successors and assigns, hereinafter called the Grantees, a permit and license for a period of twenty (20) years, with the option to renew this Ordinance at the conclusion of the initial twenty (20) year period, from and after the effective date of this Ordinance granting the rights/privileges to erect buildings and other structures in said municipal corporation, and to locate, construct, reconstruct, inspect, protect, maintain, repair, renew, operate, add to the number of, relocate and remove over, upon, and from the streets, highways, alleys, sidewalks, and other public lands and places, which are now presently in existence and which may exist in the future in said municipal Corporation, all necessary towers, poles, wires, lines, cables, amplifiers, apparatus, fixtures, equipment, and facilities for the purpose of reception, interception, transformation, transposition, amplification, transmission, and distribution of all electronic communications and signals including among other things, microwave, television signals, radio signals, and other related signals, to and within said municipal Corporation and to the inhabitants thereof.

SECTION II:

Provided, that such towers, poles, wires, lines, cables, amplifiers, apparatus, fixtures, equipment, and facilities shall be so erected and installed as not to interfere with traffic and the normal operation and use of said streets, highways, alleys, sidewalks, and other public lands and places; and the location of all towers, poles and other such installations shall be fixed with the prior written approval and under the supervision of said municipal corporation as to such location giving consideration to the reasonable operation of the same. Provided, further, that such locations shall not be vested interests, and the same shall be removed, or the location thereof changed, by the Grantee whenever the same restricts or

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obstructs the reasonable use and operation, present or future, of said streets, highways, alleys, sidewalks, and other public lands and places.

SECTION III:

That a permit and license is hereby granted to said Grantee, its successors and assigns, to attach or otherwise affix cable, wires, equipment and other attachments to the poles and facilities of any public utility even though the same may be in, upon or over the streets, highways, alleys, sidewalks, and other public lands and places of said municipal Corporation. Provided, however, that the said Grantee, its successors and assigns, shall secure the permission and consent of said public utility to make such attachments prior to so doing.

SECTION IV:

That all streets, highways, alleys, sidewalks, and other public lands and places disturbed or damaged by the Grantee, its successors and assigns, in the exercise of any of the rights and privileges herein granted shall be repaired by the Grantee, its successors and assigns, at its own expense according to the specifications of said municipal Corporation.

SECTION V:

That the Grantee, its successors and assigns, shall be subject to all ordinances which are now in effect, or which may hereinafter be enacted, regarding said streets, highways, alleys, sidewalks, and other public lands and places.

SECTION VI:

That the Grantee, its successors and assigns, by its acceptance of this permit and license, shall agree to hold said municipal Corporation harmless from all claims of damage arising out of exercise of the rights and privileges herein granted, and shall procure liability insurance with the said municipal Corporation as co-insured, in the amount of \$250,000.00/\$500,000.00.

SECTION VII:

That the Grantee, its successors and assigns, shall notify in writing the municipal Corporation of its intention to proceed hereunder within a period of not to exceed six (6) months from and after the effective date of this Ordinance, otherwise, said permit and license shall be void and of no force and effect. Provided, however, that such written notice of Grantee's intention to proceed hereunder, when served, upon said municipal Corporation, shall entitle it to commence the exercise of the rights and privileges granted hereunder, provided further, that the Grantee, its successors and assigns, must complete the installation of the construction of the community antenna television system in said municipal Corporation and have same operational within a total period of twelve (12) months after service of said written notice of intention to proceed; otherwise, said permit and license shall be void and of no force and effect.

SECTION VII:

Any Ordinances inconsistent with this Ordinance are hereby amended to correspond with this Ordinance.

SECTION IX:

This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the Village of Spencer and its inhabitants, and furthermore, to specifically expedite the installation of the community antenna

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television system in the Village of Spencer and to provide said citizens with an alternative television programming, and this Ordinance shall take effect and be in force immediately from and after its passage.

APPROVED:

Mayor

DATE:

December 28, 1983

PASSED:

1st reading _____

2nd reading _____

3rd reading _____

ADOPTED:

12-28-83

ATTEST:

Clerk/Treasurer

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