

ORDINANCE NUMBER 6-85

An ordinance of the Village of Spencer, Ohio, granting to Grant Cablevision Co., its successors and assigns for a term of twenty (20) years, the right to acquire, maintain and operate a Community Antenna Television and closed-circuit electronic system within the Village of Spencer, Ohio; to render, furnish, sell and distribute television and radio programs and entertainment for all purposes and environs thereof, and to use and occupy the streets, alleys, easements and other places of said Village for such Community Antenna Television and closed-circuit electronic system.

Be it ordained by the Governing Body of the Village of  
Spencer, Ohio:

Section 1. That there is hereby granted to Grant Cablevision Co., herein after called the Grantee and to its successors, lessees and assigns, for the full term of twenty (20) years from this date forward, the right, power and authority to franchise, establish, construct, acquire, maintain and operate a Community Antenna Television and closed-circuit electronic system within the Village of Spencer, Ohio; hereinafter called the Village; to render, furnish, sell and distribute television signals and programs and entertainment for all purposes, together with closed-circuit electronic service from such system to the inhabitants of the Village and its environs; and to use and occupy the streets, alleys, easements, and other public places of said Village as the same now exists or may hereinafter exist, for the Grantee's Community Television and closed-circuit electronic system, including the right to enter and construct, erect, locate, relocate, repair and rebuild in, on, under, along, over and across the streets, alleys, easements and other public places of said Village, all towers, poles, cables, amplifiers, conduits and other facilities owned, leased or otherwise used by the Grantee for the furnishing of a Community Antenna Television and closed-circuit electronic service within the Village and environs thereof during the continuance of the franchise hereby granted. The Grantee shall not be required to extend its service lines within said Village more than 200 feet from any customer service feeder lines to serve a prospective customer located within the Village.

Section 2. The Grantee's transmission and distribution system, poles, wires, and appurtenances shall be located, erected and maintained so as to not endanger or interfere with any improvements the Village may deem proper to make or hinder unnecessarily or obstruct the free public use of the streets, alleys, easements, bridges or other public property. That the Grantee's transmission and distribution system shall in no way interfere with other public utilities now in existence and in operation of said public utilities.

Section 3. The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its services under this franchise, and to assure an uninterrupted service to each and all of its customers. The Grantee shall have the right and power to fix, charge, collect and receive reasonable fees for its Community Antenna Television and closed-circuit electronic services in line with the following prescribed rates:

- (1) Initial installation to a Television receiver: \$15.00
- (2) Monthly basic service for the first receiver at any location, residential: 14.50
- (3) Monthly service fee for each additional outlet, single family dwelling: 1.50
- (4) Monthly service fee for optional 'Pay' services to first Television receiver, single family dwelling:
  - a) Home Box Office 11.95
  - b) The Movie Channel 9.95

Above rates to remain in effect during at least the first two (2) full years of operation. Grantee shall not increase the above mentioned basic rates without first petitioning the Village and obtaining approval of the Village expressed by its resolution or ordinance, which approval will not be unreasonably withheld.

Rates for commercial and multi-residential installations to be negotiated.  
 Installation charge for all optional (Pay) services to be set by Grantee.

Section 4. The Village reserves the right of reasonable regulations of the erection, construction or installation of any facility by the Grantee and to reasonably designate where such facilities are to be placed within the public ways and places.

Section 5. That in the in the event the Village shall lawfully elect to change or alter the location or grade of any street, alley, easement, or other public place, or change or relocate or replace its utility poles at any time during the existence of this franchise, the Grantee shall, upon reasonable notice given by the Village, remove, relay and/or relocate any system installation affected by such change, by and at Grantee's expense.

Section 6. That the Grantee shall, upon the request of any person holding a building or moving permit, temporarily raise or lower its wires to permit the moving of buildings and other structures, the actual and necessary expense of such temporary removal, raising, or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have the authority to request and require such payment in advance. The Grantee shall be given not less than 48 hours advance notice to arrange for such temporary wire changes.

Section 7. That the Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places and easements of the Village so as to prevent the branches of such trees from coming in contact with the wires, cables and appurtenances of the Grantee. all trimming to be done under the supervision and direction of the Village and by and at the expense of the Grantee.

Section 8. That the Grantee shall, at all times during the existence of this franchise, be subject to all lawful exercise of the police power by the Village and to such reasonable regulations as the Village shall hereafter by resolution

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Section 9. The Grantee shall give notice in writing of acceptance of this franchise within 60 days of its granting and shall commence construction of the Community Antenna Television distribution system on or before 180 days from the granting of the franchise. Further, the Grantee shall have not less than 90% of the total system completed and operational within one year of date that construction is begun, provided that no work stoppages are caused by unusually inclement weather or labor strikes.

Section 10. The Grantee shall be allowed to share the use of power poles and other poles owned by the Village as part of the privileges of this franchise.

Section 11. The Village reserves the right to establish and administer a hearing board wherein any citizens of the Village who may have reasonably requested service from the Grantee and who have not been afforded such service by the Grantee, can be heard. The Village further reserves the right to require, if after due hearing process it appears so warranted, that the Grantee correct or improve any operating deficiencies in its service to a subscriber to its service; or to provide initial service to such a citizen of the Village. And that if after 30 days the quality of the existing service or new service has not been initiated as directed by the appropriate Village board, that the Village reserves the right to terminate this franchise and rescind all rights, powers and privileges herein granted.

Section 12. The Grantee shall carry insurance for bodily injury and property damage liability of \$1,000,000 for each occurrence, \$1,000,000 aggregate. The Grantee shall submit to the Village certificates from all companies insuring the Grantee showing that the Grantee is properly insured for all liabilities, and that no such insurance shall be cancelled or changed except after thirty (30) days notice to the Village.

Section 13. The Grantee shall hold the Village harmless from all claims by companies or individuals that may hereafter arise as a result of Grantee's use of Village poles, rights of way, or other easements, or other claims that may arise as a result of the Grantee doing business within the confines of the Village, including but not limited to attorney fees.

Section 14. The Grantee shall provide at least 19 channel cable television service. Channels subject to availability and change. As practical, a Spencer origination station shall be included in the available channels.

Section 15. In areas with newly created housing subdivisions, all cable TV construction shall conform to the type used by existing utilities, (eg. overhead or underground). In areas where the majority of utilities are overhead, Grantee will install underground cable TV service to a customer's home on a time & material basis.

Village of Spencer

Section 15. All ordinances and parts of ordinances in conflict herewith are hereby repealed as of the effective date of this ordinance.

Section 17. The Grantee shall provide one (1) free hook-up and basic service to the Village school, police and fire stations. The installation of service is free only if the connect is normal in nature, and within 200 feet of any customer service feeder line.

Section 18. All provisions of this ordinance shall be binding upon the Grantee and all successors, lessees and assigns of the Grantee whether expressly stated herein or not and all the rights, power, authorities, grants and privileges secured by this ordinance to the Grantee shall be held to inure benefit of the Grantee, and all successors, lessees and assigns of the Grantee.

Section 19. This ordinance is hereby declared to be an emergency measure necessary for the public peace, health, safety and welfare of the Village of Spencer, Ohio and for the particular reason that earliest possible commencement of service requires immediate passage of this ordinance, and that it shall be in full force and effect from and after its passage.

Passed, approved and adopted this 1 day of July, 1985.

[Signature]  
Mayor

(seal)

ATTEST: [Signature]  
Village Clerk

CLERK'S CERTIFICATE

The undersigned Spencer Village Clerk does hereby certify that the foregoing is a true and correct copy of Ordinance No. 6-85 duly passed by the Council of the Village of Spencer, Ohio at special session on July 1, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand and official of office this 12th day of September, 1985 at Spencer, Ohio.

  
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Dolores M. Wolf  
Spencer Village Clerk