

ORDINANCE NO. 18-07

AN ORDINANCE DETERMINING THE VIDEO SERVICE PROVIDER FEE TO BE PAID BY A VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE TO THE VILLAGE OF SPENCER PURSUANT TO STATE OF OHIO AUTHORIZATION; AUTHORIZING THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE PROVIDER FEE, AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Spencer, Ohio, three-fourths (3/4) of its members concurring herein as follows:

Section 1: Subject to Ohio Senate Bill 117 going into legal effect, in accordance with the requirements of Ohio Revised Code § 1332.32 enacted thereby, all video service providers providing video service in the Village of Spencer pursuant to a video service authorization obtained from the Director of the Ohio Department of Commerce shall pay Video Service Provider Fees ("VSP Fees") in the amount of five percent (5%) of gross revenues received from providing video service in the Village, as defined by Ohio Revised Code § 1332.32, which gross revenue base shall include advertising revenues. The VSP Fee shall be paid quarterly, not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter.

Section 2: No later than ten (10) days from receipt of notice from a video service provider that it will begin providing video service in the Village pursuant to a state-issued video service authorization, the Mayor is authorized and directed to provide such video service provider with notice of the VSP Fee as determined by this Council, which notice shall be delivered in a manner that provides for proof of timely delivery or such other manner as may be practicable.

Section 3: It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 4: This Ordinance is hereby determined to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare in order to ensure that the Village continues to receive appropriate fees from persons

providing video and/or cable service in the Village using the Village's rights-of-way; wherefore, provided this Ordinance receives the affirmative votes of three-fourths (3/4) of the members of Council, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: December 19, 2007



TOMMY RAMEY, Mayor

ATTEST:



SHERI RAMEY, Village Fiscal Officer