

**CATV SERVICE**  
**TOWNSHIP OF FRANKENLUST, MICHIGAN**  
**ord. No. 7 eff. Mar. 3, 1972**  
**Portions revised by ord. no. 42**

**THE TOWNSHIP OF FRANKENLUST, BAY COUNTY, MICHIGAN**  
**ORDAINS:**

**Sec. 1. SERVICE DEFINED; PERMIT REQUIRED.**

No person shall engage in the business of transmitting the distributing television signals, including radio signals, by means of cable to private subscribers without first obtaining a permit as hereinafter provided in this Ordinance. This service shall be hereinafter referred to as "CATV Service," which shall not include however, the operation of a master television antenna system, the distribution system of which is confined to private property.

*(ord. no. 7 eff. Mar. 3, 1972)*

**Sec. 2. PERMIT APPLICATION.**

Application for a permit to provide CATV Service shall be made to the Township Board in writing and shall include the following:

- A) Name and address of applicant and names of principal owners, and if a corporation, names of principal stockholders.
- B) Location proposed of antenna tower or towers.
- C) Description of the proposed distribution system in the Township showing area to be served and methods of serving the subscribers.
- D) {Repealed by ord. no. 23 eff. Apr. 21, 1979.}
- E) Extent to which the services offered by the applicant will be made available without charge to public schools.

*(ord. no. 7 eff. Mar. 3, 1972; amend. by ord. no. 23 eff. Apr. 21, 1979)*

**Sec. 3. FINANCIAL STATEMENT.**

Each applicant shall attach to his application an authenticated statement of financial condition and net worth.

*(ord. no. 7 eff. Mar. 3, 1972)*

#### Sec. 4. **CONDITIONS OF PERMIT.**

Upon determination that the applicant has complied with all legal requirements and that the plan is in the best interest of the Township and a determination by the Board that the applicant is financially responsible with adequate resources to undertake the service, the Township Board shall grant a permit upon the following terms and conditions:

- A) The permittee shall furnish proof of public liability insurance to pay all claims for injury or damage to persons or property, both real and personal, resulting from the construction, erection, operation or maintenance of said television system in limits of not less than \$500,000 for personal injury or death to any one person, \$1,000,000 for personal injury or death to two or more persons in any one occurrence and \$25,000 for damage to property resulting from any one occurrence. Each policy shall provide for ten (10) days notice in writing to the Township of change in the policy or cancellation.
- B) The permittee shall pay the Township for the privilege of operating a CATV Service system five (5%) percent of the annual gross operating revenues received by it, and not refunded, in fees from service charges to subscribers located within the Township, payable quarterly. This percentage figure shall be subject to review at the end of each fifteen (15) year period. Nothing in this Ordinance shall exempt any permittee from payment of ad valorem taxes on his property or equipment or any other tax which it might be validly obligated to pay.  
*(Amended by ord. no 42)(eff. Nov. 21, 1981)*
- C) Permittee shall file with the Township Clerk annually an audited statement of revenues received from its operations under the permit issued pursuant to this Ordinance within sixty (60) days after the close of its fiscal year and shall make its financial records relating thereto available to the Township at any reasonable time and shall maintain separate records as to its business conducted pursuant to its permit issued hereunder.

*(ord. no. 7 eff. Mar. 3, 1972; amend. by ord. no. 42 eff. Nov. 21, 1981)*

#### Sec. 5. **USE OF STREETS.**

Permittee shall have the right during the time its permit is in force to utilize the streets of the Township to the extent set forth in its application, insofar as such use is within the control of the Township, subject to the following:

- A) All transmission and distributing structures, lines and equipment erected by the permittee or on its behalf within the Township shall be so located as to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of said streets.
- B) In case of any disturbance of basement, sidewalk, driveway, or any other surfacing, permittee shall, at its own cost and expense, and in any manner approved by the Bay County Road Commission, or any other governmental agency having jurisdiction and control thereof, or of the owner thereof, replace and restore all paving, sidewalk, driveway, or surfacing of any street or alleys disturbed in as good condition as before said work was commenced, and shall maintain the restoration in an approved condition for a period of fifteen (15) years.  
*(Amended by ord. no. 42)(eff. Nov. 21, 1981)*
- C) In the event at any time during the existence of the permit granted hereunder, the Township or the Road Commission shall lawfully widen, realign, or otherwise alter the street right-of-way, or construct, reconstruct, realign, change the grade of, or otherwise alter pavement, any water main, fire hydrant, sewer or appurtenance, the permittee and anyone acting for it in connection with the use of the streets, upon reasonable notice by the Township or the Road Commission, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.
- D) In areas of the Township in which telephone lines and electric utility lines are underground, all permittee's lines, cables and wires shall be underground.
- E) Permittee's distribution system in the public streets shall comply with all applicable laws and regulations and ordinances and all its wires and cables suspended from poles in the streets shall comply with the minimum clearances above ground required for telephone lines, cables, wires and conduits.
- F) Permittee shall meet all the requirements of the rules and regulations of the Bay County Road Commission as applicable to the roads in the Township.  
*(ord. no. 7 eff. Mar. 3, 1972; amend. by ord. no. 42 eff. Nov. 21, 1981)*

## **Sec. 6. OPERATION OF CATV SYSTEM.**

- A) Permittee's receiving and distribution equipment and facilities shall be constructed, operated and maintained so as to provide usable signals at subscribers' television receivers essentially of the same quality as received at the antenna site.
- B) Permittee shall in the operation of its CATV System, comply with all applicable laws, ordinance and rules, regulations and requirements of regulatory agencies.
- C) Permittee shall not, without prior approval of the Board, utilized the streets of the township for the furnishing of the service commonly known as "Pay T.V." No other herein contained shall be deemed to prohibit, as incidental to the transmission of television signals, the origination and transmission of weather, time, local civic events and civil defense announcements or programs for which no additional charge is made.
- D) Permittee shall not repair, service or sell television or radio receiving sets, parts or accessories to its CATV subscribers.
- E) Any person who willfully or fraudulently attaches, or who willfully or fraudulently permits or continues to permit the attachment of, any line, or wire or any other device to any line, wire or other device of any Permittee, under this Ordinance, without the consent of such Permittee, or its duly authorized agent or officer, with the intent of misappropriation of such service, provided by the Permittee, shall be guilty of a misdemeanor, and punishable by imprisonment for not more than ninety (90) days or a fine of One Hundred and 00/100 (\$100.00) Dollars, or both, at the discretion of the Court.  
*(ord. no. 7 eff. Mar. 3, 1972; amend. by ord. no. 23 eff. Apr. 21, 1979)*

## **Sec. 7. AVAILABILITY OF SERVICE.**

Permittee shall make its CATV Service available to all residents of the Township who can be reached by its distribution system as mutually agreeable between the Board and permittee.

*(ord. no. 7 eff. Mar. 3, 1972)*

## **Sec. 8. FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.**

No permit shall be granted hereunder until the applicant has established that it has obtained any permit, license or order required by any rule, order or regulation of the Federal Communications Commission, which has been promulgated prior to the Board action on its application; or proof that such permit, license or order is not required.

*(ord. no. 7 eff. Mar. 3, 1972)*

#### **Sec. 9. TERM OF PERMIT: RENEWAL.**

Each permit granted hereunder shall be for the term of fifteen (15) years, and may be renewed automatically for successive fifteen (15) year periods. In the event of Township Board determines not to grant automatic renewal, notice shall be given by the Township to the Permittee at least one hundred eighty (180) days prior to the expiration of any fifteen (15) year period that the said permit will not be renewed. The Permittee shall thereafter have an opportunity to show cause and evidence to the Board in support of an application for renewal.

*(ord. no. 7 eff. Mar. 6, 1972; amend. by ord. no 42 eff. Nov. 21, 1981)*

#### **Sec. 10. TRANSFER OF PERMITS.**

Permits granted hereunder are not transferable except upon approval of the Board. The proposed transferee shall file an application in form approved by the Township Supervisor and shall satisfy all other requirements of this Ordinance.

*(ord. no. 7 eff. Mar. 3, 1972)*

#### **Sec. 11. TERMINATION OF PERMITS.**

Permits may be terminated as follows:

- A) Permittee may surrender its permit at any time, in which event it shall refund to subscribers all prepaid and unearned service and other charges collected from subscribers.
- B) The Board may terminate the permit of any Permittee who shall default in any of its obligations hereunder, except for causes beyond the reasonable control of the Permittee, provided that the Permittee shall be given sixty (60) day's written notice to correct any such default or noncompliance before the Board may proceed to terminate the permit under this section. Permittee shall be entitled to a hearing before the Board to determine the propriety of termination of the permit by it, pursuant to this section, and the decision of the Board shall be final. Notwithstanding the provisions hereinbefore with the franchise requirements of the Constitution and statutes of the State of Michigan.

- C) Upon termination of its permit, Permittee shall at its own expense remove from the Township streets all its facilities and equipment therein utilized by it in its CATV operation, unless the Board shall specifically authorize it to leave all or part of such facilities and equipment in place.  
*(ord. no. 7 eff. Mar. 3, 1972)*

Sec. 12. **PUBLICATION; EFFECTIVE DATE.**

This Ordinance shall be published on or before the 2nd day of March, 1972, in the Bay City Democrat and shall take effect on the 3rd day of March, 1972.