

CHAPTER 113

CABLE TELEVISION FRANCHISE

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113.01 FRANCHISE GRANTED. There is hereby granted to Panora Cooperative Cablevision Association, Inc., its successors and assigns (hereinafter designated "Grantee") the right and privilege for a period of twenty-five (25) years from the effective date of the ordinance codified by this chapter to erect buildings in the City and to construct, maintain and operate in and under the present and future streets, alleys and public places in the City, towers, poles, lines, cables, necessary wiring and other apparatus for the purpose of receiving, amplifying and distributing television and radio signals to the City and the inhabitants thereof.

113.02 LOCATION OF EQUIPMENT. The poles and towers shall be erected as not to interfere with the traffic over the streets and alleys, and the location of all poles, towers or other obstructions shall be fixed with the prior written approval and under the supervision of the City as to such location, giving consideration to the reasonable operation of the same; provided further, such location shall not be vested interest and the same shall be removed by the Grantee whenever the same restrict or obstruct the operation or location of said streets and alleys and public places.

113.03 USE OF POLES. Permission is hereby granted to Grantee to attach or otherwise affix cables or wires to the pole facilities of any public utility company, even though the same may cross over the streets, sidewalks, public lands or highways of the City, provided the Grantee secures the permission and consent of said public utility companies concerned to affix the cables and/or wires or other apparatus to their facilities.

113.04 RESTORATION OF PROPERTY. All streets and sidewalks disturbed or damaged in the construction or maintenance of said cable, lines

EDITOR'S NOTE: Ordinance No. 119, adopting a cable television franchise for the City, was passed and adopted on July 13, 1981.

and other appurtenances shall be promptly repaired by the Grantee at its expense and to the satisfaction of the City.

113.05 GRANTEE SUBJECT TO CITY ORDINANCES. The Grantee shall be subject to all ordinances now in force or that may be hereafter enacted relative to the use of the streets and alleys of the City.

113.06 INDEMNIFICATION. The Grantee shall hold the City harmless from all claims for damages arising out of the construction, maintenance or operation of said cable lines or other appurtenances.

113.07 FCC RULES. The Grantee agrees to construct and operate its cable communication system so as to conform to the rules as promulgated by the Federal Communications Commission.

113.08 MOVING BUILDINGS. The Grantee shall temporarily raise or lower its wires to permit the moving of buildings. The Grantee shall be given not less than 48 hours' notice to do the work. Expenses of such temporary work shall be paid to the Grantee by the person moving the building.

113.09 RATES. Rates charged by the Grantee for services hereunder shall be fair and reasonable and designed to meet all necessary costs of service, including a fair rate of return on net valuation of its properties devoted thereto under efficient and economic management.

113.10 INSTALLATION OF EQUIPMENT. Grantee's plant and equipment, including the antenna site, headend, distribution system, towers, structures, poles, wires, underground cable and appurtenances shall be installed in accordance with good engineering practices and shall be located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated so as not to endanger or interfere with the lives of persons or to interfere with the improvements the City may deem proper to make, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic to public ways, places and structures. Erection, installation, construction, replacement, removal, repair, maintenance and operation of the system shall be in accordance with the provisions of the *National Electrical Safety Code* of the National Board of Fire Underwriters and *National Electric Safety Code* (outside work) and such applicable laws of the State and applicable ordinances of the City which may now be in effect or enacted in the future. All installations shall be of a permanent nature, durable and maintained in a safe, suitable and substantial condition, in good order and repair.

113.11 REMOVAL OF EQUIPMENT. Upon termination or forfeiture of the franchise in accordance with any of its terms, the Grantee shall, within a reasonable time, remove its cables, wires and appliances from the City streets, lanes, avenues, sidewalks, alleys, bridges, highways, easements and other public places within the City and subsequent additions thereto.

113.12 TERM OF FRANCHISE. The right and authority herein granted shall be nonexclusive and shall be and continue for a period of twenty-five (25) years from and after the effective date of the ordinance codified by this chapter.

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