

ORDINANCE NO. 4

AN ORDINANCE GRANTING AN EXTENSION TO CITATION CABLE SYSTEMS, LTD. ITS SUCCESSORS AND ASSIGNS, TO ERECT, ENLARGE, OPERATE, REPAIR, AND MAINTAIN IN BLUE HILL TOWNSHIP MINNESOTA, TRANSMISSION LINES OR CABLE INCLUDING NECESSARY POLES, POLE LINES, WIRES AND FIXTURES NECESSARY FOR OPERATION OF A SYSTEM FOR RECEIVING, DISTRIBUTING AND FURNISHING TO BLUE HILL TOWNSHIP ITS INHABITANTS AND OTHERS OR TELEVISION AND RADIO IMPULSES OR SIGNALS INTO AND THROUGH THE TOWN, AND THE USE OF STREETS, ALLEYS, AND PUBLIC GROUNDS OF THE TOWN FOR SUCH PURPOSES.

The Township Board of Blue Hill Township hereby ordains:

SECTION 1. Grant of Authority

That there be, and hereby is granted to Citation Cable Systems, Ltd. of Minnesota, its successors and assigns, hereinafter referred to as "Company" after the passage and adoption of the Ordinance herein, the nonexclusive right and privilege of erecting, enlarging, operating, repairing and maintaining in, on, under, across and along public streets, alleys and public grounds of the township including subsequent additions thereto, transmission lines or cables, including all necessary, usual or convenient poles, pole lines, wires, and all other fixtures and appurtenances necessary, usual and convenient for use in connection therewith, in the operation of a system for the purpose of receiving, transmitting and distributing and furnishing television and radio impulses or signals for public and private use in and to said town.

This ordinance is intended to extend the City of Zimmerman Franchise Agreement to the Town of Blue Hill. To the extent that any franchise fees are payable by reason of residents of Blue Hill Township connecting to this cable system, such franchise fees as described in the said City of Zimmerman Ordinance shall be payable to the Town of Blue Hill.

SECTION 2. Stipulation

The Company and the town herein agree, to the extent applicable, to abide by those terms of the cable communications franchise ordinance of the City of Zimmerman as they may be amended, which pertain to the following:

1. System wide channel capacity.
2. Standards for system installation, maintenance and operation.
3. Indemnification of the franchisor.
4. Liability insurance.
5. Abandonment of service.
6. Removal of equipment.
7. Termination or cancellation of franchise.
8. Rate change procedure.

To the extent that the foregoing provisions of the Franchise Ordinance of the City of Zimmerman apply to cable connections and cable equipment located within the Town of Blue Hill. The term "City" as defined in the said Zimmerman Franchise Ordinance will, for the purpose of this ordinance, be considered to include the Town of Blue Hill, especially with respect to indemnification of the Franchise Grantor and to insurance protection for the benefit of the Franchise Grantor.

SECTION 3. Subscriber Rates

1. The Company shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management normally yield, above all operating expenses and depreciation a fair return upon all money efficiently invested in the assets used by the Company in furnishing service within the town.
2. The Company is hereby authorized to collect from its subscribers any governmentally imposed copyright fee or royalty in equal amounts, the sum of which cannot exceed the total amount of such fee.

SECTION 4. Expiration Date

The expiration date of the extension permit herein shall be coincident with that of the cable communications franchise awarded to the Company by the City of Zimmerman provided that a change in the expiration date of the franchise for the Township of Blue Hill by way of renewal or amendment of said franchise, shall automatically apply to the extension permit herein.


SECTION 5. Other Ordinances


All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. Effective Date

This ordinance shall be effective upon its passage and publication in accordance with Law.

PASSED THIS 5 DAY OF February, 1991, BY THE TOWNSHIP OF BLUE HILL.




TOWN CLERK

OWNER:

A. DEAN WANDRY, GENERAL MANAGER
CITATION CABLE SYSTEMS, LTD.

1873 S. Bellaire Street, Suite 1550
Denver, Colorado 80222