

VILLAGE OF AUGUSTA

STATE OF MICHIGAN

AMENDMENT TO CABLE TV FRANCHISE ORDINANCE

ORDINANCE NO. 137

An Ordinance to amend Ordinance No. 118 of the Ordinances of the Village of Augusta, entitled the Cable TV Franchise Ordinance, so as to revoke the franchise previously granted to TAB, Incorporated pursuant to said Franchise Ordinance and a franchise agreement; and to grant a franchise for CATV pursuant to said Ordinance, as amended hereby, to Cable TV Company of Augusta, a Michigan corporation; and to make amendments to said Ordinance No. 118 relating to capacity, time for payment of annual fees, rates, and hours of repair service; and to otherwise ratify and confirm the provisions of said Ordinance No. 118.

THE VILLAGE OF AUGUSTA,
KALAMAZOO COUNTY, MICHIGAN,

ORDAINS:

SECTION I

Ordinance No. 118 of the Village of Augusta, enacted May 22,
1978 and effective May 22, 1978, entitled "Cable TV Franchise Ordinance"
is hereby amended as follows:

All references in the said Ordinance No. 118 of the Village of Augusta to TAB, INCORPORATED as the franchisee are hereby eliminated and in place and instead thereof, the franchisee granted the franchise pursuant to said Ordinance as amended hereby shall be Cable TV Company of Augusta, a Michigan corporation located at 241 West Mosel Avenue, Kalamazoo, Michigan, also referred to herein as "CABLE TV". Any

(Amendment to Cable TV Franchise Ordinance - No. 137 continued)

franchise rights of TAB, INCORPORATED granted pursuant to said Ordinance No. 118, or pursuant to any written franchise agreement, to the extent that said rights exist at this date, are hereby cancelled, revoked and terminated as authorized by said Ordinance or any franchise agreement.

SECTION II

Paragraph 3 of said Ordinance No. 118 entitled "Cable TV Franchise Ordinance" is hereby amended so as to read as follows:

"3. Capacity: Cable TV shall survey, map, construct install, and operate a complete CATV system with a 32 channel capacity, 12 channels of which shall be activated upon completion of the system and 20 channels to be for future use and development."

SECTION III

Ordinance No. 118 of the Village of Augusta entitled "Cable TV Franchise Ordinance", Paragraph 10 thereof, is hereby amended so that the rates set forth therein shall be as follows: Monthly Service Charge (one outlet): \$6.00; Monthly Service Charge (one outlet) more than 12 channels: \$8.00; Monthly Service Charge, each additional outlet: \$1.00; Frequency Modulation (FM) outlet and monthly service charge: \$1.00; Installation charge (one set): \$20.00.

SECTION IV

Ordinance No. 118 of the Village of Augusta entitled "Cable TV Franchise Ordinance", Section 11 thereof entitled "Inspection and Supervision Fees" is hereby amended so as to provide that said fees shall be due and payable on the 10th day of February of each and every year for the preceding calendar year, instead of being due and payable on the 10th day of January of each and every year. In all other respects, said Paragraph 11 is ratified and affirmed as written.

SECTION V

Ordinance No. 118 of the Village of Augusta entitled "Cable TV Franchise Ordinance", Section 18 thereof is hereby amended so as to provide that repair facilities shall be made available by Cable TV so that they shall endeavor to respond to all service calls within 36 hours, in place of endeavoring to respond to all service calls within 24 hours as provided therein. In all other respects, said Paragraph 18 is affirmed as written.

SECTION VI

Five Year Review. The Village may, in addition to other remedies and control, review any franchise agreement every five years. If the Village shall determine that Cable TV is not performing any agreement as agreed or is endangering the public health, safety and welfare, then Cable TV shall be notified and a hearing may be held, at which time Cable TV may appear in person and by counsel. If after such hearing, the Village determines that the contract is not being properly performed as agreed or that the operation endangers the public health, safety and welfare, the Village may revoke the franchise as provided herein, or, at the option of the Village, it may order necessary modifications, alterations, improvements and charges and provide a reasonable time period as determined by the Village for Cable TV to comply with said Order and in default of compliance with the same may terminate the within franchise.

SECTION VII

Qualifications of Cable TV. Cable TV's legal, character, financial, technical, and other qualifications, and the adequacy and feasibility of its construction arrangement shall be approved by the Village as part of a full public proceeding affording due process

(Amendment to Cable TV Franchise Ordinance - No. 137 continued)

SECTION VIII

Reimbursement of Cost. Legal expenses and costs, engineering fees and inspection costs spent by the Village in investigating and approving any franchise which exceed in total the amount received from Cable TV for fees will be reimbursed by Cable TV to the Village in the event of non-compliance by Cable TV with the terms of the franchise.

SECTION IX

Effective Date and Repeal. This Ordinance shall be effective May 22, 1978. Any Ordinance or part of an ordinance which is in conflict herewith is hereby repealed.


Richard D. McGee, President
Village of Augusta


Eleanor W. Baxter, Clerk
Village of Augusta

CERTIFICATE OF POSTING

I, ELEANOR W. BAXTER, Clerk of the Village of Augusta, hereby certify that on May 24, 1978, I posted true and correct copies of this Ordinance in three public places within the Village, being, Augusta Village Hall, U.S. Post Office, and Baxter's Augusta Pharmacy.


Eleanor W. Baxter, Clerk
Village of Augusta