



Legislation Details (With Text)

File #: ORD-66:2676 **Version:** 1 **Name:** Franchise agreement with Jonesboro Cable Television
Type: Ordinance **Status:** Passed
File created: 11/21/1966 **In control:** City Council
On agenda: **Final action:** 11/21/1966

Title: AN ORDINANCE GRANTING A FRANCHISE TO JONESBORO CABLE TELEVISION, INC., ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF CONSTRUCTING, ACQUIRING, OPERATING AND MAINTAINING A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF JONESBORO, ARKANSAS; PROVIDING CONDITIONS, REQUIREMENTS AND REGULATIONS THEREFORE; PRESCRIBING PENALTIES AND VIOLATIONS OF ITS PROVISIONS; AND FOR OTHER PURPOSES (NOTE: THIS ORDINANCE WAS AMENDED BY ORD-80:1901 ON OCTOBER 6, 1980)

Sponsors:

Indexes: Franchise agreement

Code sections:

Attachments: 1. Certificate of Insurance

Date	Ver.	Action By	Action	Result
11/21/1966	1	City Council	Passed	Pass

AN ORDINANCE GRANTING A FRANCHISE TO JONESBORO CABLE TELEVISION, INC., ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF CONSTRUCTING, ACQUIRING, OPERATING AND MAINTAINING A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF JONESBORO, ARKANSAS; PROVIDING CONDITIONS, REQUIREMENTS AND REGULATIONS THEREFORE; PRESCRIBING PENALTIES AND VIOLATIONS OF ITS PROVISIONS; AND FOR OTHER PURPOSES (NOTE: THIS ORDINANCE WAS AMENDED BY ORD-80:1901 ON OCTOBER 6, 1980) BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

Section 1: That Jonesboro Cable Television, Inc., its successors and assigns be, and is hereby granted the right and/or franchise to construct, acquire, operate and maintain a community antenna television system in the City of Jonesboro, Arkansas for the purpose of furnishing direct wire reception of television programs to the citizens and residents of the City of Jonesboro, Arkansas that subscribe to said service, by means of the establishment of a master antenna system utilizing a special tower and antennas, a master control unit and necessary amplifiers in relaying television signals directly into the individual television receivers of those who subscribe to aforesaid service. That said company is further granted the right and privilege to construct, erect, maintain and operate antenna television transmission facilities under, over, across, through and above the public streets, avenues, alleys, roads, bridges and highways and other public places of the City for the purpose of receiving, amplifying and distributing television signals to the citizens and residents of the City of Jonesboro and subsequent additions thereto.

Section 2: The term of this franchise shall be for twenty (20) years from the date of the passage of this ordinance and this franchise is made and is to be enjoyed subject to reasonable regulations and ordinances of a police nature as City may deem proper to adopt not destructive of the rights herein granted.

Section 3: This franchise is not exclusive and nothing herein shall prevent the City from granting any other like privilege to any other individual, partners or corporation. The Company is specifically prohibited from making assessments, or charging fees to subscribers of its services, above is regular monthly subscription charge for the privilege of viewing any special or particular program or programs.

Section 4: The company, shall make available an all-brand system capable of providing at least twelve (12) channels of satisfactory television reception to its subscribers and provide pictures on subscribers receivers through out the system essentially of the same quality as those received at the antenna site or point of distribution; said system shall conform to the requirements of the Federal Communications Commission and shall be free from spurious radiation or leakage so as to absolutely prohibit interference with television reception of non-subscribers to the service.

Section 5: The Company, its officers, agents and employees shall not engage in sales, leases, rental, repairs or services of television or radio receivers, eight directly or indirectly, and will confine its business operations within the City of Jonesboro under the ordinance to a Community Antenna Television Service.

Section 6: The Company's transmission and distribution system, poles, wires and appurtenances shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or to interfere with any improvements the City may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, alleys, bridges or other public property. The Company shall be required to use the poles of existing utilities within the City of Jonesboro where available on a reasonable rental basis.

The Company will obtain permission of the City before erecting any pole. If other utilities elect to go underground in a specific area of the City, the Company will also place its cables underground, again renting facilities from other utilities if available.

Section 7: In the maintenance and operation of its television transmission and distribution system in the streets, alleys and other public places, and in the course of any new construction or addition to their facilities, the Company shall proceed as to cause the least possible inconvenience to the general public; and opening or obstruction in the streets or other places made by the Company in the course of their operations shall be guarded and protected at all times by the placement of adequate barriers, fences or boarding, the bounds of which during periods of dusk and darkness shall be clearly designated by red warning lights.

Whenever the Company shall take up or disturb any pavement, sidewalk, or other improvement of any street, avenue or other public place, the same shall be accomplished under the control and supervision of the City of Jonesboro and same shall be replaced and the surface restored in as good condition as before entry within forty-eight (48) hours after completion of the Company's work.

Section 8: In the event of the failure of the Company to begin its community television service operating in the City of Jonesboro as contemplated and provided for by this Ordinance within a period of twelve (12) months from the effective date of this Ordinance, the City Council for the City of Jonesboro shall have the right to declare this Ordinance and the rights and franchise granted thereunder forfeited. Should the Company discontinue service for a period of sixty (60) days after its system has been instituted, the City of Jonesboro shall have the right to declare this Ordinance and the rights and franchise granted thereunder forfeited, and make a written demand on the Company to proceed to remove their cables, wires and other facilities form the city streets, lanes, avenues, sidewalks, alleys, highways, other public places and from the premises of Company's subscribers within sixty (60) days from the date of such demand; further, should the Company fail to proceed with removal of aforesaid facilities, after receipt of notice, the City shall have the right to remove same and retain it as the absolute property of the City, without accounting therefore to the Company and the

expense of such removal shall be charged to and paid by the Company, without credit for the value, if any.

Section 9: The Company shall hold the City harmless at all times during the term of this grant from and against all claims for injury or damages to persons or property, both real and personal, caused by the construction, erection, operation or maintenance of any structures, equipment, appliance or products authorized or used pursuant to authority of this Ordinance.

The Company shall, at all times during the existence of this franchise, carry and require that their contractors carry:

(a) Insurance in companies approved by the City of Jonesboro to protect against claims of injury or damages to persons or property, both real and personal, caused by the construction erection, operation or maintenance of any structure, equipment appliance, and the amount of such insurance against liability due to damage to property shall not be less than One Hundred Thousand Dollars (\$100,000.00) as to any one person and Two Hundred Thousand Dollars (\$200,000.00 as to any one accident, and against liability due to injury or death of persons, One Hundred Thousand Dollars (\$100,000.00) as to any one person and Three Hundred Thousand Dollars (\$300,000.00) as to any one accident.

(b) Workmen's Compensation insurance in compliance with the laws of the State of Arkansas.

(c) Automobile liability insurance with limits of not less than \$100/300,000.00 and automobile liability property damage insurance with a limit of not less than Ten Thousand Dollars (\$10,000.00) to cover all automotive equipment.

Section 10: If the Company shall fail to comply with any of the provisions of this franchise, or default in any of their obligations except for causes beyond reasonable control of the company and shall fail within sixty (60) days after written notice from the City to correct such default or noncompliance, the City shall have the right to apply to the Chancery Court for specific performance or cancellation of this franchise.

Section 11: The Company shall furnish, free of charge, one (1) service connection to each public school located within the corporate limits of the City of Jonesboro, and the Public Library, one (1) service connection to the City Hall and to each of the Fire Department stations within the corporate limits of the City of Jonesboro, also one (1) connection each for the Library and Student Union Building at Arkansas State College.

Section 12: All provisions of law provided and prescribed for the granting of this franchise are hereby declared to have been fully complied with the franchise shall be in full force and effect from and after its execution and approval. The Company shall be in full force and effect from and after its execution and approval. The Company shall play and, in consideration of the granting of this franchise, agree to pay to the City of Jonesboro, as a franchise tax and as compensation for the right and privileges enjoyed hereunder, the sum of One Hundred Dollars (\$100.00) annually and a sum equal to four percent (4%) of its gross receipts received by the Company from its customers within the City Limits of Jonesboro, All such payments shall be paid to the City on an annual basis on the 30th day of January for the preceding year. The City shall have the right after the tenth year to negotiate an increase in the Gross Receipts percentage. After the system reached an annual average of 3000 customers per month within the City limits of Jonesboro, the Company shall on January 30th of the year following such 3000 customers increase its franchise tax payable to the City of Jonesboro to a sum equal to six percent (6%) of its gross receipts, and for each year thereafter so long as the system maintains an annual average of 3000 customers per month or more.

Section 13: The Company shall operate on a rate schedule established by the City, which is: a maximum of Twenty-Five Dollars (\$25.00) residential connection charge, Four and 95/100 Dollars (\$4.95) monthly residential service charge and Fifty Cents (.50¢) per month service charge for each additional connection within the aforementioned single-family residence. Rates for service other than private dwelling units shall be established by the Company.

Section 14: After the third full year of operation hereunder, all rates shall be subject to adjustment by Resolution of the City Council so as to yield the Company a fair return on the fair value of its investment consistent with the Community Antenna Television industry standard.

Section 15:

- (a) Except, the free service connections mentioned in Section 11, the Company as to monthly rates shall not make or grant any preference to any person nor subject any person to any prejudice or disadvantage.
- (b) The Company shall, as far as practicable, employ local residents of the City of Jonesboro in the operation and maintenance of its community antenna system in said city.
- (c) The Company's attachments shall conform to the National Electric Safety Code.

Section 16: The Company shall not be allowed to offer cash discounts in return for the customer's rooftop antenna nor shall Company, in any other way, purchase or gain control of customer's rooftop antenna.

Section 17: The franchise payments herein provided for shall be in lieu of any business or occupation licenses or taxes, but shall not be in lieu of ad valorem taxes assessed with respect to real or personal property of the company by the City.

Section 18: Records and Reports. The City shall have access at all reasonable hours to all of the Company's plans, contracts and engineering, accounting, financial, statistical, customer and service records relating to the property and to the operation of the Company and to all other records required to be kept hereunder. The following records and reports shall be filed with the City Clerk and in the local office of the Company:

- (a) Company Rules and Regulations. Copies of such rules, regulations, terms and conditions adopted by the Company for the conduct of its business.
- (b) Gross Revenue. An annual summary report showing gross revenues received by the Company from its operations within the City during the preceding year and such other information as the City shall request with respect to properties and expenses related to the Company's service within the City.

Section 19: The franchise granted herein by City to Company is not assignable without prior approved of City by action of its council; and in the event the control of Company is changed by a sale of a majority of its stock, which in any way affects the spirit or intent of the franchise herein granted, the City will have the right to renegotiate the franchise herein granted.

Section 20: The Company shall pay the City the cost of publishing this Ordinance according to law.

Section 21: IT IS FOUND AND DECLARED by the City Council that since television has become a substantial part of our way of life and the present individual antenna system not giving a complete reception coverage and some areas of the City receiving poor reception by such individual system, an emergency is declared to exist and this Ordinance being necessary for the preservation of the public peace, health and safety, it shall take effect from and after its passage and approval.

PASSED and APPROVED this 21st day of November, 1966.