

ORDINANCE NO. 181

An Ordinance entitled:

An Ordinance granting to First Arkansas Cablevision, Inc, 311 So. Locust, Denton, Texas 76201, its successors and assigns, the right to erect, maintain and operate transmission and service distribution facilities and additions thereto in, under, over, along, across and upon the streets, lanes, avenues, alleys, bridges, highways and other public places in the City of Dubach, Louisiana and subsequent additions thereto, for the purpose of erecting, operating and maintaining a television antenna system and a television signal transmission system thereon and thereunder, serving the inhabitants of said City and for other related purposes, to the full extent now or hereafter permitted by law, for a period of fifteen years, with the option to renew the same, and regulating the same, and for other purposes.

Be it ordained by the City Council of the City of Dubach, Louisiana as follows:

SECTION 1. In consideration of the faithful performance and observance of the conditions and reservations hereinafter specified, the nonexclusive right is hereby granted to First Arkansas Cablevision, Inc., and its successors and assigns, hereinafter referred to as Grantee, to erect, maintain and operate antenna television transmission and distribution facilities in, under, over, along, across and upon the streets, lanes, avenues, sidewalks, alleys, bridges and other public places or places reserved for public use in the City of Dubach, Louisiana, and subsequent additions thereto, for the purpose of transmission and distribution of television impulses and television energy, both community antenna and closed-circuit, including programs recorded on film and television tape or otherwise recorded in accordance with the laws and regulations of the United States of America and the State of Louisiana, and the ordinances and regulations of the City of Dubach, for a period of fifteen (15) years with the option to renew the same upon the same terms and conditions herein provided for by giving written notice of the desire to do so at least three (3) months prior to the expiration thereof, subject to the conditions hereof.

SECTION 2. Wherever used in this Ordinance, the word "television" shall mean a system for simultaneous transmission of audio signals and transient visual images by means of electrical impulses.

SECTION 3. The poles used for the Grantee's distribution system shall include those erected and maintained by the Grantee, the telephone company, the power and light company and others when and where practical.

SECTION 4: The Grantee'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, sidewalks, bridges or other public property.

Construction, repair and maintenance of the transmission distribution system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters and such applicable ordinances and regulations of the City of Dubach affecting electrical installations which may be presently in effect or may be enacted by the City of Dubach.

Installation and house drop hardware shall be uniform throughout the City, except the Grantee shall be free to change their hardware and installation procedure as improvements therein are developed and except where changes are not permitted by regulations and ordinances of the City of Dubach presently in effect or which may be enacted hereafter.

SECTION 5: In the maintenance and operation of their television transmission and distribution system and in the course of any new construction or addition to their facilities the Grantee shall proceed as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or other public places, made by the Grantee in the course of their operation, shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds of which during periods of dusk and darkness shall be clearly designated by proper warning lights.

Whenever the Grantee shall take up or disturb any pavement, sidewalk or other improvement of any street, avenue, alley or other public place, the same shall be replaced and the surface restored in as good condition as before entry as quickly as is reasonably possible.

The Grantee shall at all time comply with any and all rules and regulations which the City has made or may make to apply to the public generally with reference to the removal or replacements of pavements and to excavations in streets and other public places, not inconsistent with their use for the purposes contemplated by this Ordinance.

SECTION 6: The terms and provisions of this Ordinance shall be binding upon and inure to the benefit of any assignee, successor or purchaser of the facilities, business and installations of Grantee as herein provided.

SECTION 7: The Grantee shall have the right to prescribe reasonable service rules and regulations for the conduct of its business; service rules and regulations shall be kept on file at all times with the City Clerk.

SECTION 8: The antenna, receiving and distribution equipment shall be installed and maintained so as to provide pictures on subscriber receivers throughout the system substantially of the same quality as those received at the antenna site and/or transmitted by the Grantee.

SECTION 9: In the event of the failure of the Grantee to render community television service in the City of Dubach, Louisiana as contemplated and provided for by this Ordinance within a period prescribed by federal or state law and in no event more than two (2) years from the effective date of this Ordinance, the City Council for the City of Dubach shall have the right, on reasonable notice to the Grantee, to declare this Ordinance and the rights and franchise granted thereunder forfeited; provided, however, that failure to comply with this stipulation by reason of cause or causes beyond the reasonable control of the Grantee, which could not be anticipated at the time of their acceptance by the Grantee, shall not be sufficient ground to declare a forfeiture.

SECTION 10: The Grantee shall, at all time during the existence of this permit or franchise, carry and require its contractors to carry:

(a) Insurance in such form and in such companies as shall be approved by the City to protect the City and themselves from and against any and all claims or injury or damages to persons or property, both real and personal, caused by the construction, erection, operation or maintenance of any structure, equipment or appliance, and the amount of such insurance against liability due to damage to property shall be not less than One Hundred Thousand and No/100 Dollars (\$100,000.00), as to any one person, and Two Hundred Thousand and No/100 Dollars (\$200,000.00), as to any one accident, and against liability due to injury or death of persons 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 Louisiana.

(c) Automobile insurance with limits of not less than \$100/300,000.00 and automobile property damage insurance with a limit of not less than Ten Thousand and No/100 Dollars (\$10,000.00) to cover all automotive equipment.

The Grantee, its successors and assigns, do hereby agree to indemnify and hold harmless the City of Dubach from any and all liability, claim, demand or judgment growing out of any injury to any person or property as a result of the violation or failure on the part of the Grantee, its successors and assigns, to observe their proper duty or because of negligence in whole or in part arising out of the construction, repair, extension, maintenance or operation of its distribution lines, amplifiers or equipment of any kind or character used in connection with this permit or franchise.

SECTION 11: Upon termination or forfeiture of this grant, in accordance with any of its terms, the Grantee shall, within a reasonable time, remove its poles, cables, wires and appliances from the City streets, lanes, avenues, sidewalks, alleys, bridges, highways, other public places and from the premises of Grantee's customers within the City and subsequent additions thereto.

SECTION 12: If the Grantee shall fail to comply with any of the provisions of this grant, or default in any of its obligations except for causes beyond the reasonable control of the Grantee and shall fail, within thirty (30) days after written notice from the City to correct such default or noncompliance, the City shall have the right to repeal this Ordinance and all right of the Grantee hereunder.

SECTION 13: All provisions of law provided and prescribed for the granting of this permit and authority are hereby declared to have been fully complied with and the permit shall be in full force and effect from and after its execution and approval. The Grantee shall pay, and, in consideration of the granting of this permit and authority, agree to pay to the City of Dubach as a franchise tax and as compensation for the right and privileges enjoyed hereunder, a sum equal to three percent (3%) of its gross receipts received by the Grantee in the operation of said system. All such payments shall be paid to the City of an annual basis on the first day of April of each year.

SECTION 14: The franchise payments herein provided for shall not be in lieu of any business or occupation licenses or taxes, and shall not be in lieu of ad valorem taxes assessed with respect to real or personal property of the Grantee by the City.

SECTION 15: The Grantee shall pay the City the cost of publishing this Ordinance according to law.

SECTION 16: This Ordinance shall not become effective until it is duly passed by the City Council and published as required by law.

SECTION 17: The Grantee agrees to provide service at no charge to all public schools, firestations, and other City owned and operated facilities as designated by the City.

DONE AND PASSED this 14 day of Jan., 1980

H. H. Delaney
Mayor

ATTEST:

Eva P. Avery
City Clerk

CERTIFICATE

STATE OF Louisiana)
COUNTY OF Lincoln) ss.

I, Eva P. Avery, City Clerk of the City of Dubach
Lincoln, Louisiana, hereby certify that the foregoing pages
numbered 1 to 4 inclusive, are a true and correct copy of
Ordinance No. 181 adopted at a regular session of the City Council
of the City of Dubach, Louisiana, held at City Hall,
in said City at 6:30 o'clock on the 14
day of January, 1980, and that the said Ordinance No. 181
is of record in Ordinance Book No. _____ at Page No. _____ to _____
inclusive and is now in my possession.

Given under my hand and seal this 15 day of Jan., 1980.

Eva P. Avery
City Clerk

