

ORDINANCE NO. 623

AN ORDINANCE AMENDING PART OF SECTION 4 OF ORDINANCE NO. 407 BEING AN ORDINANCE REGULATING THE MAINTENANCE OF WATER AND SEWER SERVICE OF THE CITY OF NOKOMIS, PASSED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS ON OCTOBER 7th, 1946.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS:

SECTION 1. That portion of Section 4 of Ordinance #407, regulating the water and sewer maintenance of the City of Nokomis, Montgomery County, Illinois passed by the City Council of the City of Nokomis, Montgomery County, Illinois on October 7, 1946 and approved by the Mayor on said date, is hereby amended to read as follows:

All meters shall be repaired by the City of Nokomis. All services shall have a shut off valve in a valve box on City property and shall be kept in proper repair by the City.

SECTION 2. All other portions of said Section 4 of Ordinance #407 shall be in full force and effect.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed at a regular meeting of the City Council of the City of Nokomis, Montgomery County, Illinois, held at the City Hall in said City on the 22nd day of May, A. D. 1972.

APPROVED: [Signature]
Mayor

ATTEST: [Signature]
City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF MONTGOMERY

I, Mary Jean Scheller, do hereby certify that I am the duly appointed and now acting City Clerk of the City of Nokomis, Illinois; that I have caused Ordinance No. 623 which was duly passed by the City Council of the City of Nokomis, Illinois, at a regular meeting thereof held on the 22nd day of May, A. D. 1972, and was approved by the Mayor of said City on said date, to be published in the Free Press Progress, a newspaper of general circulation in the City of Nokomis, Illinois, on the 25th day of May, A. D. 1972.

Given under my hand and official seal this 22nd day of May, A. D. 1972.

[Signature]
City Clerk

Ordinance No. 623A

AN ORDINANCE GRANTING A FRANCHISE TO CABLE COMMUNICATION CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO OWN, OPERATE AND MAINTAIN A COMMUNITY TELEVISION SYSTEM IN THE CITY OF NOKOMIS, ILLINOIS; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OR FRANCHISE; AND PROVIDING FOR REGULATIONS AND USE OF THE SAID SYSTEM BY SAID CITY.

SECTION 1: Short Title. This Ordinance shall be known and may be cited as the "Cable Television Ordinance."

SECTION 2: Definitions. For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, the words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Nokomis
In the State of Illinois.
- (2) "Company" is the grantee of rights under this Ordinance awarding a franchise and is known as Cable Communication Corporation.
- (3) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (4) "System" shall mean the entire installation located in the city of Nokomis.

SECTION 3: Grant of Authority. The City, after due consideration in a public proceeding in which interested persons were given the opportunity to participate, being satisfied as to the Company's legal, technical, character, financial and other qualifications, and the adequacy and feasibility of the Company's construction arrangements, hereby grants to the Company a non-exclusive franchise, right and privilege to construct, erect, operate and maintain, in upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, in the City, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the City of a Cable Television System for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth.

SECTION 4: Liability and Indemnification. The Company shall pay and by its acceptance of this franchise the Company expressly agrees that it will pay all damages and penalties which the City may legally be required to pay as a result of the Company's negligence in the installation, operation, or maintenance of the Cable Television System authorized herein. The City shall notify the Company's representative in the City within fifteen (15) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City on account of any negligence or

contract as aforesaid on the part of the Company. The Company shall carry and pay the cost of the following Liability insurance in support of its undertaking to hold the City harmless from loss sustained by either on account of the negligence of the Company, in at least the amounts indicated below, for injury to or death of persons and injury to or destruction of property:

- (1) \$100,000.00 for property damage to any one person.
- (2) \$200,000.00 for property damage in any one accident.
- (3) \$100,000.00 for personal injury to any one person.
- (4) \$300,000.00 for personal injury in any one accident.

The Company shall comply with all the provisions of the Workman's Compensation Law of Illinois.

SECTION 5: Local Office. During the term of this franchise, and any renewal thereof, the Company shall maintain within the City a local business office or agent for the purpose of resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters. The provisions of this section shall be complied with if Company maintains a local business headquarters office within 10 airline miles of the center of the City; provides the City Clerk's office with the name, address and phone number of a resident of the City who will act as Company's agent to receive complaints regarding quality of service, equipment malfunctions and similar matters, and at least once a week informs all subscribers by appropriate announcement (e.g., by a slide card) over the systems originations cablecasting channel of the name, address and phone number of the Company's registered agent for the City. The local business office shall be open

to receive inquiries or complaints from subscribers during normal business hours, and in no event less than thirty-five (35) hours a week. Any complaints from subscribers shall be acted upon as soon as possible, but at least within three business days of this receipt.

SECTION 6: Condition of Road Occupancy.

(1) The Company may enter into one or more contracts with the Light, Gas and Water Utilities in the City of Nokomis, the Telephone Company or the owner or lessee of any poles or posts located within the City to whatever extent such contract or contracts may be expedient and of advantage to the Company in furnishing the service covered by this Franchise to its customers.

(2) The Company system, poles, wires and appurtenances shall be located, erected and maintained so that none of it shall endanger or interfere with the lives of persons, or interfere with any improvements the City may deem proper to make, or hinder unnecessarily or obstruct the free use of the streets, alleys, bridges, easements, or public property.

SECTION 7: Approval of Transfer and Right of Acquisition by the City. The Company shall not sell or transfer its system to another, nor transfer any rights under this Franchise to another without approval by the City, provided, that no sale or transfer shall be effective until the vendee, assignee or lessee has filed with the appropriate official of the City an instrument duly executed, reciting the fact of such sale assignment or lease, accepting the terms of this Franchise and agreeing to perform all conditions thereof. The system shall not be sold or transferred by the Company to any outside interest except upon written notice to the City not less than thirty (30) days before such transfer

of sale.

SECTION 8: Payments to the City. The Company shall, during each year of operation under this Franchise, pay to the City, three (3) per cent of the annual gross subscriber revenues received by the Company for cable television services rendered to customers located within the City. At the time of this annual payment, the Company shall furnish the City with an annual report showing the Company's annual gross subscriber revenues during the preceding year and such other information as the City shall reasonably request with respect to properties and expenses related to the Company's services within the City for such period.

SECTION 9: Records and Reports. The Company shall keep full, true, accurate and current books of account reflecting its investment and its operations under this Franchise, which books and records shall be kept and maintained in the Company's local office and shall be made available for inspection and copying by the Director of Finance of the City or his authorized representative at all reasonable times.

SECTION 10: Rates. The Company's initial rates for service rendered to normal residential customers shall not exceed the following schedule adjusted annually in accordance with changes in the U.S.

Bureau of Labor Statistics Consumer Price Index:

- (1) Normal installation charge will not exceed \$ 18.00
- (2) Normal monthly service charge not to exceed \$ 6.00
- (3) Normal installation charge for additional outlets will not exceed \$ 10.00 each
- (4) Normal monthly service charges for second outlets will not

exceed \$2.00

No changes in rates charged to subscribers shall be made except as authorized by the City in accord with the provisions of Section II hereof.

SECTION II: Procedures. (a) Any inquiry, proceeding, investigation or other action to be taken or proposed to be taken by the City Council in regard to the operations of Company's cable television system, including action in regard to a change in subscription rates, shall be taken only after 30 days public notice of such action or proposed action is published in a local daily or weekly newspaper having general circulation in the City; a copy of such action or proposed action is served directly on Company and, the Company has been given an opportunity to respond in writing and/or at hearing as may be specified by the City Council, and general members of the public have been given an opportunity to respond or comment in writing on the action or proposed action.

(b) The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the City Council. If a hearing is to be held, the public notice shall give the date and time of such hearing, whether public participation will be allowed and the procedures by which such participation may be obtained. The Grantee is a necessary part to any hearing conducted in regard to its operations.

SECTION 12: Free Connection and Service. Upon request

the Company shall furnish free of charge, outside connections and service to Golden Manor Nursing Home, Public Library and to all public and Parochial schools located within the City and to City buildings, when other connections are being made within the particular area of any Nursing Home, public library, schools or public buildings; provided, however, any and all inside wiring or work shall be done at the expense of the Nursing Home, Public Library, School, or City, as the case may be, and provided that a service cable has previously been installed in reasonable proximity to Nursing Home, Public Library, school, or public building. In addition, the Company agrees that one channel of its system will be reserved for the joint use of the Cities and Counties inter-connected by company, as a public service, educational or information channel. The Company reserves the right to use the channel described herein at any time or during any period for which no program or use of such channel is scheduled by Cities or Counties in accordance with reasonable rules to be prescribed by the Company.

SECTION 13: Franchise Term. The franchise granted the

Company herein shall terminate 15 years from date of grant, and may be renewed for successive 15 year terms on the same terms or conditions as contained herein, or on such different or additional terms and conditions as may be lawfully specified by the City Council and as are consistent with the requirements of Rule 76.31 (a) (6) of the Federal Communications Commission.

* SECTION 14: Commencement of Construction. Upon grant of this Franchise to construct and maintain a community television system in the City of Nokomis, the Company may enter into contract with Light, Gas & Water Companies in the City of Nokomis, Telephone Company or others for the use of poles and post necessary for proper installation of the system, obtain right of way permits from appropriate State, County and Federal officials necessary to cross highways or roads under their respective jurisdictions to supply main trunk lines from the Company's receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the system and its subscribers and obtain whatever other permits a City, County, State or Federal Agency may require. In the construction, installation and maintenance of its system the Company will use steel, cable and electronic devices, all of specialized and advanced design and type; in the operation of its system the Company will employ personnel with training, skill and experience in electronics and communications. Neither material nor personnel of this sort will be available to the Company for its system in the event of a war or other similar national emergency.

* SECTION 15: Construction Schedule. Within one (1) year from the date the Federal Communications Commission certifies that the Company's plans for cable television operations in and for the City comply with its Rules and Regulations governing cable television, the Company shall extend energized trunk cable to 25% of the City and shall extend energized trunk cable to the remaining portions of the City within two years thereafter, unless additional time is granted by the City Council upon request of the Company for good cause shown.

SECTION 16: Modification of FCC Rules. Consistent with the requirements of Rule 76.31(2)(6) of the Federal Communications Commission, any modification of Rule 76.31 resulting from amendment thereto by the Federal Communications Commission shall to the extent applicable be considered as a part of this franchise as of the effective date of the amendment made by the FCC and shall be incorporated in such franchise by specific amendments thereto by the lawful action of the City Council within one (1) year from the effective date of the Federal Communications Commission's amendment or at the time of renewal of this franchise, whichever occurs first.

SECTION 17: Activities Prohibited. The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the City.

SECTION 18: Limited Purpose. This Franchise is granted by the Council of the City of Nokomis, to the Company purely for the purpose of using easements, streets and highways of the City to erect and construct the Company's system and is not intended to convey any copyright or patent privileges whatsoever.

SECTION 19: Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 20: Ordinances Repealed. All Ordinances or parts thereof in conflict with the provisions of the Ordinance are hereby repealed.

SECTION 21: BE IT FURTHER ORDAINED that this Ordinance take effect from the date it shall have been passed by the Council, certified, and delivered, to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

INTRODUCED: *March 27 1972*

PASSED: *April 10 1972*

APPROVED: *April 10 1972*

H. A. Kestelbaum
Mayor

ATTEST:

Sharon Schaller
City Clerk

STATE OF ILLINOIS
COUNTY OF MONTGOMERY } SS.

I, Wendy Jean Schellhorn City Clerk of the City of Nokomis, Illinois and keeper of the records ensaled thereof, do hereby certify that the above and foregoing is a true, correct copy of an Ordinance being Ordinance No. 623-A entitled "AN ORDINANCE GRANTING A FRANCHISE TO CABLE COMMUNICATION CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO OWN, OPERATE AND MAINTAIN A COMMUNITY TELEVISION SYSTEM IN THE CITY OF NOKOMIS, ILLINOIS; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OR FRANCHISE; AND PROVIDING FOR REGULATIONS AND USE OF THE SAID SYSTEM BY SAID CITY," which was passed and approved by the Council of the City of Nokomis, Illinois the 10th day of April, 1972. That the original said Ordinance was signed by the Mayor of the said City on the 10th day of April, 1972 and the same deposited in the office of the City Clerk of said City on said date; that said Ordinance was recorded in the record of Ordinances of said City on the 10th day of April, 1972.

Given under my hand and seal of the Corporation of the City of Hillsboro, Illinois, this 10th day of April, 1972.

Wendy Jean Schellhorn
City Clerk

NOKOMIS

RESOLVED, that pursuant to Section 7 of the Cable Television Ordinance passed and approved by this Council on April 10, 1972, this Council hereby approves the sale of the community television system of Cable Communication Corporation to Illinois CATV Partners, a limited partnership to be formed pursuant to the Illinois Uniform Limited Partnership Act, and the license of the franchise to operate such system to Illinois CATV Partners or a wholly owned subsidiary of Cable Communication Corporation, provided that each buyer and licensee files with the City Attorney an instrument duly executed, reciting the fact of such transfer or license and accepting the terms of the franchise and agreeing to perform all the conditions thereof.

STATE OF ILLINOIS)
)
COUNTY OF MONTGOMERY) SS.
)
CITY OF NOKOMIS)

I, Mary Jean DeLelleo, City Clerk of the City of Nokomis, Montgomery County, Illinois, do hereby certify that I am the City Clerk of the City of Nokomis, Illinois; that the above and foregoing document is a true and correct copy of Resolution approving sale of the Community Television Systems of Cable Communications Corporation to Illinois CATV, Partners, passed by the City Council of the City of Nokomis, Illinois, at a regular meeting thereof in the City of Nokomis, Illinois, on the 25th day of August, 1975, and on the same day deposited in the office of the City Clerk of Nokomis, Illinois.

Dated this 25th day of Aug, 1975.

Mary Jean DeLelleo
CITY CLERK

(SEAL)

AN ORDINANCE AMENDING PART OF SECTION 4 OF ORDINANCE NO. 407 BEING AN ORDINANCE REGULATING THE MAINTENANCE OF WATER AND SEWER SERVICE OF THE CITY OF NOKOMIS, PASSED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS ON OCTOBER 7th, 1946.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOKOMIS, MONTGOMERY COUNTY, ILLINOIS:

SECTION 1. That portion of Section 4 of Ordinance #407, regulating the water and sewer maintenance of the City of Nokomis, Montgomery County, Illinois passed by the City Council of the City of Nokomis, Montgomery County, Illinois on October 7, 1946 and approved by the Mayor on said date, is hereby amended to read as follows:

All meters shall be repaired by the City of Nokomis. All services shall have a shut off valve in a valve box on City property and shall be kept in proper repair by the City.

SECTION 2. All other portions of said Section 4 of Ordinance #407 shall be in full force and effect.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed at a regular meeting of the City Council of the City of Nokomis, Montgomery County, Illinois, held at the City Hall in said City on the 22nd day of May, A. D. 1972.

APPROVED: *A. C. Wittkamp*
Mayor

ATTEST: *Mary Jean Scheller*
City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF MONTGOMERY

I, Mary Jean Scheller, do hereby certify that I am the duly appointed and now acting City Clerk of the City of Nokomis, Illinois; that I have caused Ordinance No. 623 which was duly passed by the City Council of the City of Nokomis, Illinois, at a regular meeting thereof held on the 22nd day of May, A. D. 1972, and was approved by the Mayor of said City on said date, to be published in the Free Press Progress, a newspaper of general circulation in the City of Nokomis, Illinois, on the 25th day of May, A. D. 1972.

Given under my hand and official seal this 22nd day of May, A. D. 1972.

Mary Jean Scheller
City Clerk