

Read Title

CITY OF SAN ANSELMO

ORDINANCE NO. 532

(Not Codified)

AN ORDINANCE OF THE CITY OF SAN ANSELMO GRANTING A FRANCHISE TO CLEAR VIEW CABLE SYSTEMS, INC., A CORPORATION, TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM WITHIN THE CITY OF SAN ANSELMO.

The City Council of the City of San Anselmo do ordain as follows:

Section 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of, Ordinance No. 526, entitled "An Ordinance of the City of San Anselmo Providing for the Granting of Franchises for Community Antenna Television Systems; Providing Terms and Conditions for the Operation of such Community Antenna Systems and Fees Therefor", passed and adopted on February 8, 1966, full and complete copies of which are on file in the office of the City Clerk.

Section 2. Pursuant to the provisions of said Ordinance No. 526, a franchise to construct, operate and maintain a CATV system within the area known as San Anselmo and specifically described and delineated on the maps filed with the application as required by Section 20 of said Ordinance, for a term of ten (10) years, is hereby granted to CLEARVIEW CABLE SYSTEMS, INC., a corporation, hereinafter referred to as grantee, with all of the rights and privileges and subject to each and all of the terms and conditions of said Ordinance and grantee's application.

Section 3. Pursuant to the provisions of said Ordinance No. 526, the following schedule of rates and charges filed as required by Section 6-3.20. of said Ordinance is hereby approved:

A. Charges

1) Installation Charge.

a. First Outlet.

(1) There will be no installation charge for the first outlet; however, there will be a deposit required of subscribers. This de-

posit will be refunded in full at such time as any subscriber terminates the subscription, provided the subscriber is paid up in full at termination.

- (2) Any amount due at termination will be deducted from the deposit and the balance refunded.
- (3) Such refund shall not be subject to delay, and cash or check in the refund amount will be issued immediately upon termination.

b. Additional Outlets.

- (1) Additional outlets will be charged an installation charge which will not be refundable. This is necessary since the cable and devices used for such additional outlets are not fit for re-use. Such cable and devices are never recoverable if wired into the walls of a structure during construction.

c. Amount of Charge.

- (1) First outlet:

<u>Type of Installation</u>	<u>Deposit</u>	<u>Install Charge</u>
Private	\$15.00	None
Commercial	\$15.00	None

- (2) Additional outlets:

<u>Type of Installation</u>	<u>Deposit</u>	<u>Install Charge</u>
Private	None	\$10.00
Commercial	None	*

*Where the commercial location has already been wired for TV and FM distribution and such wiring will serve to adequately distribute the System signals, additional outlet installation charges will not be made. Where such wiring is not adequate, it will be necessary for it to be made so or replaced. In order to establish adequacy, Company will inspect and test such wiring without charge. Company's decision as to adequacy will be final. In the event the location is not wired or must be rewired, Company will submit a price after inspection of location or plans. Subscriber may accept

Company's installation price or may choose his own contractor, but Company will make final acceptance tests.

2) Service Charge.

The following rates include the amount of the annual gross receipts which shall be paid to the City of San Anselmo for a franchise payment as required by the ordinance.

a. Private Installations.

(1) First Outlet:

\$4.50/month on 12 month prepayment plan

\$4.70/month on 6 month prepayment plan

\$4.85/month on 3 month prepayment plan

\$5.00/month on 1 month prepayment plan.

(2) Additional Outlets (each):

\$0.75 per month in advance.

b. Commercial Installations.

(1) First Outlet \$5.00 per month in advance.

(2) Additional Outlets (each) \$2.00 per month in advance.

3) Terms of Payment.

a. Service charges shall be payable in advance, and shall become due on the first day of each month.

b. Service charges will become delinquent on the 10th day of each month.

c. Installations put into service within one week of the last day of the month will not be charged for the remainder of that month. Installations made at other times of the month will be pro-rated on a daily basis.

4) Relocation Charges.

a. If a subscriber moves his residence from one location to another anywhere within the entire service area of the System, there will be no

charge for relocation of his installation, provided his account is current.

- b. If a subscriber desires to have the outlet relocated at the same residence address, there will be a charge of \$10.00 for such relocation.

B. Unusual Installations.

1) There will be additional charges made for unusual installations as shown below.

- a. For underground installations in other than an underground utility district, \$10.00 plus 25 cents per foot of underground run.

- b. For overhead installations greater than 150 feet from a public street; cost of materials, labor and easement cost, if any, will be charged.

C. Disconnect for Non-Payment.

If it is necessary for Company to disconnect a subscriber for non-payment, there will be a \$5.00 reconnect charge made.

D. FM Charges.

1) There will be no additional service charge for FM service; this is included in the basic rates.

2) There will be a charge for installation of a separate outlet for FM service, however, which will be the same as additional TV outlet installation charges, (\$10.00). The subscriber will not require a separate outlet for FM in order to properly receive the FM signals on the system. This separate outlet is available only as a convenience item.

E. All information contained in this Schedule of Rates and Charges will be condensed and supplied in printed form to all subscribers. The rates and charges listed here are MAXIMUM rates and charges, and will not be exceeded without the approval of the City of San Anselmo. Company will reserve the right to decrease these rates and

charges either temporarily or permanently at Company's discretion as good business practices and market conditions dictate.

F. Roof-Top Antennas.

In order to eliminate unsightly roof-top TV antennas, Company will remove same with the approval of the subscriber.

G. In order that the City may be more fully aware of the type of temporary reductions in rates referred to in Paragraph E. above the following initial Promotional Plan is included here.

No charge will be made for the

FIRST MONTH OF CABLE SERVICE

for all private subscriptions signed up at any time between the date that franchise is awarded and thirty days following the date of Company's publicly announced opening.

Grantee shall charge CATV subscribers rates and charges in accordance with the foregoing schedule and no increase therein may be made without the prior approval of the City Council expressed by resolution.

Section 4. Pursuant to the accepted application of grantee, grantee shall, during the term hereof, pay annually to the City a sum equal to five per cent (5%) of the gross annual receipts of grantee, and in any event, in any year following the first full year service is provided, a sum no less than TWELVE HUNDRED DOLLARS (\$1200.00) per year.

Section 5. The CATV system herein franchised shall be used and operated solely and exclusively for the purpose expressly authorized by ordinance of the City of San Anselmo and no other purpose whatsoever.

Section 6. This ordinance shall become effective thirty (30) days from and after its passage; provided, however, that the fran-

chise hereby granted shall not become effective unless and until grantee files written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, and delivers to the City the bond and insurance policies required to be furnished, all pursuant to the provisions of said Ordinance No. 526.

Section 7. This ordinance shall be published once in full within fifteen (15) days of its passage and adoption in the Independent Journal, a newspaper of general circulation in the City of San Anselmo which said newspaper is designated as the legal newspaper for the purpose of publication.

This ordinance was introduced at a regular meeting of the City Council held on August 9, 1966, and was thereafter at a ~~regular~~ ^{Special} meeting of the City Council held on Aug 27, 1966, duly passed and adopted by the following vote:

AYES: COUNCILMEN: ~~Scott~~, Capurro, Ragan, Smith, Reichmuth
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: ~~Scott~~

John M Reichmuth
MAYOR

ATTEST:
Arita Gannon
CITY CLERK