

ORDINANCE NO. 1991-48

AN ORDINANCE AWARDING A NON-EXCLUSIVE FRANCHISE FOR A CABLE COMMUNICATIONS SYSTEM IN THE VILLAGE OF GRAND BEACH TO U.S. CABLE OF NORTHERN INDIANA

THE VILLAGE OF GRAND BEACH ORDAINS:

SECTION I. Grant of Franchise.

The Village Council of the Village of Grand Beach, Michigan, hereby grants a non-exclusive franchise to U.S. Cable of Northern Indiana to provide cable television service utilizing its Michigan City facilities and system to the residents of Grand Beach.

SECTION II. Service Exclusions.

Pursuant to this grant, said franchisee shall provide an extension of its Michigan City service and shall not be required to provide Grand Beach any of the following: Separate office facilities, separate studio, separate master telecommunications center or separate access channels.

SECTION III. Compliance with the Michigan City Ordinance.

U.S. Cable of Northern Indiana shall remain in compliance with the franchise given to said U.S. Cable of Northern Indiana by the City of Michigan City by Ordinance dated the 4th day of September, 1990, under Ordinance No. 3181.

SECTION IV. Franchise Fee.

In consideration of the granting of this franchise, franchisee shall pay to Grand Beach a franchise fee of three percent (3%) of annual gross revenues from all sources from its customers within Grand Beach.

SECTION V. Performance Bond.

The franchisee shall file and maintain throughout the term of this franchise faithful performance bond running to Grand Beach with a good and sufficient surety to be approved by this Council in the penal sum of Ten Thousand Dollars (\$10,000.00), conditioned that the franchisee shall well and truly perform each term and condition of this franchise, said bond shall not be terminated or allowed to expire upon thirty (30) days written notice to this council.

SECTION VI. Term

The term of this franchise shall be for a period commencing upon the effective date of this Ordinance and ending in fifteen (15) years. Renewal or extension of this franchise shall be granted pursuant to the terms of the Cable Communication Act.

SECTION VII. Utilization of Public Facilities.

Permission is hereby granted to the Franchisee to utilize the facilities of public utilities for the purpose of installing cable service even though the same may cross over the streets, easements, sidewalks, public land and highways to the Community, provided the public utility companies concerned grant permission and consent.

SECTION VIII. Effective Date.

This Ordinance and the franchise hereby granted shall take effect on the 7th day of November, 1991, following publication hereof in accordance with the Charter of the Village of Grand Beach.

SECTION IX. Date of Passage.

Made and passed by the Council of the Village of Grand Beach, Michigan this 16th day of October, 1991.

SECTION X. Conflicting Ordinances.

Any Ordinances or parts of Ordinances in conflict herewith are repealed, including but not limited to Ordinance No. 1980-48.

AYES: M. Pope, J. Miller, J. Conerty, J. Greenwood, R. Grim.

NAYES: none

ORDINANCE DECLARED ADOPTED: UNANIMOUS 5 – 0

MICHAEL A. POPE, COUNCIL PRESIDENT

CAROLE S. NAGY, VILLAGE CLERK

CERTIFICATION

I, hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village of Grand Beach, County of Berrien, State of Michigan, at a Regular Meeting, held on October 16, 1991, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act. I further certificate that this Ordinance or a synopsis thereof was duly published in the New Buffalo times, a paper of general circulation in the village on October 24, 1991.

CAROLE S. NAGY, VILLAGE CLERK