

ORDINANCE NO. 1105

An ordinance of the City of Lexington, Nebraska, granting to Lexington Multi-Vue-TV System, Inc., a franchise for twenty-five (25) years giving the right to erect, maintain and operate a community antenna (CATV) and closed circuit electronics service system; and providing for levying an annual occupation tax against the franchised corporation hereafter constructing, installing, operating, or maintaining wired or cabled television or radio systems within the boundaries of the City of Lexington, Nebraska; fixing the time for payment of such occupation tax; requiring a bond for performance of such franchise and payment of such tax and monthly reports; providing for audit of gross monthly service revenues; providing penalties for default in payment of such tax; providing for separability of provisions of such ordinance; and, to provide the effective date thereof.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA:

SECTION 1. For the privilege of a franchise to construct, install, operate, or maintain in or along the streets, alleys, and public ways, or elsewhere, within the corporate limits of the City of Lexington in Dawson County, Nebraska, wired or cabled television or radio system and services, the corporation granted a franchise pursuant to Section 19-2802, Reissue Revised Statutes of Nebraska 1943, authorizing the same, shall pay to the City Treasurer of such City of Lexington and, there is hereby imposed on the corporation, an annual occupation tax at the rate of and equal to three (3) per cent of the total revenues and gross receipts (including but not limited to monthly service revenues; installation charges in excess of \$25.00 for not to exceed two TV receivers on the line; and connection charges to subsequent occupants) arising out of the operation of a wired or cabled television or radio system and services within the corporate limits of such City of Lexington. Providing further that at the end of two (2) years or when the franchise holder has Seven hundred (700) subscribers, whichever comes first, the City shall receive five (5) per cent of the gross service revenues.

SECTION 2. Such occupation tax, and taxes, hereinbefore levied shall be due and payable on May first of each year.

SECTION 3. No such franchise shall become final unless and until the applicant shall have furnished a bond with corporate surety authorized to do business in the State of Nebraska, and countersigned by a Nebraska authorized agent or attorney, in

the penal amount of \$10,000.00, and conditioned for the payment of such occupation tax and for faithful performance by the principal of each and every obligation and requirement of such franchise, Provided, such bond, upon the agreement in writing of the principal to make monthly accounting to the City Manager and payment in escrow to a bank or qualified trust company with its principal place of business in Lexington, of such occupation tax from month to month, may be for the penal amount of \$1,000.00.

SECTION 4. Every such franchised person, firm, and corporation shall make monthly sworn reports in writing on forms furnished by the City Manager to the City Manager on or before the 15th day of each succeeding month, setting forth the amounts and sources of total revenues and gross receipts of the business for the proceeding month, Provided, unpaid earned charges shall constitute revenues hereunder.

SECTION 5. The City Manager, his agents, or an agent appointed by the City Council, may audit the records of each franchised person, firm or corporation at least once each calendar year for the purpose of verifying the accuracy of the reports submitted under Section 4 and Section 3 of this Ordinance, and each franchised person, firm, or corporation shall keep his, their, or its books and records, pertaining to gross receipts, available for such audit at reasonable times during the regular business day.

SECTION 6. The monthly service rate to be charged for cabled television service shall not exceed \$6.95 per month for one residential outlet without prior approval by the City Council of Lexington.

SECTION 7. The licensee may not sell control of the system without the prior approval of the City Council. Approval will not be unjustly withheld if proposed new operators are qualified.

SECTION 8. It shall require the approval of the City Council before supplying FM radio or AM radio as a service to subscribers on the cable.

SECTION 9. If any franchised person, firm, or corporation fails to make the reports herein required, or payment of occupation tax hereinbefore required for a period of more than thirty days, such person, firm or corporation shall forfeit all right to operate and maintain wired or cabled television or radio system and services within the corporate boundaries of the City of Lexington, Provided, such forfeiture shall not relieve such person, firm, or corporation from the obligation to pay occupation tax hereunder upon the total revenues and gross receipts of such franchise.

SECTION 10. Issuance of a franchise to construct, install, operate, or maintain a wired or cabled television or radio system and services within the corporate limits of the City of Lexington, shall not limit or restrict the power and authority of a subsequent City Council lawfully to amend this Ordinance.

SECTION 11. Each section and each provision or requirement of each section of this Ordinance shall be considered separately and the invalidity of any portion hereof shall not affect the validity or enforceability of any other portion.

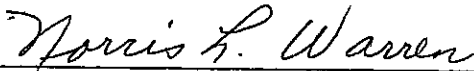
SECTION 12. This Ordinance shall take effect, as by law provided, from and after its passage, and publication within thirty days in one issue of a Lexington, ^Wes_Npaper.

Enacted this 13th day of September, 1966.



President of the Council

ATTEST:



City Clerk

