ORDINANCE NO. 58-54

COMMUNITY TELEVISION FRANCHISE

An Ordinance granting to Dubuque-Jerrod Television Cable Corporation, an Iowa Corporation, its successors and assigns, the right to erect, maintain and operate transmission and distribution facilities and additions thereto, in, under, over, along, across and upon the streets, lanes, avenues, sidewalks, alleys, bridges, highways, and other public places in the City of Dubuque, and subsequent additions thereto, for the purpose of transmission by cable and distribution of television impulses and television reception for sale to the inhabitants of said City, and other persons, for the stated period of ten years, and regulating the same; and providing terms and conditions of said franchise as herein contained and as limitations on the aforesaid.

MAYOR SCHUeller

Mayor

CLARENCE P. WELU

BAY F. KOLB

CHARLES A. KINZINGER

Councilmen

Attest: J. J. SHEA

City Clerk

Councilmen Welu moved the adoption of the resolution. Seconded by Councilman Kolb. Carried by the following vote:

Yeas—Mayor Schueller, Councilmen Kintzinger, Kolb, Welu. Nays—None.

Absent—Councilman Austin.

Section 1. In consideration of the fact that the Dubuque-Jerrod Television Cable Corporation, a corporation organized and existing under the laws of the State of Iowa, and its successors and assigns, hereinafter referred to as "the Company," has been granted by the City Council of the City of Dubuque, a license and permission to construct, maintain and operate television transmission and distribution systems within the City to transmit and receive television impulses and television reception in the City of Dubuque, and subsequent additions thereto, for the purpose of transmission by cable and distribution of television impulses and television reception for sale to the inhabitants of the said City and other persons for the stated period of ten years, and regulating the same as herein contained, the City Council finds that the aforesaid

Section 2. That the Company and the City shall enter into an agreement for the use of such television facilities, the terms and conditions of which shall be as follows:

Section 3. The Company shall provide and maintain at all times during the ten-year period of this ordinance, such television facilities as shall be adequate to meet all the needs of the City and its inhabitants, and such facilities shall be kept in good repair and operation at all times during the said period, and shall be maintained in such condition as to make the service rendered by the Company as complete and satisfactory as possible.

Section 4. The City shall be entitled to receive from the Company such sum as shall be sufficient to cover the cost of furnishing the said television facilities, and the Company shall be responsible for the payment of all taxes and assessments upon its properties and improvements and for the payment of all other charges and assessments which may be required by the City for the maintenance of the said television facilities.

Section 5. The Company shall be entitled to use the streets, lanes, avenues, sidewalks, alleys, bridges, highways, and other public places in the City of Dubuque, for a period of ten years, and subsequent additions thereto, for the purpose of transmission by cable and distribution of television impulses and television reception for sale to the inhabitants of the said City and other persons, and such facilities shall be kept in good repair and operation at all times during the said period, and shall be maintained in such condition as to make the service rendered by the Company as complete and satisfactory as possible.

Section 6. The Company shall maintain all such improvements as shall be necessary to render the service rendered by the Company as complete and satisfactory as possible.

Section 7. The City shall receive from the Company such sum as shall be sufficient to cover the cost of furnishing the said television facilities, and the Company shall be responsible for the payment of all taxes and assessments upon its properties and improvements and for the payment of all other charges and assessments which may be required by the City for the maintenance of the said television facilities.

Section 8. The Company shall be entitled to use the streets, lanes, avenues, sidewalks, alleys, bridges, highways, and other public places in the City of Dubuque, for a period of ten years, and subsequent additions thereto, for the purpose of transmission by cable and distribution of television impulses and television reception for sale to the inhabitants of the said City and other persons, and such facilities shall be kept in good repair and operation at all times during the said period, and shall be maintained in such condition as to make the service rendered by the Company as complete and satisfactory as possible.

Section 9. The City shall receive from the Company such sum as shall be sufficient to cover the cost of furnishing the said television facilities, and the Company shall be responsible for the payment of all taxes and assessments upon its properties and improvements and for the payment of all other charges and assessments which may be required by the City for the maintenance of the said television facilities.

Section 10. The Company shall be entitled to use the streets, lanes, avenues, sidewalks, alleys, bridges, highways, and other public places in the City of Dubuque, for a period of ten years, and subsequent additions thereto, for the purpose of transmission by cable and distribution of television impulses and television reception for sale to the inhabitants of the said City and other persons, and such facilities shall be kept in good repair and operation at all times during the said period, and shall be maintained in such condition as to make the service rendered by the Company as complete and satisfactory as possible.

Section 11. The City shall receive from the Company such sum as shall be sufficient to cover the cost of furnishing the said television facilities, and the Company shall be responsible for the payment of all taxes and assessments upon its properties and improvements and for the payment of all other charges and assessments which may be required by the City for the maintenance of the said television facilities.

Section 12. The Company shall be entitled to use the streets, lanes, avenues, sidewalks, alleys, bridges, highways, and other public places in the City of Dubuque, for a period of ten years, and subsequent additions thereto, for the purpose of transmission by cable and distribution of television impulses and television reception for sale to the inhabitants of the said City and other persons, and such facilities shall be kept in good repair and operation at all times during the said period, and shall be maintained in such condition as to make the service rendered by the Company as complete and satisfactory as possible.

Section 13. The City shall receive from the Company such sum as shall be sufficient to cover the cost of furnishing the said television facilities, and the Company shall be responsible for the payment of all taxes and assessments upon its properties and improvements and for the payment of all other charges and assessments which may be required by the City for the maintenance of the said television facilities.

Section 14. The Company shall be entitled to use the streets, lanes, avenues, sidewalks, alleys, bridges, highways, and other public places in the City of Dubuque, for a period of ten years, and subsequent additions thereto, for the purpose of transmission by cable and distribution of television impulses and television reception for sale to the inhabitants of the said City and other persons, and such facilities shall be kept in good repair and operation at all times during the said period, and shall be maintained in such condition as to make the service rendered by the Company as complete and satisfactory as possible.
tenance of equipment shall be such that standard "TVI" noise criteria shall be transmitted in any antenna system in this City. For the purpose of this ordinance, the term "TVI" shall mean television interference as defined by the Federal Communications Commission.

Section 12: The distribution systems of the City to be hereafter installed shall not be exempted, unless, the City Council, in the exercise of its authority, shall determine that the installation of such system would render community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto, and that to install such system would be found by the City Council to be necessary in order to render community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto.

In the event of the failure of the Company to perform the obligation hereof, the City shall be entitled to a written demand on the Company for such performance and in the event of such failure, the City shall be entitled to terminate the franchise, and to remove all such equipment, which may remain thirty days from the date of such demand, if in the opinion of the City, such removal is necessary in order to render community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto. If, however, the failure to perform such obligation is corrected within thirty days from the date of such demand, and is in compliance with such removal, the Company shall be entitled to continue to perform this franchise, with all franchises then in effect, without penalty. In any case, the City shall be entitled to recover the cost of rendering such service, and to receive such additional compensation as may be necessary in order to render community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto.

Section 13: The Company shall immediately and without excuse or delay, be ready, willing and able to perform such obligations and duties as are prescribed by this Ordinance and any amendments thereto, and the execution of such obligations and duties is a condition precedent to the granting of such franchise. The Company shall be liable for any failure to perform such obligations and duties in the manner and time and to the extent prescribed by this Ordinance and any amendments thereto.

Section 14: Upon termination or forfeiture of this franchise, in accordance with the provisions of this Ordinance or any amendments thereto, the Company shall remove all electrical wires, wires and apparatus from the streets, alleys, avenues, sidewalks, alleys, parks, plazas, public buildings, public squares, and public places, and the cost of such removal shall be paid by the Company. The Company shall also be responsible for the removal of all property used by it for the purpose of rendering community television service to the City of Dubuque and the public therein, and shall be required to render the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto.

Section 16: The Company shall have the right, upon written notice to the Company, to increase the rate of service, and to render such service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto, and to render such service for the benefit of the public in such manner as may be necessary in order to render community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto. The Company shall also be responsible for the removal of all property used by it for the purpose of rendering community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto.

Section 17: The Company shall have the right, upon written notice to the Company, to increase the rate of service, and to render such service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto, and to render such service for the benefit of the public in such manner as may be necessary in order to render community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto. The Company shall also be responsible for the removal of all property used by it for the purpose of rendering community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto. The Company shall also be responsible for the removal of all property used by it for the purpose of rendering community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto. The Company shall also be responsible for the removal of all property used by it for the purpose of rendering community television service to the City of Dubuque and the public therein substantially more effective than the system or systems at present installed, and provided for by this Ordinance and the amendments thereto.