

CHAPTER 11

Community Antenna System

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11.01 PROHIBITED USE OF STREETS. No person, firm, partnership, association, corporation, company or organization shall construct, install, maintain or operate within the streets of the Village of Rio any equipment facilities for or in connection with the operation and distribution of television signals or radio signals over a Broadband Television Communication Network except as may be specifically permitted by the Village Board. No cable or other equipment or device installed in, over or under the streets in the Village of Rio under a permit herein granted shall be used for any purpose except for a Community Antenna System as herein defined.

11.02 PERMIT GRANTED. The Village Board hereby grants a non-exclusive permit to CenturyTel, a Wisconsin Corporation, for a period of twenty(20) years, with option to renew for an additional ten (10) year period on the same terms and conditions, to install, operate and maintain a Community antenna System, as defined in Section 3(a) of this ordinance, in the Village of Rio, under the restrictions and conditions of this ordinance. Said permittee shall hereafter be referred to as "Operator."

11.03 DEFINITIONS.

- (1) "Community Antenna System" shall mean an arrangement or combination of apparatus whereby television or radio signals or other intelligences, either analog or digital, are broadcast over the air and are received at one or more towers, antennas or other devices from stations licensed by the Federal Communications Commission, and which for a consideration are transmitted by means of a coaxial cable or other suitable device to receiving sets or apparatus of subscribers to such service. A Community Antenna System may also transmit FM station signals, television pictures and sound originating on its own premises to provide additional service to subscribers.
- (2) "Streets" shall mean and include all public streets, alleys, boulevards, parkways, public grounds and easements owned by the Village of Rio.

11.04 CONDITIONS AND RESTRICTIONS ON OPERATION. The Operator, now granted a permit under this ordinance, shall be subject to the following restrictions and conditions with regard to the operation of such system, which conditions and restrictions shall be in addition to any others contained or referred to in this ordinance.

11.04(1) Cable Television

(1) Cables, wires and other overhead equipment maintained either under the streets or over said village upon such poles and equipment as is there existing and pursuant to such arrangements and agreements as may be made with the owners thereof. Construction and installation of any additional poles or other equipment for the support of cables, wires and other overhead and underground equipment in the streets in connection with said system shall be submitted to the President of the Village of Rio or such officer as he shall designate for approval. He shall issue a permit to the Operator provided such construction and installation will conform to the applicable Village and State codes.

11.05 WAIVER OF LIABILITY. The Village of Rio shall not be liable to the Operator for any damage caused to Operator's Community Antenna System, whether caused by the Village's power lines, or its agents or employees, or from any cause whatever.

11.06 TRANSFER OF PERMIT. The Operator may not transfer or assign any rights granted under this ordinance without approval of the Village Board. Transfer from a subsidiary to a parent corporation, vice-versa, shall not be considered a transfer under this section.

11.07 LIABILITY OF OPERATOR. The Operator shall indemnify and save the Village of Rio and its agents and employees harmless from any and all claims for personal injuries or property damage, and any other claims and/or cost, including attorney's fees, expense of investigation and litigation of claims and actions which may arise from the installation and/or operation of said System. For this purpose the Operator shall carry, and at all times maintain on file with the Village Clerk, a policy insuring such Operator and Village against any and all liability arising from the installation, maintenance and operation of the Cable Television System, with limits of liability of not less than One Hundred Thousand (\$100,000) Dollars property damage, and Three Hundred Thousand (\$300,000) Dollars for any one accident resulting in personal injury or death. Such policy of insurance or certificate thereof by a company licensed to do business in the State of Wisconsin shall be filed with the Village Clerk prior to commencement of such use, together with a certificate that said policy of insurance shall not be terminated, revoked or canceled without a thirty (30) day written notice to the Village of Rio.

11.08 COMPLIANCE WITH APPL CABLE LAWS, RULES AND ORDINANCES. The

Operator under this ordinance shall at all times during the life of the permit be subject to all lawful exercises of the police power of the Village and to such reasonable regulations as the Village may hereafter by resolution or ordinance provide. In addition, the Operator and its System shall be subject to the laws of the State of Wisconsin.

11.09 REVOCATION OF PERMIT.

- (1) Upon the failure of the Operator to observe any of the terms and provisions of this ordinance, the Village of Rio may serve notice upon the Operator requiring it to perform or to act as required by said ordinance. If the operator shall fail at the end of a sixty (60) day period to perform or act as required by this ordinance, the Village of Rio may terminate said license and all rights thereunder after notice and hearing. Notice of hearing shall be given by registered mail to the post office address of the Operator deposited in the U.S. mails not less than twenty (20) days prior to such hearing. Revocation or suspension of the bond and/or insurance referred to in Section 7 hereof shall be grounds for immediate termination of said license, without notice or hearing.
- (2) Except as provided above, such cables, wires and other overhead equipment shall conform to the electrical code of the State of Wisconsin.
- (3) The System shall transmit signals from not less than ____ television stations or networks.
- (4) The Operator shall maintain and operate the System in accordance with the rules of the FCC, the state of Wisconsin and such regulations as the Village shall promulgate.
- (5) In case it becomes necessary for the Operator to open or otherwise disturb any "streets," the Operator shall first secure a permit from the Village of Rio.
- (6) In the event at any time during the period the Community Antenna System is licensed under the provisions of this ordinance, the Village shall lawfully elect to alter or change the grade of any street, alley or other public way, the Operator, upon reasonable notice by the Village, shall remove, relay and relocate its facilities at its own expense.

11.09(7) Cable Television

- (7) The Operator shall, upon request of any person holding a building moving permit issued by the Village, temporarily raise or lower its lines or disconnect or take them down to permit the moving of buildings. The expense of such removal, raising or lowering of wires shall be paid for by the person requesting the same, and the Operator shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary line changes.
- (8) All installations by the Operator, of cables and other facilities and equipment, shall comply in all respects with all laws, ordinances, rules and regulations of the State of Wisconsin or any agency or department thereof, and of the Village of Rio, or any agent or department thereof now or hereafter in effect.
- (9) The Operator shall provide and maintain its equipment in such conditions and of such quality so that none of its service will adversely affect radio and television reception.
- (10) Installation and maintenance of equipment shall be such that standard color signals shall be transmitted with reasonable fidelity to any subscriber receiver.
- (11) The Operator may not, either directly or indirectly, engage in the servicing or repair of television receivers in the Village of Rio nor directly or indirectly require of any subscriber the patronage of any designated person or company engaged in such service or repair business. The foregoing shall not apply to the repair or adjustment of equipment other than receivers, which is a part of the system of the Operator.
- (12) The Operator shall submit to inspections by duly authorized personnel of the Village of Rio and shall make available to such inspectors or duly authorized personnel its facilities and equipment. The Village of Rio reserves the right of reasonable regulation of the installation and maintenance of the facilities of the Operator.

11.10 VILLAGE RIGHT OF REVOCATION. The Village shall have the right to suspend, terminate or revoke this permit in the event that permittee does not commence installation of a substantial part of the Community Antenna System referred to herein with two (2) years from the date of adoption of this ordinance.

11.11 OPERATOR SOLELY RESPONSIBLE FOR SERVICE. The granting of a permit under this ordinance shall not be construed as any undertaking or guarantee of the efficiency of the Operator or maintenance of the service of the Operator. The Village assumes no responsibility for the acts or commission of the Operator other than to require compliance with this ordinance.

11.12 SEVERABILITY. Should any section or part of any section of this ordinance, for any reasons, be declared void or invalid, the remainder of said ordinance shall not be affected thereby.

11.13 OPERATOR RIGHT TO ORIGINATE LOCAL FEATURES & ANNOUNCEMENTS. This ordinance shall give the Operator the right to originate local public service features and announcements, in conformity with State of Wisconsin and Federal law.