

ORDINANCE NO. 136

AN ORDINANCE TO AMEND ORDINANCE NO. 70 RELATIVE TO A FRANCHISE GRANTED TO CHATTANOOGA CABLE TV COMPANY, ITS SUCCESSORS, LESSEES AND ASSIGNS.

WHEREAS, THE MAYOR AND COUNCILMEN OF THE CITY OF LOOKOUT MOUNTAIN, GEORGIA have determined that it is in the best interest of the City of Lookout Mountain, Georgia to amend Ordinance No. 70 so as to delete any requirement for a public access channel in the franchise which granted to Chattanooga Cable TV Company, its successors, lessees and assigns the right, authority, power, privilege and permission to establish, construct, acquire, maintain and operate a closed circuit electronic signal transmission system within the City of Lookout Mountain, Georgia and to render, furnish and sell closed circuit signal transmission service within the City of Lookout Mountain, Georgia, and to use and occupy the streets and other public ways and places of the City of Lookout Mountain, Georgia for such closed circuit signal transmission system, and providing for payment to the City of Lookout Mountain, Georgia based on gross receipts derived by the grantee for furnishing closed circuit electronic signal transmission service;

NOW THEREFORE,

BE IT ORDAINED BY THE MAYOR AND COUNCILMEN OF THE CITY OF LOOKOUT MOUNTAIN, GEORGIA as follows:

SECTION 1. That Ordinance No. 70, as amended, be and the same as hereby amended by deleting Section 10 in its entirety and inserting a new Section 10 in lieu thereof as follows:

"Section 10. Channel Capacity and Carriage of Signals. The grantee shall furnish to its subscribers a system capable of providing a minimum of twelve channels and shall maintain such additional channels as the rules, regulations and orders of the Federal Communications Commission may require at any time in the future. Upon ninety days written notice from City to grantee, grantee shall maintain at least one specially designated public access channel the programming of which shall be subject to control of a board or agency established by the governing body of the

City of Lookout Mountain, Georgia, so long as this provision does not conflict with the rules, regulations and orders of the Federal Communications Commission. Notwithstanding the provisions of the foregoing sentence, grantee shall comply with any rules, regulations and orders of the Federal Communications Commission relative to public access channels. All Federal Communications Commission rules, regulations and orders shall be complied with regarding the carriage of television broadcast signals and of the programming of any existing or future television broadcasting station which covers, or which by amplification of signals can cover, the City of Lookout Mountain, Georgia, in its principal broadcasting area, together with all channels carrying educational television signals authorized for such area. In no event, however, shall the signal carriage, minimum channel capacity and public access channel requirements imposed upon grantee hereunder exceed or vary from in any material respect the signal carriage, minimum channel capacity and access channel requirements imposed by applicable rules, regulations and orders of the Federal Communications Commission."

SECTION 2. Ordinances Repealed. This ordinance is a further amendment of Ordinance No. 70 passed on final reading on May 19, 1977, as heretofore amended and is a restatement of all unamended parts thereof. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. TeleScripps Cable Company, the successor of grantee in Ordinance No. 70, shall file with the Office of the City Clerk its acceptance of this amendment to Ordinance No. 70 and promise to comply with and abide by all of its provisions, terms and conditions within thirty (30) days after the passage of this ordinance on final reading. Such acceptance and promise shall be in writing duly executed and sworn to by or on behalf of the grantee before a Notary Public or other officer authorized by law to administer oaths.

SECTION 4. That this ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council of the City after two (2) readings at least one (1) week apart.

Approved on first reading on 20 day of October, 1988.

James D. Rawlins
Member of City Council

Susan W. Pettway
Member of City Council

James E. Foster
Member of City Council

Sam N. Ham
Member of City Council

Member of City Council

Haywood
Mayor of Lookout Mountain,
Georgia

ATTEST:

Glenn Boring
City Clerk

Approved and adopted on second reading on the 17 day of November 1988.

James D. Rawlins
Member of City Council

Susan W. Pettway
Member of City Council

James A. Cheney
Member of City Council

James E. Foster
Member of City Council

Member of City Council

Haywood
Mayor of Lookout Mountain,
Georgia

ATTEST:

Glenn Boring
City Clerk