

**CITY OF LOOKOUT MOUNTAIN, GEORGIA**

**ORDINANCE NO. 234**

AN ORDINANCE to establish a franchise fee applicable to holders of cable or video franchises issued by the State of Georgia, and for other purposes.

WHEREAS, the City of Lookout Mountain shall be notified by the Secretary of State's Office and a cable or video provider of an application for a state issued franchise in the City;

WHEREAS, the City of Lookout Mountain currently collects a franchise fee from any current cable or video providers;

WHEREAS, the City of Lookout Mountain considers collecting a franchise fee from a cable or video provider utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economic development of the City of Lookout Mountain and to protect public works infrastructure;

WHEREAS, the City of Lookout Mountain is authorized pursuant to O.C.G.A. 36-76-1 *et seq.*, known as the "Consumer Choice for Television Act" of 2007, to collect a franchise fee of up to 5%, the maximum amount established by federal and state law, of each cable or video provider's gross revenues generated within the City; and

WHEREAS, the City of Lookout Mountain is authorized to designate an agent to provide notice of the City's franchise fee rate;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LOOKOUT MOUNTAIN, AND IT IS HEREBY ORDAINED:

Section 1. Franchise fee for state issued cable or video franchise. The City hereby requires a franchise fee of 5% of gross revenues generated within the City for any cable or video state franchise issued in its corporate boundaries by the State of Georgia.

Section 2. Authorized designee. The City hereby authorizes Mayor or City Clerk upon receipt of notice to the City of its right to designate a franchise fee for an applicant for or holder of an existing state franchise, to provide written notice to the Secretary of State and each applicant for or holder of a state franchise within a service area that is wholly or partially located

with the City limits of the 5% franchise fee rate applicable to such applicant or holder of a state franchise.

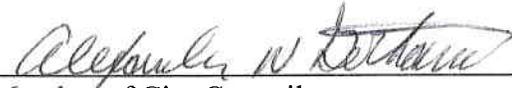
Section 3. Savings Clause. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

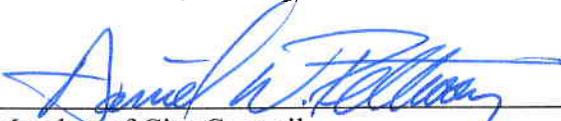
Section 4. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

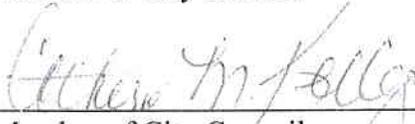
Section 5. Part of Code of Ordinances. It is the intention of the Council of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City, and the Sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date. 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 of Lookout Mountain, Georgia, after two (2) readings at least one (1) week apart.

APPROVED on first reading on January 21, 2008.

  
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Member of City Council

  
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Member of City Council

  
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Member of City Council

  
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Member of City Council

  
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Member of City Council

  
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Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on February 21, 2008.

Alfonso W. Santana  
Member of City Council

L. Funder  
Member of City Council

Samuel P. Pittman  
Member of City Council

Ray Sings  
Member of City Council

\_\_\_\_\_  
Member of City Council

[Signature]  
Mayor of Lookout Mountain, Georgia

ATTEST:  
[Signature]  
City Clerk

