

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2005-09**

AN ORDINANCE AMENDING ORDINANCE 86-3, "AN ORDINANCE PROVIDING FOR THE GRANTING OF NON-EXCLUSIVE FRANCHISES TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE COMMUNITY ANTENNA TELEVISION SYSTEM FACILITIES , AND ADDITIONS TO, IN, UNDER, OVER, ALONG, ACROSS AND UPON THE STREETS, LANES AVENUES, ALLEYS, SIDEWALKS , BRIDGES, HIGHWAYS, PARKING LOTS AND OTHER PUBLIC PLACES IN THE CITY OF RUSSELLVILLE, KENTUCKY, AND SUBSEQUENT ADDITIONS THERETO, FOR THE PURPOSE OF TRANSMISSION AND DISTRIBUTION OF CABLE TELEVISION IMPULSES AND TELEVISION ENERGY TO THE INHABITANTS OF THE CITY OF RUSSELLVILLE, KENTUCKY AUTHORIZING THE ADVERTISEMENT FOR BIDS ON SUCH FRANCHISES; REGULATING THE SAME ; AND FOR OTHER PURPOSES" BY INCREASING THE FRANCHISE FEE IMPOSED UPON ALL GRANTEES, AND FOR PROVIDING A REPEALER CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

** ** *

WHEREAS, in Ordinance 86-3, the City of Russellville granted a non-exclusive franchise to companies desiring to offer cable television service to the citizens of the City of Russellville; and

WHEREAS, the franchise fee paid by Grantees to the City of Russellville was deemed just and reasonable in 1986; and

WHEREAS, it is now necessary and proper for the franchise fee to be adjusted, and to do so is in the best interests of the citizens of the City of Russellville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY, AS FOLLOWS:

A. THE AMENDMENT

SECTION VII of Ordinance 86-3 is here amended as follows:

In consideration of the granting of a Nonexclusive Franchise, each Grantee shall pay to the City of Russellville as a tax and as compensation for the rights and privileges enjoyed hereunder the sum of \$100.00 per year or ~~one~~ five percent (~~1%~~) (5%) of each

such Grantee's annual gross revenue from its CATV system located in the City of Russellville, whichever sum is the larger. Said tax shall be in lieu of all other fees or taxes including occupation, license, excise and special taxes or fees of any nature, whatsoever except municipal ad valorem taxes on each Grantee's property located within the limits of the City of Russellville.

B. SEVERABILITY

If any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable, the remaining provisions of this Ordinance shall continue in full force and effect.

C. REPEALER CLAUSE

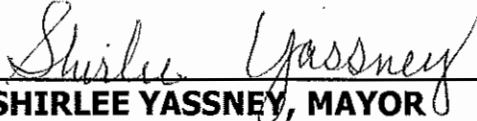
Any and all parts of Ordinances now in effect which conflict with Ordinance are hereby repealed.

D. EFFECTIVE DATE

This Ordinance shall become effective upon publication.

FIRST READING conducted the 7th day of June, 2005.

SECOND READING and passage the 21st day of June, 2005.

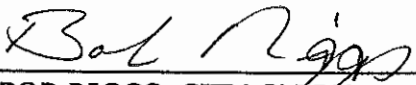


SHIRLEE YASSNEY, MAYOR

Ayes: Jones, Russell; McPherson, Lanny; Phillips, Charles; Stratton, Mark; Whipple, Jack; Zick, Eugene

Nays: none
Abstaining: none
Absent: none

ATTEST:



BOB RIGGS, CITY CLERK