

ORDINANCE NO. 66

AN ORDINANCE GRANTING A FRANCHISE TO VALLEY VIDEO SYSTEMS, INC. TO OPERATE AND MAINTAIN AN AUDIO AND OR VIDEO SIGNAL DISTRIBUTION SYSTEM IN THE VILLAGE OF HOKAH, MINNESOTA SETTING FORTH CONDITIONS OF THE GRANT OF FRANCHISE, PROVIDING FOR BILLAGE REGULATION AND USE OF THE SYSTEM, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

The Village Council of the Village of Hokah, Minnesota does hereby ordain:

Section 1. This ordinance shall be known and may be cited as the Valley Video System, Inc. franchise ordinance. For the purposes of this ordinance, “company” means Valley Video Systems, Inc. A Minnesota business corporation and “Village” means the Village of Hokah, Minnesota.

Section 2. Valley Video Systems, Inc., a Minnesota Corporation, its successors and assigns, is hereby granted the non-exclusive right and privilege and authority for a period of twenty years, subject to the provisions of this ordinance, to construct, erect operate and maintain as owner in whole or in part and as lessee in whole or in part, in upon, along, across, above, over the under the streets, alleys, public ways and public spaces now laid out or dedicated and all extensions thereof and additions thereto in said Village a system for the interception, sale and distribution of television signals and audio signals and video signals, and the necessary poles, wires, cable, conduits, manholes and other conductors and fixtures necessary for the maintenance and operation of that type of system. The right to use and occupy streets, alleys, public ways and public places for the purposes herein set forth shall not be exclusive and the Village reserves the right to grant a use of the same for other purposes during the period of the franchise.

Section 3. The Company shall at all times during this franchise be subject to all lawful exercise of the police power by the Village and to such reasonable regulation as the Village shall here after by resolution or ordinance provide. The company shall conform with all applicable laws of the state of Minnesota and ordinance and regulations of the Village.

Section 4. The Company shall save the Village harmless from any and all claims for injury or damage to person or property occasioned by or arising out of the construction, maintenance, operation or repair of said distribution system or by the conduct of the business by the company. The company shall maintain property damage and public liability insurance in an amount and with an insurance company approved by the Village Council of this Village and covering injury or damage to person or property in any way occasioned by or arising out of the construction, maintenance, operation or repair of said system or the conduct of the system and the business by the company. The insurance coverage shall be so written as to protect the Village as an insured party. The policy shall contain at least a ten cancellation clause.

Immediately after the acceptance of this franchise the company shall place the policy of insurance on file with the Village Clerk. The coverage in the initial policy shall

be not less than \$25,000 property damage, \$100,000 for personal injury to any one person and \$300,000 for personal injury in any one occurrence or accident.

Section 5. No sale, assignment or lease of the permit under this franchise shall be effective until the Village Council shall have approved the same and until the vendee, assignee or lessee shall have filed in the office of the Village Clerk a duly executed and acknowledged instrument certifying that the sale, assignment or lease has been consummated, accepting the terms of this franchise under this ordinance, and agreeing to perform and comply with all the terms and conditions of this ordinance.

Section 6. The violation by the company, its vendee, assignee, lessee, successor or assigns, of the provisions of this ordinance or any material portion thereof, or the failure promptly to perform any of the provisions thereof, shall be cause for the forfeiture of the permit under this ordinance and all rights hereunder by resolution of the Village Council after reasonable written notice and continuation of such violation, failure or default.

Section 7. All other ordinance or portions of ordinance inconsistent herewith are hereby repealed.

Section 8. The company agrees to initiate test procedures within a period of sixty days from and after the date of acceptance of this ordinance by the company and shall commence construction of a TV signal distribution system to serve this Village within a period of twelve months from and after the date of acceptance of this ordinance by the company, and in default thereof this ordinance shall be subject to repeal by the Village Council.

Section 9. The Village through its Council hereby reserves the power and right to regulate and control the exercise of this franchise. The company shall give courteous, efficient and adequate service, at reasonable rates. The Village Council shall have the right to acquire reasonable extensions of service, make such rules and regulation as may be required to secure adequate service, and to provide sufficient accommodations for the Public, and may require the placing underground or in any other safe or convenient position or manner of wires carrying electricity and wires used for any other purpose.

Section 10. The company shall pay the cost of the publication of this ordinance in the official newspaper of the Village.

Section 11. This ordinance shall take effect and be in force from and after its passage, adoption and publication as provided by law, provided, however, that the company shall within sixty days from and after the date of its passage and adoption file with the Village Clerk a written acceptance of this ordinance and of the franchise granted hereby and of the terms and conditions herein set forth, and in the event that the company fails to file such acceptance within said sixty day period, then this ordinance shall be and become null and void and of no effect.

Passed and adopted by the Village Council of the Village of Hokah,  
Minnesota, this 7<sup>th</sup> day of May, 1968.

William E. Hoskins  
mayor

Attest:  
Verian Craig  
Village Clerk