

CITY OF HOLDREGE ORDINANCE 2484

AN ORDINANCE TO AMEND CHAPTER 13, ARTICLES 1 THROUGH 8 OF THE HOLDREGE MUNICIPAL CODE RELATED TO CABLEVISION: TO REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR THE SEVERABILITY OF ALL PARTS HEREOF; AND TO DESIGNATE THE TIME DESCRIBED WHEN THIS ORDINANCE SHALL BE IN EFFECT.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF HOLDREGE, NEBRASKA:

Section 1. Chapter 13 of the Holdrege Municipal Code is hereby amended to read:

ARTICLE 1: IN GENERAL

Section

13-101 Short title

13-102 Definitions

13-103 Compliance with applicable laws and the like

13-104 [Repealed and Intentionally omitted]

13-105 Notice of rate increase

13-106 Required

13-107 Issuance restricted

13-108 Franchise non-exclusive

13-109 Application

13-110 Authority for use of streets

13-111 Police powers

§ 13-101 SHORT TITLE.

This chapter shall be known and may be cited as “Holdrege CATV Ordinance”.

(2005 Code, § 13-101; as amended in 2025, Ord. 2484)

§ 13-102 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Holdrege and all of the territory within its present and future boundaries as defined by the city limits.

CITY COUNCIL. The governing body of the City.

FRANCHISE AGREEMENT. An agreement entitled “franchise agreement” entered into between city and licensee which is enforceable by city and licensee and which sets forth the rights and obligations between city and licensee arising out of the franchise.

FRANCHISEE, LICENSEE or GRANTEE. The person granted a franchise to operate a system under this chapter.

PAY OR PAID TELEVISION. The delivery over system of per channel or per program audiovisual signals to a subscriber for a fee or charge, in addition to the charge for basic service.

PERSON. Any corporation, partnership, proprietorship, individual or organization authorized to do business in the state or any natural person.

PUBLIC PROPERTY. Any real property owned by city or any other governmental unit, other than a street.

STREET. The surface of and the space above and below any public street, road, cartway, highway, freeway, lane, path, public way, alley, court, sidewalk, boulevard, parkway, drive or any easement dedicated for compatible uses or right-of-way now or hereafter held by the city which shall, within its proper use and meaning in the sole opinion of the city, entitle the licensee to the use thereof for the purpose of installing or transmitting over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to system.

SUBSCRIBER or RATE PAYER. Any person or entity who lawfully subscribes to a service provided by a licensee by means of or in connection with a system and pays a fee, unless such fee is lawfully waived.

SYSTEM. A broadband telecommunications system of antennas, cables, wires, lines, towers, waveguides or other conductors, converters, equipment or facilities, designed and constructed for the purpose of distributing video programming to home subscribers and for producing receiving, transmitting, amplifying and distributing audio, video, digital or other forms of electronic or electrical signals, located in city.

(2005 Code, § 13-102; as amended in 2025, Ord. 2484)

§ 13-103 COMPLIANCE WITH APPLICABLE LAWS AND THE LIKE.

(A) Every person obtaining a franchise under the provisions of this chapter shall, at all times, during the term of such franchise, be subject to all lawful exercise of the police power of the city, and to such additional generally applicable regulations as the City Council shall hereafter, by resolution or ordinance provide (and shall fully comply with both the National Electrical Code of the National Fire Protection Association, and the National Electrical Safety Code, and all applicable rules and regulations now in effect or hereafter adopted by the Federal Communications Commission, the state and the United States government).

(B) This chapter shall not be construed to require or compel a violation of any constitutional enactment of the Federal Congress or lawful rule or regulations of any agency of the United States government pertaining to wired or cabled television and radio systems and services.

(2005 Code, § 13-103; as amended in 2025, Ord. 2484)

§ 13-104 [REPEALED AND INTENTIONALLY OMITTED]. (2005 Code, § 13-103; as amended in 2025, Ord. 2484)

§ 13-105 NOTICE OF RATE INCREASE.

The licensee shall not increase rates until such time as it has provided a notice as required by applicable law to the City Clerk and each subscriber of the franchisee either by billing statement or other written notice that complies with applicable FCC rules and regulations.

(2005 Code, § 13-105; as amended in 2025, Ord. 2484)

§ 13-106 REQUIRED.

It shall be unlawful for any person to construct, install, operate or maintain in or along the streets, alleys and public ways, or elsewhere within the corporate limits of the city, a wired or cable television system without first obtaining from such city a franchise authorizing the same.

(2005 Code, § 13-106; as amended in 2025, Ord. 2484)

§ 13-107 ISSUANCE RESTRICTED.

The authority to issue franchises authorizing wire or cabled television systems within the corporate limits of the city is hereby reserved unto the City Council.

(2005 Code, § 13-107; as amended in 2025, Ord. 2484)

§ 13-108 FRANCHISE NON-EXCLUSIVE.

All franchises issued pursuant to this chapter shall be non-exclusive and for a term not to exceed 25 years. The city specifically reserves the right to grant, at any time, such additional franchises for a system as it deems appropriate. The city also reserves the right to grant one or more franchises for the provision of specifically defined services not being provided by any licensee including, but not limited to, institutional communications services and interactive residential services.

(2005 Code, § 13-108)

§ 13-109 APPLICATION.

Every franchise required by the provisions of this chapter shall incorporate the provisions and conditions of this chapter except to the extent in conflict with the franchise.

(2005 Code, § 13-109; as amended in 2025, Ord. 2484)

§ 13-110 AUTHORITY FOR USE OF STREETS.

(A) For the purpose of operating and maintaining the system in the city, the licensee may erect, install, construct, repair, replace, reconstruct and retain in, on, over, under, upon, across and along the streets within the city such lines, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments and other property and equipment as are necessary and appurtenant to the operation of the system; provided that, all applicable permits applied for and granted, all fees paid and all other city codes and ordinances are otherwise complied with. The licensee will erect no poles unless the licensee is unable to obtain access to existing poles, conduits, or other facilities in the city on reasonable terms and conditions.

(B) The right to use and occupy such streets, alleys, public ways and places for the purpose herein set forth shall not be exclusive, and the city reserves the right to grant a similar use of such streets, alleys, public ways and places, to any person at any time during the period of such franchise. The city specifically reserves the right to grant, at any time, such additional franchises for a system as it deems appropriate.

(C) Prior to construction or major alteration, the licensee shall in each case file plans with all appropriate city departments and utility companies and receive written approval of such plans, which approval shall not be unreasonably withheld. The licensee shall provide a monthly progress report to city through the completion of construction or major alteration. This provision shall apply only to franchisees who do not currently have an active cable system in the city at the time the franchise is granted.

(D) The licensee shall construct and maintain the system so as not to interfere with other uses of streets. The licensee shall make use of existing utility poles and other facilities available to the licensee, as outlined in separate pole agreement. The licensee shall individually notify all residents affected by proposed construction prior to the commencement of that work.

(E) Notwithstanding the above grant to use streets, no street shall be used by the licensee if the city determines that such use is inconsistent with the terms, conditions or provisions by which such street was created or dedicated, or presently used.

(2005 Code, § 13-110; as amended in 2025, Ord. 2484)

§ 13-111 POLICE POWERS.

The licensee's rights hereunder are subject to the police power of the city to adopt and enforce generally applicable ordinances necessary to the health, safety and welfare of the public. The licensee shall comply with all applicable general laws and ordinances enacted by the city pursuant to that power.

(2005 Code, § 13-111; as amended in 2025, Ord. 2484)

ARTICLE 2: CONSTRUCTION PROVISIONS

Section

13-201 Permits

13-202 Construction codes

13-203 Reservation of street rights

13-204 Repair of streets and property

13-205 Undergrounding of cable

13-206 Trimming of trees

13-207 Street vacation or abandonment

13-208 Movement of facilities

13-209 Erection of poles prohibited

§ 13-201 PERMITS.

The licensee shall obtain a permit from the proper city authority before commencing construction or alteration of the system, including the opening or disturbance of any street, sidewalk, driveway or public place. Any and all streets which are disturbed or damaged during the construction, alteration, operation, maintenance or reconstruction of the system shall be promptly repaired by the licensee, at its expense, and to a similar condition prior to the disturbance or damage.

(2005 Code, § 13-201)

§ 13-202 CONSTRUCTION CODES.

(A) All wires, conduits, cable and other property and facilities of the licensee shall be located, constructed, installed and maintained in compliance with applicable codes. The licensee shall keep and maintain all of its property so as not to unnecessarily interfere with the usual and customary grade, traffic or travel upon the streets and public places of the city or endanger the lives or property of any person. In the event of such interference, the city may require the removal of the licensee's lines, cables and appurtenances from the street or property in question.

(B) The city shall have the right to inspect all construction or installation work performed subject to the provisions of the franchise agreement.

(2005 Code, § 13-202; as amended in 2025, Ord. 2484)

§ 13-203 RESERVATION OF STREET RIGHTS.

(A) Nothing in the franchise shall be construed to prevent the city from constructing sewers, grading, paving, repairing and/or altering any street, or laying down, repairing or removing water mains or constructing or establishing any other public work. All such work shall be done, insofar as practicable, in such manner as not to obstruct, injure or prevent the free use and operation of the poles, wires, conduits, conductors, pipes or appurtenances of the licensee.

(B) If any such property of the licensee herein shall interfere with the construction or repair of any street or improvement, ten days' notice shall be given to the licensee by the city and all poles, wires, conduits or other appliances and facilities shall be removed or replaced by the licensee in such manner as shall be directed by the city so that the same shall not interfere with the said public work of the city, and such removal or replacement shall be at the expense of the licensee herein.

(2005 Code, § 13-203)

§ 13-204 REPAIR OF STREETS AND PROPERTY.

In constructing, operating, maintaining and testing the system, the licensee shall refill and compact, at its own expense, any excavation that shall be made and shall leave all streets and property in as good a condition as that prevailing prior to the said work, and without affecting, altering or disturbing, in any way, electric, telephone or utility cables, wires or attachments. The city shall have the right to inspect and approve the condition of such streets and property after said work. Licensee shall promptly bury cable lines where it installs underground facilities in the streets. Upon written notice from the City identifying the locations of any such cable lines left unburied by the licensee after completion of its work in the streets, the licensee shall have ten (10) business days to bury any such cable lines, which time shall be extended as necessary based on the time required for the licensee to obtain necessary permits,

the time required to obtain underground locates, or any other factors outside of the licensee's control which could impact the licensee's ability to cure the issue. In the event the licensee believes it is not responsible for such cable lines, it shall have ten (10) business days to respond in writing to the notice detailing the basis for its position. If the licensee fails either to bury such cable lines within the time for cure set forth herein, or fails to provide a written response as specified herein within ten (10) days, the City may issue a fine of up to one hundred dollars (\$100) for each subsequent day the licensee fails to bury such cable lines until such cable lines are buried, with a total fine not to exceed one thousand dollars (\$1,000) for any notice.

(2005 Code, § 13-204; as amended in 2025, Ord. 2484)

§ 13-205 UNDERGROUNDING OF CABLE.

The placement of cables underground is encouraged. Previously installed aerial cable shall be placed underground in concert with all other utilities, when all other utilities may convert from aerial to underground construction. The city shall give notice to the licensee of all pending changes from aerial to underground utility installation. Developers shall be required by the city to give reasonable notice to the licensee of pending underground trenching. The licensee shall place cable underground in newly platted areas in concert with the other utilities.

(2005 Code, § 13-205)

§ 13-206 TRIMMING OF TREES.

The licensee may trim trees upon any overhanging streets, berms, alleys, sidewalks and public places of the city so as to prevent the branches of such trees from coming in contact with the wires and cables of the licensee. Except for incidental trimming done by licensee personnel in the course of performing other duties, the licensee shall give a minimum of 72 hours' advanced written notice to affected residents, and all trimming shall be done with the approval and under the supervision and direction of the city and at the expense of the licensee.

(2005 Code, § 13-206; as amended in 2025, Ord. 2484)

§ 13-207 STREET VACATION OR ABANDONMENT.

In the event any street or portion thereof used by the licensee shall be vacated by the city or the use thereof discontinued by the licensee during the term of the franchise, the licensee shall forthwith remove its facilities therefrom unless specifically permitted to continue the same, and on the removal thereof restore, repair or reconstruct the street area where such removal has occurred, and place the street area where such removal has occurred to a condition similar to that existing before such removal took place. In the event of failure, neglect or refusal of the licensee, after 30 days' notice by the city to repair, improve or maintain such street portion, the city may do such work or cause it to be done, and the cost thereof as found and declared by the city shall be paid by the licensee as directed by the city and collection may be made by court action or otherwise.

(2005 Code, § 13-207)

§ 13-208 MOVEMENT OF FACILITIES.

In the event it is necessary temporarily to move or remove any of the licensee's wires, cables, poles, or other facilities placed pursuant to the franchise, in order lawfully to move a large object, building or

other structure over the streets of the city, the licensee, upon reasonable notice, shall move at the expense of the person requesting the temporary removal such of his or her facilities as may be required to facilitate such movements. Unless an emergency exists, **REASONABLE NOTICE** shall mean a minimum of 72 hours. The licensee may reserve the right to require payment in advance for such moving services. Additionally, any service disruption sections of the franchise shall not apply in the event that the removal of the licensee's wires, cables, poles or other facilities results in temporary service disruptions; however, the licensee shall give five days' advance written notice to affected subscribers if such removal will result in temporary service disruptions.

(2005 Code, § 13-208)

§ 13-209 ERECTION OF POLES PROHIBITED.

The licensee shall not erect, for any reason, any pole on or along any street in an existing aerial utility system unless the licensee is unable to obtain access to existing poles on reasonable terms and conditions. Any such additional poles shall require the advance written approval of the city.

(2005 Code, § 13-209; as amended in 2025, Ord. 2484)

ARTICLE 3: SERVICE STANDARDS

Section

13-301 Outline of standards

§ 13-301 OUTLINE OF STANDARDS.

Every licensee under this article shall maintain and operate the system and render efficient service in accordance with applicable law; provided, however, the licensee shall operate the system so that there will be no interference with television reception or radio reception now in use by the city or any persons in the city.

(2005 Code, § 13-301; as amended in 2025, Ord. 2484)

ARTICLE 4: REVOCATION, ABANDONMENT, PURCHASE AND REMOVAL OF SYSTEM

Section

13-401 City's right to revoke

13-402 Procedures

13-403 Removal of systems

13-404 Purchase

13-405 Abandonment

13-406 Foreclosure

13-407 [Repealed and Intentionally Omitted].

(A) The city reserves the right to terminate and cancel the franchise and all rights and privileges of the franchise in the event:

- (1) The licensee substantially violates any material provision of the franchise;
 - (2) The licensee attempts to evade any material provision of the franchise;
 - (3) The licensee practices any fraud or deceit upon the city;
 - (4) The licensee becomes insolvent, unable or unwilling to pay its debts;
 - (5) The licensee is adjudged bankrupt;
 - (6) The licensee materially misrepresents a fact in the application for, negotiation of or administration of the franchise; or
 - (7) Upon the conviction of any director, officer, employee or agent of the licensee of the offense of bribery, fraud or extortion connected with or resulting from the awarding of the franchise.
- (B) Nothing in the franchise shall preclude termination of it at any time by mutual agreement of both the city and licensee.

(2005 Code, § 13-401)

§ 13-402 PROCEDURES.

- (A) The city shall provide the licensee with a written notice of the cause for termination and its intention to terminate the franchise and shall allow the licensee a minimum of 60 days after service of the notice in which to correct the violation.
- (B) The licensee shall be provided with an opportunity to be heard at a public hearing before the city prior to the termination of the franchise. The city shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by the licensee has occurred. If the city determines that such failure, refusal or neglect has occurred, the city shall decide whether or not it was with just cause.
- (C) If such failure, refusal or neglect by the licensee to comply within such time was with just cause, the city shall direct the licensee to comply within such time and manner and upon such terms and conditions as are reasonable.
- (D) If the city shall determine such failure, refusal or neglect by the licensee was without just cause, then the city may, by resolution, declare that the franchise of the licensee shall be terminated unless there is compliance by the licensee within such period as the city may fix.
- (E) Any decision by the City to terminate or revoke a franchise shall be made in writing and shall be delivered to the licensee. The licensee may dispute such determination in an appropriate court, which shall have the power to review the decision de novo. The licensee may continue to operate the Cable System until all legal appeal procedures have been exhausted. Nothing herein shall prevent the licensee from filing, at any time, a legal action in any permissible court or tribunal seeking a declaration or enforcement of licensee's rights or obligations under its franchise.

(2005 Code, § 13-402; as amended in 2025, Ord. 2484)

§ 13-403 REMOVAL OF SYSTEMS.

Upon termination, forfeiture or expiration of the franchise, if not renewed, the licensee shall remove its cables, wires and appliances from the streets and other public and private property within the city if the city so requests, and the city shall follow procedures set forth in the franchise agreement in the event the licensee fails to remove its cable, wires and appliances from the streets and other public and private property within the city.

(2005 Code, § 13-403)

§ 13-404 PURCHASE.

When the system or the franchise is offered for sale or at the termination of the franchise, the city may have the right to purchase the system if set forth in the franchise agreement.

(2005 Code, § 13-404; as amended in 2025, Ord. 2484)

§ 13-405 ABANDONMENT.

The licensee may not abandon the cable system without having given three months' prior written notice to the city. The city may recover from the licensee damage for the reasonable cost of removal of the system.

(2005 Code, § 13-405; as amended in 2025, Ord. 2484)

§ 13-406 FORECLOSURE.

Upon the foreclosure or other judicial sale of all or a part of the system, the licensee shall notify the city of such fact and such notification shall be treated as a notification that a change in control of the licensee has taken place, and the provisions of the franchise governing the consent to transfer or change in ownership shall apply.

(2005 Code, § 13-406; as amended in 2025, Ord. 2484)

§ 13-407 [REPEALED AND INTENTIONALLY OMITTED]. (2005 Code, § 13-103; as amended in 2025, Ord. 2484)

ARTICLE 5: SALE, TRANSFER AND RENEWAL OF FRANCHISE

Section

13-501 Sale or transfer of franchise

13-502 Amendment of franchise ordinance

13-503 Franchise renewal

13-504 Administration of franchise

13-505 Continuity of service

13-506 Work performed by others

§ 13-501 SALE OR TRANSFER OF FRANCHISE.

The sale or transfer of the franchise or sale or transfer of stock so as to create a new controlling interest, except as permitted and required pursuant to the terms of the franchise, is prohibited.

(2005 Code, § 13-501; as amended in 2025, Ord. 2484)

§ 13-502 AMENDMENT OF FRANCHISE ORDINANCE.

After published notice, public hearings and deliberations of the city, this chapter may be amended upon a majority vote of the city and the written consent of the licensee.

(2005 Code, § 13-502)

§ 13-503 FRANCHISE RENEWAL.

(A) Any franchise granted under this chapter may be renewed by the city in accordance with the then applicable law.

(2005 Code, § 13-503; as amended in 2025, Ord. 2484)

§ 13-504 ADMINISTRATION OF FRANCHISE.

(A) The City Administrator, or his or her designee, shall be responsible for the continued administration of the franchise.

(B) The city shall have continuing regulatory jurisdiction and supervision over the system and the licensee's operation under the franchise. The city may issue such reasonable rules and regulations concerning the construction, operation and maintenance of the system as are consistent with the provisions of the franchise.

(C) The licensee shall construct, operate and maintain the system subject to the reasonable supervision of all the authorities of the city and in compliance with all generally applicable laws, ordinances, departmental rules and regulations affecting the systems.

(2005 Code, § 13-504; as amended in 2025, Ord. 2484)

§ 13-505 CONTINUITY OF SERVICE.

Upon the non-renewal of a franchise in accordance with applicable law, the city may require the licensee to continue to operate the system for an extended period of time not to exceed six months from the date of such expiration unless extended by city resolution. The licensee shall, as trustee for its successor in interest, continue to operate the system under the terms and conditions of this chapter and the franchise and to provide the regular subscriber service and any and all of the services that may be provided at that time. In the event the licensee does not so operate the system, the city may take such steps as it, in its sole discretion, deems necessary to assure continued service to the subscribers.

(2005 Code, § 13-505; as amended in 2025, Ord. 2484)

§ 13-506 WORK PERFORMED BY OTHERS.

(A) Upon request, the licensee shall give notice to the city specifying the names and addresses of any other entity, other than the licensee, which performs services pursuant to the franchise; provided, however, that, all provisions of the franchise remain the responsibility of the licensee.

(B) All provisions of the franchise shall apply to any subcontractor or other performing any work or services pursuant to the provisions of the franchise.

(2005 Code, § 13-506; as amended in 2025, Ord. 2484)

ARTICLE 6: GENERAL ADMINISTRATION

Section

13-601 Records and reports

13-602 Maintenance and complaints

13-603 [Repealed and Intentionally Omitted]

13-604 [Repealed and Intentionally Omitted]

13-605 [Repealed and Intentionally Omitted]

§ 13-601 RECORDS AND REPORTS.

(A) Upon thirty (30) days advance, written notice, the licensee shall make available for inspection by the city, during reasonable hours, records maintained by the licensee and reasonably relating to the franchised system and the operation of the licensee necessary to ensure the licensee's compliance with the material terms of the franchise.

(B) The following records and reports shall be filed with the City Clerk and in the local office of the licensee upon request by the city:

(1) *Licensee rules and regulations.* Copies of such rules, regulations and terms and conditions adopted by the licensee for its business; and

(2) *Revenue.* An annual report showing total revenues and gross receipts shall be filed in the office of the City Clerk no later than 120 days following the end of the licensee's fiscal year.

(2005 Code, § 13-601; as amended in 2025, Ord. 2484)

§ 13-602 MAINTENANCE AND COMPLAINTS.

A telephone number for the reception of complaints shall be provided to subscribers and the licensee shall maintain a repair service capable of responding to subscriber complaints within 24 hours after receipt of the complaint pursuant to the agreement. The licensee shall investigate and resolve all complaints regarding quality of service, equipment malfunction, billing disputes and other matters pursuant to the procedure set forth in the franchise agreement. The licensee will bear the cost included in making such repairs, adjustments or installations unless the licensee deems such repairs necessary due to neglect or abuse of a subscriber. All costs for repairs necessary due to neglect or abuse of a subscriber shall be borne by the subscriber.

(2005 Code, § 13-602)

§ 13-603. [REPEALED AND INTENTIONALLY OMITTED]. (2005 Code, § 13-103; as amended in 2025, Ord. 2484)

§ 13-604. [REPEALED AND INTENTIONALLY OMITTED]. (2005 Code, § 13-103; as amended in 2025, Ord. 2484)

§ 13-605. [REPEALED AND INTENTIONALLY OMITTED]. (2005 Code, § 13-103; as amended in 2025, Ord. 2484)

ARTICLE 7: GENERAL FINANCIAL AND INSURANCE PROVISIONS

Section

13-701 Security fund

13-702 Liability insurance and indemnification

13-703 Performance guarantee required

13-704 Duty to licensee

13-705 No recourse against the city

§ 13-701 SECURITY FUND.

(A) At the time a franchise is accepted and at all times thereafter until the licensee has liquidated all of its obligations with the city, the licensee shall furnish a security fund approved by the city in such amount as the city deems to be adequate compensation for damages resulting from the licensee's non-performance.

(B) The city may, from year to year, in its sole discretion, reduce the amount of the security fund. The amount of the security fund shall be as set forth in a franchise agreement.

(2005 Code, § 13-701)

§ 13-702 LIABILITY INSURANCE AND INDEMNIFICATION.

(A) The licensee shall indemnify and hold harmless the city at all times during the term of the franchise, and maintain throughout the term of the franchise, liability insurance in such amount as the city may reasonably require insuring both the city and the licensee with regard to all damages and penalties which they may legally be required to pay as a result of the exercise of the franchise. The licensee shall maintain insurance in such amounts as set forth in the franchise agreement.

(B) Every licensee under this article shall indemnify and hold harmless the city, against and from any and all claims, demands, causes of action, damages, costs or liabilities in law or in equity of any kind and nature whatsoever, directly or indirectly resulting from or caused by the negligent construction, installation, operation or maintenance of the franchised system within the corporate limits of the city in accordance with the indemnification provision(s) set forth in the franchise. Every licensee shall, during the term of his or her franchise, maintain in full force and effect, written by a company or companies authorized and qualified to do business in the state, and serviced through an authorized agent doing business within the city and satisfactory to the city insurance as set forth in the franchise or, if not set forth in the franchise, as follows:

(1) Worker's compensation insurance in compliance with the law of the state and employees' liability insurance with limits of \$100,000 each accident:

(a) Five hundred thousand dollars for disease (policy limit); and

(b) One hundred thousand dollars for disease (each employee).

- (2) (a) General liability limits of general aggregate: \$2,000,000;
- (b) Products completed operations aggregate: \$2,000,000;
- (c) Personal and advertising injury: \$1,000,000; each occurrence \$1,000,000; and
- (d) Fire damage: \$50,000, on occurrence form of liability.

(3) Auto liability of \$500,000, combined single limits using Symbol 1 "any auto" with hired auto's included.

(C) Failure to carry and maintain such insurance in full force and effect and furnish continuing evidence thereof, in the required amounts, may, in the discretion of the City Council, result in termination of such franchise in the manner and under the conditions otherwise specified in this chapter.

(2005 Code, § 13-702; as amended in 2025, Ord. 2484)

§ 13-703 PERFORMANCE GUARANTEE REQUIRED.

Every applicant under the provisions of this article shall, together with its application for the franchise hereunder, and acceptance of the terms and conditions of this chapter, file with the City Clerk a U.S. Treasury Department approved corporate surety performance bond in the amount of \$25,000, which will be discharged and released in case of the completion and installation of the system as herein required within 18 months after the date of commencement of construction; provided, the licensee commenced construction within 120 days or completion of pole agreements, whichever is of the latest date, and shall have completed the construction of the system and is offering wired or cabled television or radio service to not less than 100% of the land area within the existing corporate limits of such city as of the effective date of the grant of each respective franchise, within 18 months; further provided, the preparations of the proposed system shall constitute the starting or commencement of construction hereunder; and, further provided, a map of such basic survey shall be filed with the City Administrator within such 120 days or after completion of pole agreements, whichever is the latest date. The foregoing provision shall not apply to applicants for renewal of a franchise previously granted by the city.

(2005 Code, § 13-703; as amended in 2025, Ord. 2484)

§ 13-704 DUTY TO LICENSEE.

Nothing contained in the franchise shall relieve any person from liability arising out of the failure to exercise reasonable care to avoid injuring the licensee's facilities while performing any work connected with grading or changing the line of any street or public place or with the construction or reconstruction of any sewer or water system.

(2005 Code, § 13-704)

§ 13-705 NO RECOURSE AGAINST THE CITY.

Except as permitted by applicable law, the licensee shall have no recourse whatsoever against city or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of the franchise or because of the enforcement of the franchise.

(2005 Code, § 13-705; as amended in 2025, Ord. 2484)

ARTICLE 8: RIGHTS OF INDIVIDUALS PROTECTED

Section

13-801 Subscriber privacy

13-802 Discrimination prohibited

13-803 [Repealed and Intentionally Omitted]

13-804 [Repealed and Intentionally Omitted]

§ 13-801 SUBSCRIBER PRIVACY.

The licensee shall comply with all applicable state and federal requirements concerning subscriber privacy, including without limitation 47 U.S.C. § 551.

(2005 Code, § 13-801; as amended in 2025, Ord. 2484)

§ 13-802 DISCRIMINATION PROHIBITED.

(A) The licensee shall not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of race, color, religion, national origin, age or sex. The licensee shall comply at all times with all other executive and administrative orders relating to non-discrimination which are hereby incorporated and made part of this chapter by reference.

(B) The licensee shall strictly adhere to the equal employment opportunity requirements of the FCC, state and local regulations, and as amended from time to time.

(2005 Code, § 13-802; as amended in 2025, Ord. 2484)

§ 13-803. [REPEALED AND INTENTIONALLY OMITTED]. (2005 Code, § 13-103; as amended in 2025, Ord. 2484)

§ 13-804. [REPEALED AND INTENTIONALLY OMITTED]. (2005 Code, § 13-103; as amended in 2025, Ord. 2484)

Original sections contained in § 13-104, § 13-407, § 13-603, § 13-604, § 13-605, § 13-803, and § 13-804 are outright repealed. § 13-801 is renamed and § 13-802 is repealed and replaced.

PASSED AND APPROVED THIS 1ST DAY OF JULY 2025

James P. Liffbrig, Mayor

ATTEST:

Dane C. Jensen, City Clerk