

**CITY OF ALBERTVILLE  
WRIGHT COUNTY, MINNESOTA**

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE ALBERTVILLE CITY CODE,**

The City Council of the City of Albertville hereby ordains as follows:

**Section 1.** Albertville City Code Section 4-6-4, Definitions and Interpretation, Gross Revenues, is amended to read as follows:

GROSS REVENUES: All revenues received by a Grantee, or its affiliates, from the sale or provision of Cable Service in the City. By way of example and not limitation, "Gross Revenues" shall include all carriage revenues received by a Grantee or its affiliates from unaffiliated video programming providers, and any advertising revenues received by a Grantee or its affiliates in connection with the provision of Cable Service. "Gross Revenues" shall not include bad debt, any taxes or fees on services furnished by Grantee imposed by any municipality, state, or other governmental unit and collected by Grantee for such governmental unit, or revenues received by a Grantee or its affiliates from the provision of Cable Services in the City.

**Section 2.** Albertville City Code Section 4-6-10, Franchise Fee, is amended to read as follows:

a. A Grantee must pay to the City a Franchise Fee in the amount established in the Franchise Agreement.

b. Franchise Fee payments are payable quarterly. Franchise Fee payments must be made within sixty (60) days of the end of each calendar quarter.

c. Each Franchise Fee payment must be accompanied by a report certified by an employee of the Grantee in form reasonably acceptable to City, detailing the computation of the payment. All amounts paid must be subject to audit and recomputation by the City and acceptance of any payment must not be construed as an accord that the amount paid is in fact the correct amount.

d. A Grantee may designate that portion of a Subscriber's bill attributable to the Franchise Fee as a separate line item on the bill.

**Section 3.** Albertville City Code Section 4-6-12, Renewal of Franchise, is amended to read as follows:

Franchise renewals will be conducted in accordance with applicable laws.

**Section 4.** Albertville City Code Section 4-6-14, Transfer, termination or abandonment of Franchise, is amended to read as follows:

A. Termination Or Abandonment Of Service:

1. A grantee may not abandon the System without having first given three (3) months' written notice to the city.
2. In the event of termination or forfeiture of the franchise or abandonment of the system, the city may require the grantee to remove all or any portion of its system from all rights of way and public property within the city; provided, however, that the grantee will not be required to remove its system to the extent it lawfully provides other services over the system.
3. If the grantee has failed to commence removal of its system, or such part thereof as was designated by the city, within one hundred twenty (120) days after written demand for removal is given, or if the grantee has failed to complete such removal within twenty-four (24) months after written demand for removal is given, the city may apply funds secured by the franchise toward removal and/or declare all right, title, and interest in the system to be in the city with all rights of ownership including, but not limited to, the right to operate the system or transfer the system to another for operation by it pursuant to the provisions of 47 USC section 547.

**Section 5.** Albertville City Code Section 4-6-16E, Use of Rights of Way is amended to read as follows:

Upon fifteen (15) days prior written notice, the Grantee shall provide to the City maps, plats, or other record of the location and character of facilities constructed in the City, including underground facilities, as the City may need for the management of any portion of its rights of way. Consistent with applicable state law, grantee may identify such maps, plats or other records as "confidential trade secret", and the city shall comply with all state laws regarding the protection and dissemination of such materials.

**Section 6.** Albertville City Code Section 4-6-18C, Construction Standards, Undergrounding of Facilities, is amended to read as follows:

C. Undergrounding of Facilities

1. In all areas of the city where utility facilities are required to be placed underground, or where all other utility lines are underground, all grantees must construct and install system facilities underground.
2. Amplifier boxes and pedestal mounted terminal boxes may be placed aboveground, but such facilities shall be of such size, design, and location as not to be unsightly or unsafe, as approved by the city.
3. A grantee must bury new drops within a reasonable time period. In the event the ground is frozen, a grantee will be permitted to delay burial until the ground is suitable for burial.

**Section 7.** Albertville City Code Section 4-6-19I, System Design and Extension Provisions, Emergency Alert System, is amended to read as follows:

I. Emergency Alert System.

All grantees must provide an emergency alert system (EAS) that complies with FCC requirements. If a Grantee provides an EAS, then the City shall permit only appropriately trained and authorized Persons to operate the EAS equipment and shall take reasonable precautions to prevent any use of the Grantee’s Cable System in any manner that results in inappropriate use thereof, or any loss or damage to the Cable System.

**Section 8.** Albertville City Code Section 4-6-20B, Consumer Protection and Customer Service Standards, Regulation of Cable Service Rates, is amended to read as follows:  
B. Regulation Of Cable Service Rates:

1. The city may regulate rates for the provision of cable service to the extent allowed under federal or state law(s).
2. Grantees must give the City and Subscribers written notice of any change in a Cable Service rate or charge no less than thirty (30) days prior to the effective date of the change.

**Section 9.** Albertville City Code Section 4-6-20K, Consumer Protection and Customer Service Standards, Refunds and Credits, is amended to read as follows:

K. [Omitted]

**Section 10.** Albertville City Code Section 4-6-20L, Consumer Protection and Customer Service Standards, Local Office/Drop Box, is amended to read as follows:

L. [Omitted].

**Section 11.** This Ordinance shall take effect upon its passage and publication.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ALBERTVILLE  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.**

\_\_\_\_\_  
Jillian Hendrickson, Mayor

ATTEST:

\_\_\_\_\_  
Kim Olson, City Clerk