

ORDINANCE NO. 224

AN ORDINANCE GRANTING UNTO WENTRONICS, INC., ITS SUCCESSORS, LESSEES AND ASSIGNS, FOR A TERM OF TWENTY (20) YEARS, THE NON-EXCLUSIVE RIGHT, AUTHORITY AND POWER TO CONSTRUCT, ACQUIRE, MAINTAIN AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM AND A CLOSED CIRCUIT ELECTRONICS SYSTEM WITHIN THE TOWN OF MILLS, WYOMING; LEVYING AN ANNUAL LICENSE TAX UPON SUCH OPERATION; SETTING OUT THE MANNER OF PAYMENT THEREOF; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MILLS, WYOMING:

SECTION 1. There is hereby granted to Wentronics, Inc. (hereinafter called the Grantee) and to the Grantee's successors, lessees and assigns, for the term of twenty (20) years from the date of final passage hereof, the non-exclusive right, authority and power to construct, maintain and operate a community antenna television system and a closed circuit electronics system within the Town of Mills, Wyoming (hereinafter called Town); to render, furnish and sell the service from such system to inhabitants of the Town and its environs; to construct and operate the system, including the right to enter and construct, re-construct, erect, locate, re-locate, repair and re-build in, on, under, along, over and across the streets, alleys and sidewalks of the Town all towers, poles, cables, amplifiers, conduits and other facilities owned, leased or otherwise used by Grantee for the furnishing of community antenna and closed circuit electronics service.

SECTION 2. The television signals distributed throughout the Town under the terms and provisions of this ordinance and within the control of Grantee shall be not less in degree than that quantity and quality existing on September 1, 1973.

SECTION 3. The Grantee in the construction and operation of the system shall perform its work in such a manner as to give the least inconvenience to the inhabitants of the Town and the public generally. All installations shall conform to the National Electrical Safety Code, as amended.

SECTION 4. The Mayor, or his duly authorized representative, is empowered to inspect or re-inspect any television wires and cables of the Grantee crossing public streets, alleys or sidewalks in the Town, and if such wires and cables are found unsafe or found not to have been installed in accord with the requirements of the National Electrical Safety Code, as amended, the Mayor, or his duly authorized representative, shall notify the Grantee to correct the condition within a time specified by the Mayor, or his duly authorized representative. If the Grantee fails to correct such unsafe condition within the time specified by the Mayor, or his duly authorized representative, the Mayor, or his duly authorized representative, may, in this event, remove or cause said wires and cables crossing the Town streets, alleys or sidewalks to be removed at the cost of the Grantee. Failure of the Grantee to correct violations of this ordinance within the time specified by the Mayor, or his duly authorized representative, shall constitute an offense punishable by fine not exceeding Two Hundred (\$200.00) Dollars. Each day such violation or violations are permitted to continue shall constitute a separate and distinct offense.

SECTION 5. It is expressly understood by and between the Grantee and the Town that the Grantee shall hold the Town harmless from loss resulting from the injury to the person or property of persons resulting from negligence on the part of the Grantee in the construction, operation or maintenance of its system in the Town. Grantee

shall secure liability insurance, with a loss payable clause in favor of the Town, with limits in the amount of \$100,000.00 for injury to a single person and \$300,000.00 for injury to two or more persons, and with limits in the amount of \$100,000.00 for injury to the property of a single person and \$100,000.00 for injury to the property of two or more persons. A letter from the insurance agent representing the company issuing the policy, advising the Town of the issuance thereof and that he will notify the Town in writing of any cancellation of such insurance policy for any reason, shall be furnished to the Town. The Town shall notify the Grantee's representative in the Town within thirty (30) days after the presentation of any claim or demand, either by suit or otherwise, made against the Town on account of any alleged negligence as aforesaid on the part of the Grantee.

SECTION 6. The Grantee shall have the authority to trim trees overhanging the streets, alleys and sidewalks of the Town so as to prevent the branches of such trees from coming into contact with the wires and cables of the Grantee, all trimming to be done at the expense and liability of the Grantee.

SECTION 7. The Grantee shall, at the request of any person holding a building moving permit issued by the Town, temporarily raise or lower its wires to permit the moving of the buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Grantee shall have authority to require such payment in advance. The Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

SECTION 8. In the event that at any time during the period of the operation of this system the Town shall lawfully elect to alter or

change the grade of any street, alley or public way, the Grantee, upon reasonable notice by the Town, shall re-locate its cable at its own expense.

SECTION 9. In consideration of the rights hereby granted and for the purpose of raising revenue, there is hereby levied upon Grantee, its successors, lessees and assigns, in lieu of any other license taxes, an annual license tax of one (1%) per cent of the gross receipts received as monthly service charges by Grantee from its customers within the corporate limits of the Town of Mills, Wyoming, which said one (1%) per cent tax shall be effective for the first ten (10) years of the term of said franchise and thereafter shall be subject to review and amendment by the Town of Mills, any such amendment to be effective for the balance of the term of said franchise. It is further mutually understood and agreed that in the event Grantee shall re-negotiate its franchise fee to be paid to the City of Casper, Wyoming, thereby increasing its fee or consideration paid to the City of Casper, Wyoming, in any manner whatsoever, then, in that event, the terms of this franchise shall be amended accordingly to provide the same increased benefits to the Town of Mills. Said tax shall be annually paid to the Town by the Grantee on or before the 1st day of July of each year by estimating the amount of said gross receipts expected to be received in the ensuing twelve (12) months. An adjustment shall be made annually on July 1 to conform to said gross receipts. The July 1, 1974, advance payment of tax shall include a pro rata amount for the period from date of enactment of this ordinance to July 1, 1974.

For purposes of the first year of the term of this franchise, which shall commence upon final approval on third reading by the Town Council, the prepaid tax shall be estimated commencing from the date of passage of this ordinance.

SECTION 10. Upon payment of the tax hereby levied, the Town Clerk shall execute and deliver to the Grantee a receipt therefor, and said receipt shall constitute the license of Grantee for the period of time for which said payment shall have been made.

SECTION 11. The Town shall have the right, at its own expense, at reasonable times and places, to audit such records of the Grantee as may be reasonably required for the purpose of determining whether or not the payment made by the Grantee shall constitute one (1%) per cent of the gross receipts received as monthly service charges as above set forth. Any operation by Grantee, its successors, lessees or assigns, as herein authorized without having paid the tax herein levied before same shall become delinquent shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of Two Hundred (\$200.00) Dollars, and each and every day of such delinquent operation shall be deemed a separate offense. Conviction hereunder shall not excuse or exempt Grantee, its successors, lessees or assigns from payment of the license tax herein levied or any portion thereof.

SECTION 12. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 13. In the event that any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication of invalidity shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this ordinance.

SECTION 14. All provisions of this ordinance shall be binding upon the Grantee and all successors, lessees and assigns of Grantee, whether expressly stated herein or not, and all the rights, authorities, powers, grants and privileges secured by this ordinance to the Grantee

shall be held to inure to the benefit of the Grantee and all successors, lessees and assigns of the Grantee.

SECTION 15. This ordinance shall be in full force and effect from and after passage on three readings.

PASSED on First Reading the 10 day of November, 1973.

PASSED on Second Reading the 5 day of December, 1973.

PASSED, APPROVED and ADOPTED on Third and final reading the 5 day of December, 1973.

TOWN OF MILLS, a Municipal Corporation

By L. A. Wilcox  
Mayor

Attest:

Norene Reed  
Norene Reed, Clerk of Town of Mills,  
a Municipal Corporation

I, Norene Reed, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 224, entitled "AN ORDINANCE GRANTING UNTO WENTRONICS, INC., ITS SUCCESSORS, LESSEES AND ASSIGNS, FOR A TERM OF TWENTY (20) YEARS, THE NON -EXCLUSIVE RIGHT, AUTHORITY AND POWER TO CONSTRUCT, ACQUIRE, MAINTAIN AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM AND A CLOSED CIRCUIT ELECTRONICS SYSTEM WITHIN THE TOWN OF MILLS, WYOMING; LEVYING AN ANNUAL LICENSE TAX UPON SUCH OPERATION; SETTING OUT THE MANNER OF PAYMENT THEREOF; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE". Passed on

third reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held at the Council Chambers on the 5 day of December, 1973.

Sign: Norene Reed  
Norene Reed, Town Clerk

I, regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed and certified copies of this Ordinance No. 224 approved and passed as certified above, were, following its passage by the Town Council, posted up in the Town Clerk's office and the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal Ordinance of the Town of Mills, Wyoming, on the 26 day of December, 1973.

Sign: Norene Reed  
Norene Reed, Town Clerk