

ADOPTED

DEC 5 1983

ORDINANCE NO. 141 A-3

**BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 4-86.1, CABLE COMMUNICATIONS, OF THE CODE OF THE COUNTY OF JAMES CITY, ARTICLE VII, SYSTEM OPERATIONS, BY AMENDING CHAPTER 4-86.1.17, FRANCHISE TERRITORY.

BE IT ORDAINED, by the Board of Supervisors that Chapter 4-86.1, Cable Communications, of the Code of the County of James City be and the same is, hereby, amended and reordained by amending Article VII, System Operations, Section 4-86.1.17, Franchise Territory, to read as follows.

CHAPTER 4-86.1

CABLE COMMUNICATIONS

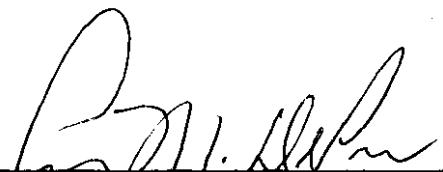
Article VII. System Operations

Section 4-86.1.17 Franchise Territory

- (a) The franchise is for the territorial limits of the county. The grantee shall furnish to the county as part of its formal application for a franchise a map of suitable scale showing all highways and public buildings. The map shall indicate the primary service areas to be served, and upon approval by the county, be incorporated into the franchise certificate. The map shall clearly delineate the following:
 - (1) The primary service areas within the franchise territory where the cable system will be available and the construction schedule for making such service available. Any differential rates within the primary service areas shall be specified as required by Article VI, section 4-86.1.14(a).
 - (2) Areas within the franchise territory but outside the primary service area where extension of the cable system cannot reasonably be expected to be made available due to lack of present or planned development, or other similar reasons, but which would receive service according to the grantee's line extension policy incorporated into the franchise certificate.
- (b) Extension of the system into any areas outside the primary service area shall be required if any of the following conditions are met:
 - (1) When potential subscribers can be served by extension of the cable system past occupied dwelling units equivalent to a density of forty (40) homes per mile of cable contiguous to the activated system. Provided, however, where it is necessary to extend the Grantee's trunk and feeder lines more than three hundred (300) feet solely to provide service to subscriber(s) not required to be served by the grantee, the direct costs for such extension in excess of three hundred (300) feet shall be paid in advance by the potential subscriber(s).

- (2) In areas not meeting the conditions in Article VII, section 4-86.1.17(b)(1) above, the grantee shall provide upon the request of ten (10) or more potential subscribers desiring service, an estimate of the costs required to extend service to said subscribers. If the potential subscribers then wish service, the grantee shall extend service upon request of said potential subscribers according to the rate schedule. The grantee may require advance payment. The amount paid for special extension shall be nonrefundable and in the event the area subsequently reaches the density required for mandatory extension, such payments shall be treated as consideration for special extension.
- (c) Within thirty (30) days of the effective date of this franchise, the grantee shall diligently pursue all efforts to obtain all necessary certificates, permits and agreements which are required to construct and operate a cable communications system in the county. Within ninety (90) days of receipt of such certificates, permits and agreements, the grantee shall commence construction of the cable system. Thereafter, construction shall proceed at such rate so as to make service available to all members of the public desiring such service at the earliest possible time. The construction program shall follow the schedule set forth in franchise certificate. If construction does not begin within twelve (12) months of the date of this franchise, the franchise shall be cancelled.
- (d) The grantee shall notify the county in writing fifteen (15) days prior to the date on which construction will commence. Thereafter, the grantee shall file quarterly written reports with the county within thirty (30) days after the end of each calendar quarter, informing the county of the grantee's construction progress. Such reports shall indicate the number of miles of system and include maps setting forth areas made operational during the current quarter, and any potential delays which the grantee is aware of which could prevent the completion of the system within the required period.
- (e) Nothing in this section shall prevent the grantee from constructing the system earlier than planned. However, any delay in the system construction beyond the times specified in the plan timetable shall require, if so requested in writing by the cable communications administrator, application to and consent by the board. The county may not unreasonably withhold consent when grantee has shown good cause for the delay, but the county may attach reasonable conditions to insure performance. The schedule and maps shall be updated whenever substantial changes become necessary.
- (f) The grantee shall not be responsible for any failure to meet all or any part of the construction schedule deadlines under this agreement due to regulation, act of God, riot or other civil disturbance, and without limiting the foregoing, by any other cause, contingency or circumstance not subject to its control which prevents or hinders the construction of the cable communications system described herein. If construction is delayed or prevented by any of the circumstances set forth hereinabove, the grantee shall notify the county in writing within ten (10) days after the occurrence of any act or ten (10) days after the termination of any continuous act and request that the time of completion of the project be extended for a stated period. If the board agrees, an extension shall be granted in whole or in part. Refusal of the board to agree to an extension shall be final.

- (g) The grantee shall interconnect origination and access channels of the cable system with any or all other cable systems in the adjacent areas, upon the directive of the county. The grantee shall cooperate with any interconnection corporation, regional interconnection authority or city, county, state and federal regulatory agency which may be hereafter established for the purposes of regulating, financing, or otherwise providing for the interconnection of cable systems beyond the boundaries of the county. The grantee may be excused from interconnecting if the operator of the cable facility to be interconnected or the franchising authorities in other jurisdictions refuse to reach a reasonable agreement regarding such interconnection.



Perry M. DePue, Chairman
Board of Supervisors

ATTEST:



James B. Oliver, Jr.
Clerk to the Board

SUPERVISOR	VOTE
DePUE	AYE
FRINK	AYE
EDWARDS	AYE
MAHONE	AYE
TAYLOR	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this
5th day of December, 1983.

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