



CODE OF ORDINANCES
Saline County, KS

CHAPTER 7
**Community Antenna Television
Service**

The resolutions in this chapter and all other chapters, sections, and appendices shall constitute and be designated the "Code of Saline County, KS". The construction of this codebook was done for the convenience of users of the Code and shall have no legal effect. The resolutions used for the construction shall supersede and have legal effect. Reference Chapter 1: Overview of Codes for further details.

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ARTICLE 7-1 FRANCHISE - REQUIRED; GOVERNING RULES

- a. No person shall install or operate a CATV system without a franchise from the county.



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- b. All applications for a CATV franchise shall be made to the county clerk upon prescribed forms, which are hereby incorporated and approved by reference, and upon which the applicant shall provide the requested information necessary to evaluate and approve the application preliminary to any grant of a nonexclusive franchise hereunder.
- c. The award of any nonexclusive franchise or franchises shall upon acceptance by the grantee be governed by the rules and regulations in this chapter, which are hereby approved and adopted and shall govern the granting and implementation of any franchise hereunder.

(Res. No. 961, 8-23-83)

ARTICLE 7-2 APPLICATION

Any individual, partnership, association, corporation or legal entity of any kind, herein called the "person," may apply to the board of county commissioners to install a CATV, which shall mean a system composed of antenna, cables, wires, fiber optics, lines, wave guides or other conductors, equipment or facilities, designed, constructed or used for the purpose of receiving, amplifying and distributing by coaxial cable audio-visual, television, electronic, electrical or radio signals to persons in the unincorporated areas of the county for a fee for a franchise, which shall mean a nonexclusive authorization granted hereunder to use the roads, public ways and dedicated easements of the county to construct, operate, maintain or lease a CATV and to provide CATV service within the unincorporated areas of the county.

(Res. No. 961, 8-23-83)

ARTICLE 7-3 AWARD

Following application containing the information requested by the board of county commissioners, the board may award such franchises as will provide the CATV service to the public contemplated by this chapter.

(Res. No. 961, 8-23-83)

ARTICLE 7-4 RIGHTS CONFERRED BY FRANCHISE

The nonexclusive franchises granted under this chapter shall extend for 20 years from their effective dates, or until terminated, and shall permit the person to whom the franchise is granted, herein called the grantee, to



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install in, on, over, under, upon, across and along any road, public way or dedicated easement any part of the CATV systems, which may be necessary for its operation.

(Res. No. 961, 8-23-83)

Cross reference— Roads and bridges generally, [Chapter 11 – Roads & Bridges](#)

ARTICLE 7-5 INSTALLATION

- a. Installation of a CATV system under any franchise under this chapter shall be completed and full service available to the residents within the designated service area within 18 months from the date the franchise is granted.
- b. Installation shall be performed in a workmanlike manner, and the CATV system shall be located so as to cause a minimum of interference with use of roads and property adjoining the roads, and shall not interfere with any gas, electric or telephone fixtures, water line hydrants or mains. The grantee shall restore any road or utility it disturbs to its condition before the disturbance, and if the grantee fails to do so, the county may do so, and the grantee shall pay the cost of such restoration or maintenance.

(Res. No. 961, 8-23-83)

ARTICLE 7-6 UNDERGROUND UTILITIES

If any public utilities are underground, the CATV system installed in that area shall be installed underground to the maximum extent that existing technology reasonably permits the grantee to do so.

(Res. No. 961, 8-23-83)

ARTICLE 7-7 EASEMENTS, RIGHTS-OF-WAY

The CATV system shall only be installed on property of the grantee, on existing pole facilities covered by utility approval, on property of a subscriber, or on dedicated easements, rights-of-way, or roads of the county. Installation of new poles along the road is forbidden without the prior written consent of the county. The grantee may use such dedicated easements, rights-of-way or roads of the county.

(Res. No. 961, 8-23-83)



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ARTICLE 7-8 COMPLIANCE WITH ELECTRICAL CODE

The installation of the CATV system shall be in accordance with the current National Electrical Code published by the National Fire Protection Association and all applicable laws, rules, and regulations of the state.

(Res. No. 961, 8-23-83)

ARTICLE 7-9 TRIMMING OF TREES

The grantee may trim trees which infringe upon easements, rights-of-way, or roads of the county to prevent trees from coming in contact with the CATV system. If the grantee does not, at the request of the county, trim trees which come in contact with the CATV system, the county, at its option, may do such trimming at the expense of the grantee.

(Res. No. 961, 8-23-83)

ARTICLE 7-10 CONSTRUCTION, USE, MAINTENANCE OF FACILITIES

Construction, use and maintenance of county or utility property shall be subject to the prior rights of the county or utility owners so that the grantee shall at its own expense relocate, remove or modify its property when other public needs require modification in the existing facilities.

(Res. No. 961, 8-23-83)

ARTICLE 7-11 SERVICE TO SUBSCRIBERS

The grantee shall provide adequate service during all business hours, and shall have a locally listed telephone to permit receipt of messages, complaints and requests for repairs or adjustments at any time.

(Res. No. 961, 8-23-83)



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ARTICLE 7-12 LIABILITY AND INDEMNIFICATION

The grantee shall indemnify the county against any and all loss or liability arising from the grantee's actions under the CATV franchise, and shall pay any damages which the county may be required to pay as a result of granting a franchise under this chapter, or the installation or operation of the CATV system.

(Res. No. 961, 8-23-83)

ARTICLE 7-13 INSURANCE, SURETY BOND

- a. The grantee at its own expense shall maintain in effect during the term of the CATV franchise a comprehensive general and automobile liability insurance policy naming the county, its agents and employees, and the grantee as insureds, with liability coverage for the grantee's premises, operations, automobiles, products, completed operations, elevators, independent contractors, broad form contractual liability and personal injury in the minimum amounts of \$500,000.00 for personal injury or death or any person, \$500,000.00 for personal injury or death in any one occurrence and \$100,000.00 property damage from any one occurrence.
- b. The grantee shall further maintain in effect during the term of the franchise a corporate surety bond in a form approved by the county and in an amount to be determined by the county conditioned upon the faithful performance of the grantee under this chapter and the franchise.
- c. The grantee shall maintain statutory workers' compensation insurance, including \$100,000.00 coverage for employer's liability coverage in a form and issued by an insurance company approved by the board of county commissioners, which insurance policies and bond, along with written evidence of payment of premiums, shall be filed with the county clerk.

(Res. No. 961, 8-23-83)

ARTICLE 7-14 FEES AND CHARGES

The grantee shall file a schedule of the fees and charges it will make upon subscribers with the county clerk upon issuance of the CATV franchise. Any proposed change shall be subject to approval of the board of county commissioners after hearing thereon.

(Res. No. 961, 8-23-83)



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ARTICLE 7-15 FRANCHISE FEE PAYMENTS TO COUNTY

The grantee shall pay to the county on or before January 15 and June 15 during each year a franchise fee based on gross annual subscriber revenues received for cable television operations in the county for the preceding six months. The term "gross annual subscriber revenues" shall mean payments actually received by the grantee for sales of all services franchised hereunder, but not including installation and similar charges. The franchise fee shall be three percent of the gross annual subscriber revenues for the period covered by the agreement.

(Res. No. 961, 8-23-83)

ARTICLE 7-16 INSPECTION OF RECORDS

The county shall have the unqualified right at any time to inspect the grantee's records, from which payments to the county are computed and the right of audit and recomputation of any and all amounts paid hereunder.

(Res. No. 961, 8-23-83)

ARTICLE 7-17 PROHIBITED ACTIVITIES

- a. No franchise granted under this chapter may be transferred, sold, leased, assigned or disposed of, in whole or in part, directly or indirectly, without the prior consent of the board of county commissioners, which consent will not be unreasonably withheld.
- b. Any transfer or assignment proposed shall be by an instrument in writing, a duly executed copy of which shall be filed in the office of the county clerk together with the information, which must accompany an initial application.
- c. No person may make any unauthorized connection with any part of a franchised CATV system without authorization or payment to the grantee.

(Res. No. 961, 8-23-83)

ARTICLE 7-18 TERMINATION OF FRANCHISE

- a. Any CATV franchise may be terminated prior to its expiration if the board of county commissioners finds after 30 days' notice to the grantee and a public hearing regarding the proposed termination that the



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grantee has failed to comply with the provisions and conditions of its franchise or this chapter. Upon termination or expiration of a franchise, the grantee shall remove all of its CATV system from the roads within a reasonable time, and in default of such action, the county may do so.

- b. Upon termination hereunder the county may recover any actual damages which it has sustained and may assess liquidated damages in a sum to be established at the time of such termination.

(Res. No. 961, 8-23-83)