

ORDINANCE NO. 80-13

AMENDING ORDINANCE NO. 75-46

NASSAU COUNTY, FLORIDA

AN ORDINANCE GRANTING A FRANCHISE TO THE FERNANDINA CABLE TELEVISION COMPANY, ITS SUCCESSORS AND ASSIGNS, TO OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE COUNTY; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDING FOR COUNTY REGULATION AND USE OF THE COMMUNITY ANTENNA TELEVISION SYSTEM; AND PRESCRIBING PENALTIES FOR VIOLATION OF THE FRANCHISE PROVISIONS; AND PROVIDING AN EFFECTIVE DATE; AMENDING SECTION 2 (1), DEFINITIONS; AMENDING SECTION 27, PAYMENT TO THE COUNTY; AMENDING SECTION 31 (a), DURATION AND ACCEPTANCE OF FRANCHISE; AND AMENDING SECTION 34 (f) (2) RATES; AND ADDITION OF SECTION 43, TRANSFER OF OWNERSHIP OF FRANCHISE.

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF NASSAU, FLORIDA:

SECTION 1. Ordinance 75-46 granting a franchise to the Fernandina Cable Television Company for the purpose of operating a cable television system within the limits of the unincorporated areas of Amelia Island, Nassau County, Florida, be amended as follows:

(A) SECTION 2. DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "County" is the ~~unincorporated-areas-of-Amelia Island, Nassau County, Florida.~~ unincorporated area of Nassau County, Florida (including but not limited to Amelia Island) bounded on the west by Interstate 95 and on the east by the Atlantic Ocean.

(B) SECTION 27. PAYMENT TO THE COUNTY. The Grantee shall pay to the County annually an amount equal to ~~three-(3)~~ four (4) percent of the annual gross subscriber revenues taken in and received by it on all retail sales of television signals within the County during the year, for the use of the streets and other facilities of the County in the operation of the CATV system and for the municipal supervision thereof. This payment shall be in addition to any other tax or payment owed to the County by the Grantee and will be made within sixty (60) days of the close of the Grantee's fiscal year.

(C) SECTION 31. DURATION AND ACCEPTANCE OF FRANCHISE.

(a) This Franchise and the rights, privileges, and authority hereby granted shall take effect and be in force from and after final passage hereof, as provided by law, and shall continue in force and effect for a term of fifteen (15) years, provided that within 30 days after the date of the passage of this ordinance the Grantee shall file with the County Clerk its unconditional acceptance of this Franchise and promise to comply with and abide by, all its provisions, terms and conditions. By separate ordinance amendment, the County Commission reserves the right to extend the unexpired portion of the fifteen (15) year franchise term made to the Grantee to the original fifteen (15) year term upon the acceptance and promise in writing by the Grantee. Such acceptance and promise shall be in writing duly executed and sworn to, by or on behalf of the Grantee before a Notary Public or other officer authorized by law to administer oaths.

(D) SECTION 34. RATES.

(f) The following maximum rates and charges are hereby authorized for service under this franchise and shall not be changed by the Grantee without prior approval by the County Commission at a public proceeding affording due process.

1. Initial aerial tap-in and connection charge, \$25.00.
2. Monthly rate for single service connection, ~~\$7.50~~ \$10.00.

SECTION 2. The following section, Section 43 is hereby added:

SECTION 43. TRANSFER OF OWNERSHIP OF FRANCHISE.

Under the authority of Section 21 of above, Transfer of Franchise, the Franchise granted herein is hereby transferred and awarded to SEABOARD COAST LINE INDUSTRIES, INC., a Delaware corporation, its successors or any subsidiaries thereof.

SECTION 3. ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

This Ordinance shall take effect and become law upon enactment.

John F. Clayton

DATED: October 21, 1980

ATTEST:

D. O. Oxley
D.O. OXLEY
Ex-Officio Clerk