

AN ORDINANCE CREATING THE TOWN OF ARRIBA, COLORADO CABLE DISTRIBUTION SYSTEM; REGULATING THE USE OF PUBLIC AND PRIVATE CABLE DISTRIBUTION SYSTEMS; PROVIDE FOR THE INSTALLATION AND CONNECTION OF BUILDINGS AND PROPERTY TO THE TOWN OF ARRIBA, COLORADO CABLE DISTRIBUTION SYSTEM; ALLOWING FOR LEASES OF POLES; ESTABLISHING A CABLE RATE SCHEDULE OF FEES; PROVIDE FOR THE COLLECTION OF FEES; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF; IN THE TOWN OF ARRIBA, COUNTY OF LINCOLN, STATE OF COLORADO.

BE IT ORDAINED by the Board of Trustees of the Town of Arriba, Colorado as follows:

SECTION 1. CABLE DISTRIBUTION SYSTEM.

- 1.1 The cable distribution system consists of the poles, the transmission cable, amplifiers, filters, de-coders, receivers, dishes, modulators, and all additions and appurtenances thereto or in any manner connected thereinwith confined to the streets, alleys, appropriate easements, or other property held by the Town of Arriba, Colorado and shall be owned, managed, constructed, repaired and operated by the Town of Arriba, Colorado under the designated name of the Town of Arriba Cable Distribution System.
- 1.2 All lines, splitters, receivers or other cable distribution system components other than channel extenders and over-head lines from the pole to terminal, which are located on private property within the Town of Arriba, Colorado are the property of the owner of record and therefore the Town of Arriba, Colorado assumes no responsibility for the construction, repair, replacement, performance or effectiveness of these components.
- 1.3 An authorized agent for the Town of Arriba, Colorado is any member of the Board of Trustees, the Mayor, the Clerk of the Town, the Town Maintenance person or any other person so appointed by the Board of Trustees of the Town of Arriba, Colorado.
- 1.4 The Town of Arriba, Colorado shall have the right to locate the cable supply line terminal on private property, to enter said location for inspection, to effect repair, or determine usage. The location of this device is solely that of the Town of Arriba's designated authorized agent and said agent shall be granted, by the owner of record, access to these devices upon demand. The Town of Arriba, Colorado is responsible for the installation, maintenance, repair

- and removal of these devices.
- 1.5 It is unlawful for any individual, corporation, or other legal entity to obstruct or interfere with the authorized agent of the Town of Arriba in performance of his or her duty to maintain, operate and manage the Town of Arriba Cable Distribution System.
 - 1.6 It is unlawful for any individual, corporation, or other legal entity to tamper, repair, remove, replace or otherwise cause damage to any component of the Town of Arriba Cable Distribution System.
 - 1.7 It is unlawful for any individual, corporation, or other legal entity to re-distribute cable transmissions of the Town of Arriba Cable Distribution System for profit and or to violate State and or Federal statutes with regard to cable transmission.

SECTION 2. CONNECTION TO THE CABLE DISTRIBUTION SYSTEM.

- 2.1 It shall be unlawful for any person, other than an authorized agent of the Town of Arriba, Colorado, to make connection with any municipal cable line in the Town of Arriba.
- 2.2 It shall be unlawful for any property owner of record within the Town of Arriba, Colorado, to rent, lease or hold such property as a shelter, residence, house or domicile of human inhabitants, which is connected to the Town of Arriba Cable Distribution System in such a manner as to avoid the fees associated with a separate connection to the Town of Arriba Cable Distribution System.

SECTION 3. CONNECTION FEES AND CONNECTION RESTRICTIONS.

- 3.1 A connection fee of Twenty Five Dollars (\$25.00) will be charged for the connection to the cable distribution system of any property within the corporate limits of the Town of Arriba, Colorado. The connection fee will be collected by the Clerk of the Town of Arriba, Colorado, for each cable tap account prior to establishing service.
- 3.2 A fee of Fifteen Dollars (\$15.00) shall be charged for each discontinuance or restoration of cable service to each cable tap account.
- 3.3 No connection to the Town of Arriba Cable Distribution System, either from private property or from property controlled by the Town of Arriba, Colorado, other than those in existence prior to the final passage of this Ordinance # 118, will be made to any property outside the corporate limits of the Town of Arriba, Colorado.
- 3.4 Any property outside the corporate limits of the Town of Arriba, Colorado, whose owner of record desires the property to be connected to the Town of Arriba Cable Distribution System will submit a written request for connection to the Board of Trustees of the Town of

- 3.5 Arriba, Colorado.
Separation of property into parcels which result, thru no fault of the Town of Arriba, Colorado, in the loss of the original cable connection, will be required to obtain a separate connection to the cable distribution system, thereby resulting in a connection fee assessment.

SECTION 4. RATE SCHEDULE. The following is a rate schedule to assess charges for the use of cable transmissions by each cable tap account on a monthly basis.

- 4.1 The monthly rate schedule is as follows:

Basic Channels.....	\$19.00
HBO Premium Channel	\$10.00
Disney Premium Channel.....	\$8.00
HBO and Disney Combined.....	\$16.00

SECTION 5. BILLING AND PAYMENT OF CABLE USAGE

- 5.1 The cable usage charges levied pursuant to this ordinance shall be payable monthly and shall be added to and made a part of the monthly service bill of the various properties in the Town of Arriba, Colorado. If any such bill is not paid within ten (10) days after the second billing, service will be discontinued and a restoration fee will be charged, as defined in Section 3.2 of this Ordinance.

SECTION 6. COLLECTION OF UNPAID OR OVERDUE CABLE USAGE CHARGES.

- 6.1 Each cable usage charge levied pursuant to this ordinance shall be a lien therewith and if the same is not paid by the 1st of October of each calendar year the Town Clerk of the Town of Arriba, Colorado shall certify such unpaid charges to the County Treasurer of Lincoln County, Colorado to be placed by him or her upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with twelve (12%) per cent penalty thereon to defray the cost of collection, and the same shall be collected and paid over by the County Treasurer to the Town of Arriba, Colorado in the same manner as taxes are authorized to be paid by Article 37, Chapter 139, of the Colorado Revised Statutes, 1963, and all laws of the State of Colorado for the assessment of general taxes, including the laws for the sale of property taxes and redemption of the same, shall apply thereto.
- 6.2 Such charges may also be certified to the County Commissioners of Lincoln County, Colorado and shall become a lien upon the real property served by such cable connection and collected in the same manner as

though they were part of the taxes.

SECTION 7. DISCONTINUANCE OF CABLE SERVICE.

- 7.1 In addition to the remedies provided in this ordinance, the Town of Arriba, Colorado may, without notice, discontinue cable service to any premises as to which the cable usage charges are delinquent for a period of Forty (40) days. The Town of Arriba, Colorado may, without notice, discontinue the cable service to any premises which, in the estimation of any authorized agent of the Town of Arriba, Colorado, may cause damage to the Town of Arriba, Colorado or threatens the public safety, health or welfare.
- 7.2 The Town of Arriba, Colorado thru any authorized agent reserves the right to interrupt any or all cable service, with or without notice, to effect repairs or extensions, or to prevent damage to property.

SECTION 8. DISPOSITION AND USE OF FUNDS.

- 8.1 The funds received from the collection of charges and rentals authorized by this ordinance shall be deposited, paid out and applied only in the manner and form provided for by annual appropriation of the Town of Arriba, Colorado for the purpose of refunding and paying outstanding cable revenue bonds of the Town of Arriba, Colorado and for extending and improving the Town of Arriba Cable Distribution System, such funds to be known and established as the "Cable Fund", but nothing contained in this ordinance shall be construed in any way to prevent the Board of Trustees of the Town of Arriba, Colorado from applying and crediting to such fund, available money derived from any other sources.

SECTION 9. ADOPTION OF RULES AND REGULATIONS CONCERNING THE OPERATION OF THE TOWN OF ARRIBA CABLE DISTRIBUTION SYSTEM.

- 9.1 The Board of Trustees of the Town of Arriba, Colorado shall make and enforce such rules and regulations as it may deem necessary for the safe, efficient and economical management of the cable system. Such rules and regulations, when not repugnant to any other ordinances of the Town of Arriba, Colorado and laws of the State of Colorado shall have the same force and effect as Ordinances of the Town of Arriba, Colorado.

SECTION 10. PENALTY. Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction in the Municipal Court for the Town of Arriba, Colorado, be assessed according to the following schedule of fines:

- 10.1 The first offense, a fine of not less than ten (10)

- 10.2 dollars nor more than three hundred (300) dollars. The second offense within any consecutive 365 day period, a fine of not less than twenty (20) dollars nor more than three hundred (300) dollars.
- 10.3 The third offense within any consecutive 365 day period, a fine of not less than forty (40) dollars nor more than three hundred (300) dollars.
- 10.4 For each subsequent offense over and above the third offense within any consecutive 365 day period, the minimum fine will be increased in increments of fifty (50) dollars.
- 10.5 The minimum fines prescribed herein for violations of any of the provisions of this Ordinance shall be mandatory and no Court shall grant a suspension thereof in whole or in part.

SECTION 11. REPEALER. All acts, orders, resolutions, Ordinances or parts thereof, of the Town of Arriba, Colorado that are inconsistent or in conflict with any of the provisions of this ordinance are hereby repealed.

IT IS THE OPINION OF THE BOARD OF TRUSTEES OF THE TOWN OF ARRIBA, COLORADO THAT this ordinance is necessary for the immediate protection and preservation of the public health, safety, and welfare and is enacted for that purpose and shall be in full force and effect after final passage and publication.

APPROVED, ADOPTED, AND ORDERED published on first reading by the Board of Trustees of the Town of Arriba, Colorado on this 14th day of December, 1992.

Dubois 12/24/92

Lawrence K. Gilbert
Mayor

(SEAL)

ATTEST:

Doreen S. Schiffer
Town Clerk