

ORDINANCE NO. 2370

AN ORDINANCE to amend and reordain Section 7B-31, Article VI and the fourth paragraph of Section 7B-96, Article XVIII, all of Chapter 7B of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 7B relates to CABLE TELEVISION REGULATION, which Article VI relates to FRANCHISE TERRITORY, CONSTRUCTION TIMETABLE, EXTENSION OF SERVICE, which Section 7B-31 relates to CONSTRUCTION TIMETABLE, which Article XVIII relates to FRANCHISE GRANT, which Section 7B-96 relates to GRANT OF FRANCHISE; BIDS, NOTICES, PUBLICATIONS, ACCEPTANCE and which fourth paragraph thereof relates to ACCEPTANCE OF FRANCHISE; POSTING OF BOND.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7B-31, Article VI, Chapter 7B of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 7B-31. Construction timetable.

(a) The franchisee shall construct or cause to be provided the necessary facilities to permit the reception of broadcast signals and the origination of programming within the city within twenty (20) months after registration with the FCC by the franchisee. The franchisee further shall complete construction of at least twenty percent (20%) of the cable distribution plant during the first twenty (20) months after registration with the FCC by the franchisee. Thereafter, the franchisee shall complete construction annually of at least twenty percent (20%) of the distribution plant and any remaining uncompleted portion of the cable television system necessary to fulfill the obligations of this franchise or of the FCC rules and regulations. A plan for location and construction, if any, of the head-end and lines shall be submitted to the city council within six (6) months after its acceptance of the franchise.

(b) Within five (5) years after registration with the FCC by the franchisee, the energized trunk, amplifiers and related equipment shall be capable of providing basic service to every dwelling unit within the franchise territory within sixty (60) days of an application for service. Thereafter, the city council may impose such further construction obligations as are necessary to bring basic service to any building within the city.

(c) Completion requirements. Failure on the part of a franchisee to commence and diligently pursue each of the foregoing requirements and complete each of the matters set forth herein shall be grounds for termination of its franchise under and pursuant to the terms of section 7B-21(b) of this chapter; provided, however, that the city council in its discretion may extend the time for the completion of construction and installation for additional periods in the event a franchisee, acting in good faith, experiences delays by reason of circumstances beyond its control. A franchisee's failure to comply with provisions of the construction plan approved by the city council shall be subject to the penalties pursuant to section 7B-64.

(d) The franchisee shall register with the FCC and comply with all other filing requirements of federal and state law within sixty (60) days of its acceptance of the franchise.

Section 2. That the fourth paragraph of Section 7B-96, Article XVIII, Chapter 7B of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Within thirty (30) days after the granting of the franchise by the city, the franchisee shall present to the city a signed and notarized agreement accepting the provisions of the franchise. Within thirty (30) days after registration with the FCC by the franchisee, the franchisee shall execute a bond in favor of the city and shall make its security fund deposit pursuant to section 7B-62 of this chapter.

Section 3. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN
Mayor

Introduction: 4/10/79
First Reading: 4/10/79
Publication: 4/13/79

Public Hearing: 4/21/79
Second Reading: 5/8/79
Final Passage: 5/8/79

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