

ORDINANCE NO. 530

AN ORDINANCE APPROVING THE FINDINGS OF THE TOWN'S ADMINISTRATOR AND CABLE TELEVISION CONSULTANT; AUTHORIZING A NONEXCLUSIVE CABLE TELEVISION PERMIT IN THE TOWN OF BERTHOUD BE AWARDED TO SATELLITE CABLE CATV COMPANY, PROVIDING AUTHORIZATION FOR AND TERMS OF THE PERMIT AGREEMENT; AND PRESCRIBING VIOLATIONS AND PENALTIES THEREFOR.

WHEREAS, the Town reviewed numerous proposals for cable television systems; and,

WHEREAS, the Town's administration, with the assistance of a Consultant thoroughly evaluated said proposals and entered into various negotiation sessions with applicants in order to ascertain the best qualified applicant for the Town of Berthoud's system; and,

WHEREAS, in accordance with the criteria established by the evaluators, the administration and the consultant have recommended that a cable communications system permit be awarded to Satellite Cable CATV Company (Satellite Cable); and,

WHEREAS, the Town administration and the consultant have published Notice of Public Hearing on the application, proposal, and awarding of said permit to Satellite Cable at least three (3) times in the Loveland Daily Reporter-Herald; and,

WHEREAS, the Town Board, having reviewed the legal, character, financial and technical qualifications of the applicant, in full public proceedings providing due process, is desirous of awarding a permit for cable communications system to said applicant;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1.

The Agreement between the Town of Berthoud and Satellite Cable CATV Company and recommendation for cable permit award for the Town of Berthoud's cable television communications system, prepared by the administration and the consultant, be and are hereby approved by the Board of Trustees as the same are on file and of record with the Berthoud Town Clerk.

Section 2.

The Board of Trustees finds upon the basis of the aforesaid report and the evidence and testimony adduced and presented before the Board of Trustees at the public hearing upon this Ordinance No. 530 at a regular meeting of the Board of Trustees held March 23, 1982, that Satellite Cable is a qualified applicant for a cable communications permit for the Town of Berthoud and that a permit should be awarded to said applicant.

Section 3.

A nonexclusive cable communications system permit is hereby granted by the Town of Berthoud to Satellite Cable for a term of seven (7) years, at a permit fee as set forth and subject to all the provisions and restrictions of this Agreement.

Section 4.

The Mayor and Town Clerk are authorized to execute and deliver the Agreement with the permittee, Satellite Cable, in

conformance with the above mentioned terms and conditions for a nonexclusive cable communications system permit. The Agreement shall include a grant of authority to the permittee to utilize the public right of ways for construction of said cable communications system and provide for such subscriber rates and charges for the use of said system and such channel allocations as are set forth in the permittee's proposal to the Town of Berthoud and the Agreement, in form approved by the administration, consultant and Town Attorney, as the Agreement is on file and of record with the Town Clerk.

Section 5.

The Municipal Code of the Town of Berthoud is hereby amended by the addition of the following:

Cable Communications Violations

(a) It shall be unlawful for any person to construct, install or maintain within any public property of the Town, or within any privately owned area within the Town which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the Town, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a permit authorizing such use of such street or property or area has first been obtained, and unless such permit is in full force and effect.

(b) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the cable communications system under any permit within this town for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of said system.

(c) It shall be unlawful for any person without consent of the permittee to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

(d) Penalty. Any person violating or failing to comply with any of the provisions of this section shall be guilty of a misdemeanor, and for each day of violation or failure to comply, may be punished by a maximum fine of \$300 or imprisonment for 90 days, or both.

Section 6. Effective Date:

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

This Ordinance was introduced and read and a public hearing set for April 13, 1982, by the Board of Trustees of the Town of Berthoud at its meeting held this 9th day of March, 1982. After the public hearing, this Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 13th day of April, 1982.

ATTEST:

TOWN OF BERTHOUD

*Orabelle Dunker*  
TOWN CLERK

*B. D. W. Hutchinson*  
MAYOR

4-19-82  
Published