

CHAPTER 54: CABLE TELEVISION

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Cross-reference:

Cable Television Programming Committee, see §§ 34.45 - 34.47

§ 54.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BARDSTOWN CABLE TELEVISION." The cable television system operated by the city pursuant to this chapter, all franchise agreements, the applicable provisions of the city's charter, and all applicable rules and regulations.

"BASIC CATV SERVICE." The distribution of broadcast and satellite television signals and broadcast radio signals as provided by the Cable Programming Committee.

"CABLE TELEVISION SERVICE." Shall mean either or both "BASIC CATV SERVICE" or "EXPANDED CATV SERVICE" as herein defined.

"CABLE TELEVISION SYSTEM." A system composed of, without limitation, antennae, cables, wires, lines, towers, wave guides or any other conductors, converters, equipment or facilities designed, constructed, or wired for the purpose of producing, receiving, amplifying, and distributing by coaxial cable audio, radio, television, electronic, or electrical signals to and from persons, subscribers, and locations in the city and county.

"CATV." A cable television system as herein defined.

"CATV DEPARTMENT." The division of the city carrying out the operation of the city's cable television system under the name Bardstown Cable Television Department.

"COMMERCIAL SUBSCRIBER." Any user other than a residential, multiple-use or educational/charitable/institutional subscriber that operates a profitable place of business within the franchised areas served by the Bardstown Cable Television System.

"COUNTY." The geographic area of Nelson County.

"EDUCATIONAL/CHARITABLE/INSTITUTIONAL SUBSCRIBER." A non-profit organization that subscribes to cable television service and operates within the city or county, and is limited to schools, churches, hospitals and governmental buildings. Residential units operated by non-profit organizations shall be classified as multiple-use.

"EXPANDED CATV SERVICE." Any communications service in addition to basic CATV service provided by the city either directly or as a carrier for the subsidiaries, affiliates, or any other person engaged in communications or any other person engaged in communications service, including, but not by way of limitation, pay and non-broadcast TV, burglar alarm service, data or other electronic transmission services, facsimile reproductions services, meter reading services, home shopping services, or other services beneficial to the subscriber.

"FRANCHISE AGREEMENT." Each and every agreement, contract, franchise, or ordinance by and between the city and any other municipality within the county, or the governing authority of the county, regulating the conditions of the city's operation of a cable television system in areas of the county other than within the then-existing corporate limits of the city.

"GOVERNING AUTHORITY." The duly elected and serving Mayor and Council of the city.

"INSTALLATION." The physical process of connecting a subscriber's premises to the city's cable television system so that the subscriber shall be able to receive the applicable cable television service provided by the City. The amount of wires, cable, connectors, and converters allowed for the installation and connection of a service to a subscriber and the charges for such installation and connections shall be, except as otherwise provided in this chapter, as prescribed by the rules and regulations of the CATV Department.

"MULTIPLE-USE SUBSCRIBER." A subscriber other than residential, commercial or educational/charitable/institutional subscriber who has more than one outlet for and uses cable television service for the benefit and enjoyment of persons other than the subscriber and the subscriber's family and guests and includes, but is not limited to, boarding houses, hospitals, hotels, motels and nursing homes.

"RECONNECTION." The physical process of making available the applicable cable television service to a subscriber in premises

"STANDARD CONNECTION." The providing of cable television service to a subscriber by means of an overhead service line of no more than 200 feet in length from the city's nearest distribution cable and as otherwise defined and described by the CATV Department's rules and regulations.

"SUBSCRIBER." Any person or entity that has contracted to receive basic CATV service.
(Ord. 313, passed 10-11-85)

§ 54.02 SCOPE.

This chapter shall apply to the city's operation of what is commonly known as a cable television system composed of, without limitation, antennae, cables, wires, lines, towers, wave guides, or any other conductor, converters, equipment, or facilities designed, constructed, or wired for the purpose of producing, receiving, amplifying, and distributing by coaxial cable any audio, radio, television, electronic, or electrical signals to and from persons, subscribers, and locations in the county. The city shall operate its cable television system in accordance with the city's Charter and all state and federal laws which pertain to the cable industry.
(Ord. 313, passed 10-11-85)

§ 54.03 TITLE AND OPERATION OF SYSTEM.

The city's cable television system shall be known as Bardstown Cable Television and shall be operated as a separate and distinct department under the control of the governing authority. The Mayor shall have primary responsibility for the operation of the CATV Department; however, he may appoint a manager to oversee the operations of the system or such persons as he may designate, notwithstanding that all capital improvements in public works departments shall be made only under the supervision of the governing authority.
(Ord. 313, passed 10-11-85)

§ 54.04 INSTALLATION AND RECONNECTION CHARGES; SUBSCRIBER RATES; MISCELLANEOUS SERVICE CHARGES.

(A) For the purpose of determining installation and reconnection charges, subscriber rates, and miscellaneous service charges, subscribers shall be divided into four separate subscriber classifications:

- (1) Residential Subscribers.
- (2) Commercial Subscribers.
- (3) Multiple-Use Subscribers.
- (4) Educational/Charitable/Institutional Subscribers.

(B) The governing authority is authorized to establish from time to time various classifications of cable television service. Initially, the service classifications shall be basic CATV service and expanded CATV service, and it is contemplated that expanded CATV service will further be divided into other subclassifications so that subscriber rates can be based on types of services received by the subscriber.

(C) The governing authority shall from time to time establish the installation and reconnection charges for standard connections and subscriber rates for all subscribers and service classifications, which rates and charges shall remain in effect until modified by subsequent ordinance of the governing authority. Miscellaneous service charges including, but not limited to, service charges for installation of CATV service other than for a standard connection as defined in § 54.01, shall be established from time to time by the governing authority or pursuant to rules and regulations promulgated by the CATV Department in accordance with the provisions of this chapter.

(D) All subscribers, except for multiple-use subscribers, and educational/charitable/institutional subscribers, shall pay the following charges for the services as listed:

(1) Basic CATV service

Programming Charge: \$7.12/month, plus:

(a) Within corporate limits: \$10.00/month;

(b) Outside corporate limits: \$14.75/month.

This is the minimum CATV programming service level and may include local and distant broadcast signals, public, educational and governmental channels, home shopping network(s), and local origination channel(s).

Effective February 1, 2016, the retail rate for Basic under this division (D)(1) shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016.

(2) Expanded CATV service (requires Basic Service subscription)

Expanded Basic CATV Service - \$42.11/month additional

This is the first highest-penetrated tier of service above Basic CATV service, currently channels 23-77.

Effective February 1, 2016, the retail rate for Expanded Basic under this division (D)(2) shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016.

Home Box Office (HBO and HBO Plus ²)	\$18.07/month additional
Cinemax (MAX)	\$8.09/month additional
Showtime Combo ¹	\$12.34/month additional
HBO, HBO Plus ² , MAX	\$24.87/month additional
HBO, HBO Plus ² , Showtime Combo ¹	\$30.41/month additional
MAX, Showtime Combo ¹	\$20.43/month additional
Digital Gateway Service ³	\$2.95/month additional
High Def Digital Gateway Service ³	\$2.95/month additional
High Def/DVR Digital Gateway Service ³	\$7.95/month additional
CableCARD Service ³	\$2.00/month additional
Economy Tier ^{1b}	\$27.45/month additional
Digital Basic ⁴	\$8.39/month additional
Economy Digital Basic ^{1b}	\$5.78/month additional
Extended Digital Basic ⁴	\$2.21/month additional
Economy Extended Digital Basic ^{1b}	\$1.53/month additional
Starz/Encore Super Pak ⁵	\$9.96/month additional
Pay-Per-View (PPV) ⁶	Supplier's Suggested Retail Price
Premium Silver Pay Package ⁷	\$37.21/month additional
Premium Gold Pay Package ⁸	\$47.17/month additional
Commercial Fox Sports Surcharge ⁹	\$2.00/month additional
Hospitality Fox Sports Surcharge ¹⁰	Per the following:
Viewable by:	
1 - 50 persons	\$37.50/month additional
51 - 100 persons	\$50.00/month additional
101 - 150 persons	\$75.00/month additional
151 - 200 persons	\$100.00/month additional
201 - 300 persons	\$125.00/month additional
301 - 500 persons	\$150.00/month additional
> 500 persons	\$200.00/month additional
High Definition Tier ¹¹	\$2.34/month additional
Latin Tier ¹²	\$5.00/month additional
TV Japan ¹³	\$15.00/month additional
Multiroom DVR ¹⁴	\$1.00/month additional per household

Subscribers to a Digital Gateway Service, CableCARD Service, Digital Basic or Digital Basic/Extended Digital Basic that also subscribe to an analog Premium Pay Service will receive the plexes of that Premium Pay Service on the digital set-top at no additional charge.

Effective February 1, 2016, the retail rate for the following packages: Digital Basic, Extended Digital Basic, High Definition Tier, and HBO, Cinemax, Showtime Combo, Starz/Encore, and all combinations thereof, under this division (D) (2), shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016.

¹ - The Showtime Combo is a package of four Showtime Networks, Inc. programs: Showtime, ShowtimeToo, The Movie Channel, FLIX. These channels are not available a la carte.

² - HBO Plus is a multiplexed service of HBO Networks, Inc. HBO is not available as a single channel (a la carte) and is packaged with HBO Plus for one rate.

³ - Digital Gateway Service is available to subscribers with Basic CATV Service and includes Digital music channels, TV Guide Interactive, and allows access (for additional fees) to all available Premium Pay Services and Pay Per View (PPV) programming, using a standard definition set-top. Effective May 1, 2011, standard definition set-tops at \$3.95 are no longer available for new installations. Existing installations are grandfathered until disconnection or upgrade initiated by the subscriber. High Def Digital Gateway Service is Digital Gateway Service with a high-definition capable set-top and High Def/DVR Digital Gateway Service is the High Def Digital Gateway with a built-in Digital Video Recorder (DVR). CableCARD Service consists of a plug-in media card designed to decode encrypted digital cable services in lieu of a set-top converter and includes a monthly digital control fee as well as capital recovery for the cost of the card; TV Guide Interactive and Pay Per View programming is not available using the CableCARD Service.

⁴ - Subscription to Digital Basic requires subscription to Expanded Basic CATV Service and either subscription to a Digital Gateway or CableCARD service. Subscription to Extended Digital Basic requires subscription to Digital Basic.

⁵ - Starz/Encore SuperPak is available with a Digital Gateway or CableCARD subscription.

⁶ - PPV is available with a Digital Gateway or CableCARD subscription. Commercial locations are subject to certain restrictions and conditions as dictated by the contract between the city and the PPV supplier.

⁷ - Premium Silver Pay Package is available to subscribers with Basic CATV Service and/or Expanded Basic CATV Service and includes the analog forms of HBO, HBO Plus, Cinemax and the Showtime Combo package.

⁸ - Premium Gold Pay Package is available to subscribers with Expanded Basic CATV Service and with a Digital Gateway or CableCARD Service. This package includes both the analog and digital forms of HBO, HBO Plus, Cinemax, the Showtime Combo package, the Starz/Encore SuperPak and all the premium service multiplexes.

⁹ - A Commercial Subscriber is defined as a non-residential subscriber other than a Hospitality Subscriber (defined below).

¹⁰ - A Hospitality Subscriber is defined as a Commercial Subscriber that is licensed to serve alcohol or derives at least 80% of its revenues from entry fees and/or the sale of food or beverages. The surcharge is based upon the number of persons that can view Fox Sport South when it is exhibited in the subscriber's establishment and is defined as equal to the Fire Code maximum occupancy rating multiplied by the percentage of the total square footage within the establishment from which a patron could view the service (Example: If occupancy = 100, total square footage = 4,000, and square footage viewable = 3,000, then Viewing Area Person Count = $100 \times 75\% = 75$ persons).

¹¹ - The High Definition Tier is a paid tier of high definition (HD) programming made up of channels that have a wholesale affiliate fee. This tier is available to Expanded Basic Subscribers and requires subscription to either High Definition Digital Gateway or CableCard Service.

¹² - The Latin Tier is a paid tier of Spanish-language programming in a digital-only format. This tier is available to Basic Subscribers and requires subscription to either a Digital Gateway or CableCARD Service.

¹³ - TV Japan is an a la carte premium channel in a digital-only format. This channel is available to Basic Subscribers and requires subscription to either a Digital Gateway or CableCard Service.

¹⁴ - Multi-room DVR service is an optional service for customers with the appropriate all-digital set-tops. It allows non-DVR "clients" to access the DVR of at least one "host" DVR set-top. Non-DVR set-tops that are "client-capable" and all current DVR set-tops are "host-capable" and are available for the rates as indicated above. Swap-outs of set-tops that support multiroom DVR will be included as part of the install free for multiroom DVR service.

¹⁵ - Economy Tier is offered as a low cost "retention" tier and/or designed and offered as a "family friendly" tier, which is solely comprised of family-friendly television video programming services that cannot in the aggregate be received by more than three and one-half percent (3.5%) of such Participating NCTC Member's total number of subscribers across all of its Members Systems, and requires subscription to a Digital Gateway or CableCARD service. Subscription to Economy Digital Basic requires subscription to the Economy Tier. Subscription to Economy Extended Digital Basic requires subscription to Economy Digital Basic.

(3) Baker's Dozen. Any Expanded Basic CATV subscriber who pays for 12 months at one time shall receive an extra month at no charge. Baker's Dozen applies to all monthly rates for Expanded CATV Service including premium pay services. Baker's Dozen discounts do not apply to monthly rates for Basic CATV Service. For those subscribers who are taking the Baker's Dozen discount, no rate modification will be made during the discount period.

(4) Initial standard connections to locations previously served by Bardstown Cable TV:

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(a) Service to existing wiring*	\$10.00	\$18.00

*This rate contemplates that the existing wiring complies with Bardstown Cable TV minimum standards for service installation and requires no modifications. Should a location initially described as such be found otherwise, the location shall be considered an unwired location and the corresponding installation rates shall apply.

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(b) Installation of additional outlets at time of installation	\$14.00 each	\$14.00 each
(c) Multi-Dwelling Unit** installation of additional outlets at time of installation	\$26.00 each	\$26.00 each

**Multi-Dwelling Unit is any residential housing unit in a building that contains more than two individual units. The standard fees shall apply to residential housing units in a building that contains one or two individual units.

(5) Initial standard connections to unwired locations:

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(a) Overhead service	\$52.00	\$60.00
1. Additional outlets at time of installation	\$14.00 each	\$14.00 each
(b) Underground service	\$127.00*	\$135.00*
1. Additional outlets at time of installation	\$14.00 each	\$14.00 each

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(c) Multiple-Dwelling Unit** Service	\$64.00	\$72.00
1. Additional outlets at time of installation	\$26.00 each	\$26.00 each

*If Bardstown Cable TV must install service drop in ditch. The full fee for underground service shall be collected at the time the work order is made. If subscriber provides for the underground installation of the service drop to the required specification, then the fee shall be same as for overhead, and the difference in fees shall be credited to the subscriber's account upon the verification by the CATV Department of satisfactory installation upon completion of the work order.

**Multi-Dwelling Unit is any residential housing unit in a building that contains more than two individual units. The standard fees shall apply to residential housing units in a building that contains one or two individual units.

(6) Initial standard connections to pre-wired locations:

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(a) Overhead service	\$32.00	\$40.00
1. Additional outlets at time of installation by city	\$14.00 each	\$14.00 each
(b) Underground service	\$107.00*	\$115.00*
1. Additional outlets at time of installation	\$14.00 each	\$14.00 each
(c) Multiple-Dwelling Unit** Service	\$32.00	\$40.00
1. Additional outlets at time of installation	\$26.00 each	\$26.00 each

*If Bardstown Cable TV must install service drop in ditch. The full fee for underground service shall be collected at the time the

work order is made. If subscriber provides for the underground installation of the service drop to the required specification, then the fee shall be same as for overhead, and the difference in fees shall be credited to the subscriber's account upon the verification by the CATV Department of satisfactory installation upon completion of the work order.

**Multi-Dwelling Unit is any residential housing unit in a building that contains more than two individual units. The standard fees shall apply to residential housing units in a building that contains one or two individual units.

(7) Expanded CATV service connection:

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(a) Analog Premium Pay Service (same trip)	No Charge	No Charge
(b) Analog Premium Pay Service (separate trip)	\$10.00	\$18.00
(c) Digital Set-Top* (new outlet required, new trip)	\$26.00	\$34.00
(d) Digital Set-Top (no new outlet required, new trip)	\$12.00	\$20.00
(e) Digital Service Upgrades (no trip required)	\$5.00	\$5.00
(f) Digital Home Theater Connection ¹ (same trip)	\$10.00	\$10.00
(g) Digital Home Theatre Connection ¹ (new trip)	\$20.00	\$28.00
(h) Multi-room DVR (new outlet required, new trip)	\$36.00	\$44.00
(I) Multi-room DVR (no new outlet required, new trip)	\$22.00	\$30.00

*Any additional set-top requiring an additional outlet can be added at the same time for an additional \$14.00.

¹ - Includes audio/video cables and physical connection to customer's existing home theater system located immediately adjacent to Digital Set-Top installed location.

(8) Extra outlet installation or relocation (when added at a later date from initial standard connection)

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(a) If pre-wired by customer	*\$10.00	\$18.00
1. Other outlets installed during completion of work order	\$14.00 each	\$14.00 each
(b) If wired by Bardstown CATV	\$24.00	\$32.00
1. Other outlets installed during completion of work order	\$14.00 each	\$14.00 each
(c) Multiple-Dwelling Unit** outlets wired by Bardstown CATV	\$36.00	\$44.00
1. Additional outlets at time of installation	\$26.00 each	\$26.00 each

*This rate contemplates that the existing wiring complies with Bardstown Cable TV minimum standards for service installations and requires no modifications. Should a location initially described as such be found otherwise, the location shall be considered an unwired location and the corresponding installation rates shall apply.

**Multi-Dwelling Unit is any residential housing unit in a building that contains more than two individual units. The standard fees shall apply to residential housing units in a building that contains one or two individual units.

(9) Reconnection after nonpayment cut-off:*

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
Reconnect fee	\$25.00	\$40.00

*Reconnects after nonpayment cut-off will be worked into the normal work order schedule and will, whenever practical, be scheduled for the third business day after payment of the entire account balance.

(10) Customer equipment trouble call*

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
Trouble call fee	\$10.00	\$18.00

*This rate applies to customer-requested hookup, programming or similar services to customer-owned equipment only. Where faulty interior wiring is encountered, the subscriber shall be responsible for the repair through the applicable rate herein.

(11) Set-top rental

(a) Additional HD digital set-top	\$2.95 per month
(b) Additional HD-DVR digital set-top	\$7.95 per month
(c) DTA (digital-to-analog) set-top	\$0.75 per month

(12) Deposits for equipment rentals (to be held until satisfactory return of equipment with account balance current):

(a) Digital set-top (best credit rating) ¹	\$25.00
(b) Digital set-top (limited credit rating) ²	\$50.00
(c) Digital set-top (poor credit rating) ³	\$100.00
(d) DTA set-top	None

Upon request, any subscriber with a credit rating indicated in divisions (b) or (c) above can obtain the next best credit rating after a period of 12 consecutive months of no late payment or returned check infractions.

¹ - Best Credit Rating - Not more than one late payment in last 12 months.

² - Limited Credit Rating - Not more than two late payments in last 12 months, or if less than one year of continuous service, letter of reference provided demonstrating previous credit history.

³ - Poor Credit Rating - More than two late payments in the preceding 12 months, or cut-off for non-payment within the preceding 12 months, or bad debt at anytime, or a bad check within the last 12 months.

(13) Reserved.

(14) Fees for the transfer of an existing Bardstown Cable TV subscriber from an existing service location to another location in the

system shall depend solely upon the type of location the subscriber is moving to. The appropriate rate contained herein shall apply.

(15) In the absence of an applicable rate for services as contained herein, any work requested to be performed by Bardstown Cable TV shall be charged on a time-and-materials basis plus a reasonable profit.

(E) The City Council may, by resolution, temporarily suspend or modify the charges for only those services provided in sections (D) (1), (2), and (4) through (7) shown above, from time to time as a promotional incentive to expand the subscriber base of the system.

(F) Multiple-use subscribers and educational/charitable/institutional subscribers shall pay the following charges for services as listed:

(1) Multiple-use (bulk) subscribers shall pay the following charges for services as listed:

(a) Basic CATV Service

Programming charge: \$7.12/month, plus:

1. Within corporate limits: \$10.00/month;
2. Outside corporate limits: \$14.75/month;

plus \$1.00 per month per additional outlet; required on all outlets.

This is the minimum CATV programming service level and may include local and distant broadcast signals, public, educational and governmental channels, home shopping network(s), and local origination channel(s).

Effective February 1, 2016, the retail rate for Basic CATV Service under this division (F) (1) shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016.

(b) Expanded Basic CATV Service (requires Basic Service subscription)

Expanded Basic CATV Service	\$42.11/month additional plus \$0.75 per month per additional outlet, required on all outlets.
HBO and HBO Plus ²	\$18.07/month additional plus \$3.50 per month per additional outlet; required on all outlets.
Commercial Fox Sports Surcharge ³	\$2.00/month additional
TV Japan ⁴	\$1.00/month per additional outlet.

Effective February 1, 2016, the retail rate for Expanded Basic and HBO under this division (F)(1) shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016.

² - HBO Plus is a multiplexed service of HBO Networks, Inc. HBO is no longer available as a single channel (a la carte) and is packaged with HBO Plus for one rate.

³ - A Commercial Subscriber is defined as a non-residential subscriber other than a Hospitality subscriber.

⁴ - TV Japan is an a la carte premium channel in a digital-only format. This channel is available to multiple-use (bulk) subscribers using direct-feed fiber connection.

Note: multiple-use customers shall be charged the normal applicable monthly basic or expanded basic CATV service charge for one (1) location plus the monthly charge per outlet as indicated herein. All additional outlets and internal distribution systems are the responsibility of the customer.

(2) Educational/Charitable/Institutional subscribers shall pay the following charges for services as listed:

(a) Basic CATV Service

Programming charge: \$7.12/month, plus:

1. Within corporate limits: \$10.00/month;
2. Outside corporate limits: \$14.75/month.

This is the minimum CATV programming service level and may include local and distant broadcast signals, public, educational and governmental channels, home shopping network(s), and local origination channel(s).

Effective February 1, 2016, the retail rate for Basic CATV Service under this division (F)(2) shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016.

(b) Expanded Basic CATV Service (requires Basic Service subscription)

Expanded Basic CATV Service \$42.11/month additional
plus \$0.75 per month per
additional outlet,
required on all outlets.

Commercial Fox Sports \$2.00/month additional
Surcharge¹

Effective February 1, 2016, the retail rate for Expanded Basic services under this division (F) (2) shall further be modified to reflect any increases or decreases in the applicable wholesale programming costs that occur subsequent to February 1, 2016.

¹ - A Commercial Subscriber is defined as a non-residential subscriber other than a Hospitality Subscriber.

Note: Educational/Charitable/Institutional customers shall be charged the normal applicable monthly basic CATV service charge for one location.

All additional outlets and internal distribution systems are the responsibility of the institution.

(G) Cable service payments are due in advance, and when an account is delinquent the service may be terminated without notice. The converter(s) and/or remote control unit(s) shall remain the property of Bardstown Cable TV unless subscriber elects to purchase said equipment.

If either subscriber or Bardstown CATV terminates the pay cable TV service or all cable TV services taken by subscriber, then it shall be the sole responsibility of subscriber to return any rented equipment owned by Bardstown Cable TV. In the event that said equipment is not returned upon termination of cable service, or is lost, destroyed, or damaged while in subscriber's possession or control, subscriber agrees to pay as liquidated damages the sum of \$100.00 for each converter and \$40.00 for each remote control unit to operator. Subscriber is wholly responsible for battery replacements for the remote control units.

(H) Taxes

(1) Utility taxes that apply to cable television services shall be added to the subscriber's account and may be changed from time to time as provided by law. The following utility taxes currently apply:

(a) Bardstown Independent School Tax	3%
(b) Nelson County School Tax	3%
(c) Washington County School Tax	3%

(2) Applicable utility taxes will be charged to advance first month service payments as required herein, annual "baker's dozen" pre-payments made after effective date of tax, miscellaneous pre-payments and to regular monthly service amounts as billed.

(3) Taxes shall be charged to regular monthly services and shall not apply to installation, reconnection or relocation fees, late fees or deposits.

(I) Cable Modem Internet Service

(1) Residential service:

6 Mb/s	\$28.25 per month
10 Mb/s	\$33.25 per month
20 Mb/s	\$43.25 per month
40 Mb/s	\$53.25 per month

Customers may rent a modem from the city at a cost of \$3 per month or may provide their own modem meeting city specifications.

(2) Commercial service costs depend on the number of users and the bandwidth, (speed) requested. Commercial customers may rent the modem at a cost of \$3 per month or may provide their own modem meeting city specifications. The monthly rates for commercial services are:

Up to 5 users, at 20 Mb/s	\$ 53.25 per month
Up to 25 users, at 40 Mb/s	\$ 73.25 per month
Up to 25 users, at 80 Mb/s	\$ 113.25 per month
Over 25 users, and/or over 80 Mb/s	(by contract)

(3) Cable modem standard connections:

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(a) Full internet install:	\$91.00	\$99.00

Includes running a separate cable wire from the outside of the house to the computer, installing one network card in one computer, and configuring the computer to operate on the cable system.

	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
(b) Installation components:		
1. Network card only	\$20.00	\$20.00
2. On-site setup	\$35.00	\$35.00
3. Unwired outlet (new trip)	\$26.00	\$34.00
4. Unwired outlet (same trip)	\$16.00	\$16.00
5. Prewired outlet (new trip)	\$12.00	\$20.00
6. Prewired outlet (same trip)	\$ 2.00	\$ 2.00
7. Provisioning	\$10.00	\$10.00
(4) Reconnection after nonpayment cut-off:*		
	<u>Inside Corporate Limits</u>	<u>Outside Corporate Limits</u>
Reconnect fee	\$10.00	\$10.00
(5) Additional services:		
(a) Virtual Domain Hosting	\$10.00 per month per domain (free for Commercial Accounts; email accounts per applicable rate class)	
(b) Virtual Domain set-up fee	\$30.00; (does not include fee for domain registration)	
(c) Public IP address	No charge for first address; \$2.00 per month per each additional address.	
(6) Wholesale cable modem internet service.		
(a) Internet Service Providers ("ISP's") may purchase cable modem internet service for each customer to which they provide ISP		

services at an initial rate equal to 60% of the rates set forth in divisions (1) and (2), with said rate to decrease by 1% for each 50 net new customers added to the city's present and projected customer count until the effective rate equals 55% of the said divisions (1) and (2) rates. For the purpose of this paragraph the city's present customer count is defined as 1,000 customers, effective April 13, 2004. For the purposes of this division, the city's projected customer count is defined as today's count plus ten city-added ISP customers per month from this date forward. "50 net new customers" is defined as a count of those customers served by a wholesale ISP which is in excess of the City's present and projected customer count.

(b) All installations of cable drops from pole to dwelling and of cable modem outlets shall be performed by the city. The city shall charge wholesale ISPs the applicable installation fees set forth in division (3)(a) and (b) for each.

(c) Wholesale ISPs shall require its cable modem internet service customers to use cable modems which have been approved by the City Electrical Engineer.

(d) Wholesale ISPs will be billed monthly on or about the first day of each month and payment shall be due and payable on the first day of each month. If payment is not received from an ISP on or before the fifteenth day of the month in which the bill is sent, a penalty of \$0.50 and a service fee of \$3 per cable modem internet service customer shall be added and shall be promptly paid.

(e) If said payment is not received by the 15th day of the month, the ISP shall be notified by mail of its delinquent status and shall be given until the twenty-fifth to pay. Cable modem Internet services shall be disconnected if payment in full is not received by the twenty-fifth. Reconnection of service shall be made only after payment of all current and past due bills service fees and penalties including an additional reconnect charge of \$100.

(f) All ISP's shall be required to connect to the city's CATV system via either lines leased from a telecommunications provider or, if within two miles of the city's fiber, a fiber connection which the ISP shall lease from the city at the following rates:

1. During the first year, \$250 per month for the first mile of fiber (or fractional part thereof) and \$100 a month for each additional mile.

2. During the second year, \$300 per month for the first mile of fiber (or fractional part thereof) and \$100 a month for each additional mile.

3. During the third year, \$350 per month for the first mile of fiber (or fractional part thereof) and \$100 a month for each additional mile.

4. During the fourth year, \$400 per month for the first mile of fiber (or fractional part thereof) and \$100 a month for each additional mile.

5. During the fifth year, \$450 per month for the first mile of fiber (or fractional part thereof) and \$100 a month for each additional mile.

(g) The city reserves the right to disconnect cable television services if a customer of a wholesale ISP has defaulted on his or her cable television bill.

(h) Wholesale ISPs shall be required to enter into a contract with the city, which further sets out the ISP's responsibilities to the city.

(7) Baker's dozen. Any internet subscriber who pays for 12 months at one time shall receive an extra month at no charge. For those subscribers who are taking the baker's dozen discount, no rate modification will be made during the discount period.

(8) Bundling discount. Any internet subscriber who also subscribes to Basic Cable Television Service will receive a 20% discount on their internet services.

(Ord. 313, passed 10-11-85; Am. Ord. 343, passed - - ; Am. Ord. 349, passed - - ; Am. Ord. 370, passed 12-28-87; Am. Ord. 397, passed 1-10-88; Am. Ord. 417, passed 2-13-90; Am. Ord. 457, passed 12-11-90; Am. Ord. 531, passed 8-24-93; Am. Ord. 594, passed 10-10-95; Am. Ord. 626, passed 6-24-97; Am. Ord. 660, passed 1-30-99; Am. Ord. 663, passed 4-27-99; Am. Ord. 670, passed 6-22-99; Am. Ord. 691, passed 4-25-00; Am. Ord. 712, passed 2-13-01; Am. Ord. 717, passed 3-13-01, Am. Ord. 722, passed 5-22-01; Am. Ord. 723, passed 6-26-01; Am. Ord. 756, passed 7-9-02; Am. Ord. 771, passed 6-10-03; Am. Ord. 782, passed 9-9-03; Am. Ord. 804, passed 4-27-04; Am. Ord. B2005-18, passed 6-28-05; Am. Ord. 2005-36, passed 12-27-05; Am. Ord. B2006-4, passed 3-7-06; Am. Ord. B2007-17, passed 6-26-07; Am. Ord. B2007-28, passed 11-27-07; Am. Ord. B2007-31, passed 12-18-07; Am. Ord. B2008-19, passed 10-14-08; Am. Ord. B2008-24, passed 12-9-08; Am. Ord. 2009-22, passed 12-8-09; Am. Ord. B2011-06, passed 5-4-11; Am. Ord. B2011-08, passed 6-28-11; Am. Ord. B2011-18, passed 9-13-11; Am. Ord. B2012-05, passed 4-24-12; Am. Ord. B2012-22, passed 10-12-12; Am. Ord. B2012-23, passed 11-13-12; Am. Ord. B2013-07, passed 6-11-13; Am. Ord. B2015-02, passed 1-27-15; Am. Ord. B2016-01, passed 1-12-16) Penalty, see § 54.99

§ 54.05 CONNECTION POLICY.

(A) Cable television service may be extended to a subscriber upon written application on forms prescribed by the CATV Department, the payment of the applicable installation charges (including the estimated amount of miscellaneous service charges imposed by the CATV Department for a service connection other than a standard connection), and one month's services in advance in addition to the subscriber's providing

the city with any and all necessary easements and permits. Services are pro-rated based on the completion date of the installation or change and pro-rated service charges will be reflected on the subscriber's next bill following completion of the installation or change in service.

(B) Installations, changes in service and reconnections shall be done during the normal business hours of the CATV Department, unless the CATV Department promulgates rules and regulations providing otherwise. Installations, changes in service and reconnections shall be made in accordance with the rules and regulations of the CATV Department.

(Ord. 313, passed 10-11-85; Am. Ord. 457, passed 12-11-90)

§ 54.06 OWNERSHIP OF COMPONENT PARTS.

All components of Bardstown Cable Television including, but not limited to, all connecting wires, cables, converters, related equipment, and apparatus installed and provided by the CATV Department used in installing cable television service to a subscriber shall be and always remain the property of the city. The application for service signed by each subscriber shall contain an acknowledgment of ownership of the property to the city upon the termination of the subscriber's cable television service, whether voluntarily or involuntarily, due to nonpayment of the subscriber's obligations hereunder or failure to comply with this chapter and the rules and regulations of the CATV Department. (Ord. 313, passed 10-11-85; Am. Ord. 457, passed 12-11-90; Am. Ord. 531, passed 8-24-93) Penalty, see § 54.99

§ 54.07 MONTHLY BILLING; LATE FEE; DISCONNECTION DUE TO DEFAULT.

(A) All customers will be billed monthly as specified in § 55.05.

(B) The officer in responsible charge is hereby authorized to discontinue the furnishing of CATV services to any customer who is in default of the payment of the charges set forth on any bill for any of these services, as outlined above.

(Ord. 313, passed 10-11-85; Am. Ord. 320, passed - - ; Am. Ord. 518, passed 11-24-92; Am. Ord. 790, passed 10-14-03; Am. Ord. B2015-11, passed 4-28-15) Penalty, see § 54.99

§ 54.08 USE OF EXISTING CITY PROPERTIES AND RIGHTS-OF-WAY; JOINT POLE AGREEMENTS.

In the construction and operation of its cable television system, the city shall be authorized and empowered to use all city property, and including but not limited to streets, alleys, roadways, rights-of-way, is prohibited by cables, and other apparatus used by the city in its utility system. The CATV Department is authorized to enter into agreements with area power, telephone, and telegraph companies and other such public utilities owning and operating utility systems within

the corporate limits and the county, for the joint use of poles and facilities in the city's operation of its cable television system.
(Ord. 313, passed 10-11-85)

§ 54.09 EASEMENTS.

The city's regular easement form shall be executed by the applicant to cover the premises to which an applicant desires the extension of cable television service. The city shall not be required to build any

(Ord. 313, passed 10-11-85)

§ 54.10 PROHIBITED ACTIVITIES.

From the passage of this chapter, no person shall:

(A) Make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of the city's cable television system for the purpose of enabling himself or others to receive any cable television service without payment of the applicable installation or reconnection charge and subscriber rate to the city.

(B) Without the consent of the city, willfully tamper with, remove, or injure any cables, wires, or equipment provided or installed by the city in its cable television system.

(C) Connect or attempt to connect any apparatus to the city's cable television system for any purpose except for the connection of the exact number of televisions or other electronic equipment expressly permitted to be connected to the system under the subscriber's application agreement.

(D) Resell, redistribute, or otherwise charge anything of value for the use or redistribution of any cable television service received by a subscriber except as expressly permitted for a multiple-use subscriber.

(E) Pursuant to applicable contractual requirements, be allowed service in an area such that a pay cable television service can be viewed by a public audience.

(Ord. 313, passed 10-11-85; Am. Ord. 457, passed 12-11-90) Penalty, see § 54.99

§ 54.11 REGULATION OF EXTENSION BASED ON ANTICIPATED COST AND REVENUE.

The city expressly reserves the right to refuse to extend cable television service when:

(A) The cost of the extension is determined by the governing authority to be excessive in comparison to the revenue to be derived therefrom.

(B) When the city does not have funds available for such extensions.

(C) In the event of circumstances as described in divisions (A) and (B) above, the applicant for the extension and the city may negotiate the financing of such extension on such terms and conditions as the governing authority may approve.
(Ord. 313, passed 10-11-85)

§ 54.12 RULES AND REGULATIONS OF THE CATV DEPARTMENT.

(A) The CATV Department shall adopt, from time to time, clearly reasonable rules and regulations concerning the operation of the CATV Department. In addition to such other areas as the CATV Department shall determine to be not otherwise contrary to this chapter, such rules shall cover such areas as:

(1) Allowances and guidelines for installations and reconnections including standard connections for residential, commercial, multiple-use and educational/charitable/institutional subscribers.

(2) Miscellaneous service charges or the rates for the calculation of service charges for normally required services provided in the installation of cable television service which will not otherwise be covered by the basic installation charge. All charges must be calculated so as to reimburse the city for the costs involved in providing the services.

(3) Charges for providing underground service to a subscriber.

(4) Prohibiting employees of the CATV Department from "fishing" of wire in walls and moving of furniture during installation or reconnection of cable television services.

(5) Miscellaneous policies and procedures, including defining normal working hours for responding to service calls, making initial installations, and reconnections.

(B) Each applicant for cable television service shall, prior to actual installation, be apprised of the miscellaneous service charges and rates and an estimate of the miscellaneous service charges anticipated to be incurred in providing the applicable cable television service to the applicant. Prior to the commencement of the installation of cable television service to a customer that will require service for other than a standard connection, the applicant shall pay a deposit to the city.

(C) The governing authority shall have the right and privilege to rescind, revoke, or amend from time to time, any and all rules and regulations adopted by the CATV Department.
(Ord. 313, passed 10-11-85; Am. Ord. 457, passed 12-11-90) Penalty, see § 54.99

§ 54.13 COMPLIANCE REQUIRED.

(A) Bardstown Cable Television shall be operated in complete compliance with all applicable state, federal, and local rules and regulations including, but not limited to, the Cable Communication Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992 and FCC Rules and Regulations.

(B) In accordance with FCC rules and regulations regarding radio frequency (RF) signal leakage, any subscriber with any faulty or damaged apparatus or equipment, whether the faulty equipment is owned by Bardstown CATV or by private owner, affecting the Bardstown Cable Television System whereas found to radiate RF signals above the allowed levels shall:

(1) Take appropriate measures to repair such apparatus in a timely manner upon notification by CATV department personnel, if such equipment is the property of the customer; or

(2) Make arrangements with the CATV department to schedule repairs of such apparatus that is the property of the city.

(C) RF leakage violations, if not addressed in a reasonable amount of time after notice documented by the CATV Department, shall result in termination in cable television services to the location in non-compliance.

(Ord. 313, passed 10-11-85; Am. Ord. 457, passed 12-11-90; Am. Ord. 531, passed 8-24-93) Penalty, see § 54.99

§ 54.14 COMPLAINT PROCEDURE.

The CATV Department shall provide forms for recording, processing, and resolving subscriber complaints. All subscriber complaints shall be in conformance with the CATV complaint procedure, and it shall be the responsibility of the CATV Department to respond promptly to valid complaints.

(Ord. 313, passed 10-11-85)

§ 54.15 FREE SERVICE PROHIBITED.

No free monthly services shall be allowed or permitted from Bardstown Cable Television and no connections to the system shall be permitted or made except as provided in this chapter.

(Ord. 313, passed 10-11-85) Penalty, see § 54.99

§ 54.98 VIOLATIONS.

Upon the discovery of any violation of a provision of this chapter or any other ordinance or franchise agreement regulating the operation of the city's cable television system, or any rule or regulation adopted by the CATV Department relative to the operation of a cable television system, it shall be the duty of the CATV Department to discontinue cable television service to the subscriber guilty of the

violation until the violation is corrected and any charges connected therewith paid.

(Ord. 313, passed 10-11-85; Am. Ord. 457, passed 12-11-90) Penalty, see § 54.99

§ 54.99 PENALTY.

Any person violating any of the provisions of this chapter, other than the nonpayment of bills for cable television service, which nonpayment shall be handled in the authorized manner of practice, or RF leakage violations as addressed herein, shall be recommended for prosecution in accordance with appropriate charges according to this chapter or state and federal law by the authorized agent of the CATV Department. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined an amount not less than \$50 nor more than \$500 for each violation.

Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 313, passed 10-11-85; Am. Ord. 457, passed 12-11-90)