

TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 95

Adopted: January 14, 1999

AN ORDINANCE TO AMEND ORDINANCE NO. 48 OF CHIKAMING TOWNSHIP ENTITLED: AN ORDINANCE TO GOVERN AND CONTROL COMMUNITY ANTENNA TELEVISION SYSTEMS WITHIN THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN, AND TO GRANT A NON-EXCLUSIVE FRANCHISE TO MICHIANA CABLEVISION CORPORATION TO ACQUIRE, CONSTRUCT, MAINTAIN AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN.

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. SECTION VI., Paragraph a., is hereby amended to read as follows:

a. Franchise payments, operations within franchise area. In consideration of the granting and exercise of a franchise to use the streets of the franchise area for the purpose of operating a cable television system for the use and benefit of subscribers therein, the grantee shall pay yearly to the Township during the entire time of any franchise granted pursuant to this ordinance, an annual franchise fee equal to 3% of the grantee's yearly gross revenues, or \$250.00, whichever is greater, provided, however, the franchise fee may be increased as provided in Section IX, e., of this Ordinance, and further provided that during the last three calendar years of this franchise the franchise fee may be increased by the unilateral action of the Township Board to a fee equal to 5% of the grantee's yearly gross revenues.

Grantee's yearly gross revenues shall mean all compensation and other consideration in any form whatsoever and any contributing grant or subsidy received directly or indirectly by grantee from supplying cable services to the Township and shall include, but not by way of limitation, revenues derived from per-program or per-channel charges, leased channel revenues and advertising revenues. Payment of the annual franchise fee shall commence one year from the date of acceptance of this franchise by grantee, and shall be payable on the same day and month of each and every year thereafter.

Section 2. SECTION IX., Paragraph d., is hereby amended to read as follows:

d. Term of Franchise. The franchise granted by the Township Board under this ordinance shall be for a term expiring on December 31, 2002, unless terminated prior to its expiration as herein provided. Any franchise renewal shall be subject to the prior approval of the Township Board.

Section 3. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Enactment. The foregoing amendment to Ordinance No. 48, was enacted on the 14th day of January, 1999, by the Township Board

of Chikaming Township, Berrien County, Michigan, and ordered effective on the 27th day of January, 1999.

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming

Attest:

Harold J. Gilmore
Harold J. Gilmore, Supervisor
Township of Chikaming

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 95, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 14th day of January, 1999. I further certify that Dudeck moved the adoption of said ordinance and Zimmerman supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Zimmerman	<u>X</u>	_____	_____	_____
Gibson	<u>X</u>	_____	_____	_____
Simmons	<u>X</u>	_____	_____	_____
Dudeck	<u>X</u>	_____	_____	_____
Gilmore	<u>X</u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 15th day of January, 1999, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Southcounty Gazette & Shopper, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 25th day of January, 1999.

Dated: January 15, 1999

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming