

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 3315

**AN ORDINANCE TO AMEND THE CABLE AND
COMMUNICATIONS CODE OF THE CITY OF COLUMBIA,
ILLINOIS TO AMEND SECTION 2.1 TO ENACT THE CITY'S
APPLICATION FEE FOR A RIGHTS-OF-WAY USE
AGREEMENT**

**Adopted by the
City Council
of the
City of Columbia, Illinois
this 6th day of March, 2017**

**Published in pamphlet form by
authority of the City Council
of the City of Columbia,
Illinois, this 7th day of
March, 2017.**

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Stacy Haff
City Clerk

WHEREAS, the City of Columbia has enacted the Cable and Communications Code in Ordinance 2527 to regulate providers of cable and video services who utilize the rights-of-way of the City in the provision of such cable and video services; and

WHEREAS, the City of Columbia further amended its Cable and Communications Code via Ordinance 2617 to provide updates to reflect changes in state law; and

WHEREAS, Illinois law authorizes the City to otherwise regulate the use and occupancy of Rights-of-Way for placement of a Communications Systems and Cable Systems as defined in the City's Cable and Communications Code, and to require compensation and to adopt rules and regulations regarding such use and occupancy; and

WHEREAS, the City finds that it is in the best interest of the City to enact its fee for its application for a Rights-of-Way Use Agreement, which authorizes use of the City's Rights-of-Way for certain providers, within the City's Cable and Communications Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Columbia, Monroe and St. Clair Counties, Illinois, in the exercise of its non-home rule powers, as follows:

SECTION 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

SECTION 2. Section 2.1 of Chapter 2 of the Cable and Communications Code of the City of Columbia, Illinois is hereby amended to enact new Subsections A and B to Section 2.1, to read as follows:

- A. **Rights-of-Way Use Agreement Application.** An application for Rights-of-Way Use Agreement, on City forms, shall be presented to the City in writing and shall include all such information as is required by this Code. This application requires payment of a non-refundable application fee deposit of \$2,500, which fee shall be utilized to at least partly offset the City's costs in this process, consistent with applicable law; any amount not used by the City for its actual costs will be refunded to the applicant on request after execution of a Rights-of-Way Use Agreement. If applicable, the applicant shall be obligated to reimburse the City for its reasonable expenses associated with the review, negotiation and adoption of an appropriate Rights-of-Way Use Agreement that may reasonably exceed the Application fee amount. The application will be used to determine the qualifications and eligibility of the

applicant to be granted either a license agreement, franchise, or Rights-of-Way Use Agreement under the City Code, and federal and state law, and to assist the City in ensuring compliance of the applicant with applicable law, and adapting any agreement to unique or special circumstances as may be established by the applicant. The applicant shall be responsible for accurately maintaining the information in the application during the term of any Rights-of-Way Use Agreement and shall be responsible for all costs incurred by the City due to the failure to provide or maintain as accurate any application information required herein.

B. **Franchise Application.** See Section 3.1 for Franchise Application requirements.

SECTION 3. All other provisions within Section 2.1 and the City's Cable and Communications Code shall remain in full force and effect.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage as provided by law.

Alderman Reis moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Ebersohl, and the roll call vote was as follows:

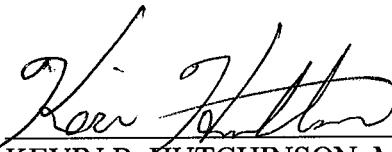
YEAS: Aldermen Ebersohl, Agne, Roessler, Huch, Reis, Holtkamp and Martens.

NAYS: None.

ABSENT: Alderman Niemietz.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 6th day of March, 2017.


KEVIN B. HUTCHINSON, Mayor

ATTEST:


WESLEY J. HOEFKEN, City Clerk

(SEAL)