

VILLAGE OF WASHBURN, ILLINOIS
ORDINANCE NO. 19-3

AN ORDINANCE ADDRESSING THE PAYMENT OF CABLE TELEVISION
FRANCHISE FEES IN THE VILLAGE OF WASHBURN, ILLINOIS

ADOPTED BY THE VILLAGE BOARD
OF THE VILLAGE OF WASHBURN, ILLINOIS
THE 9TH DAY OF DECEMBER, 2019

ORDINANCE NO. 19-3

AN ORDINANCE ADDRESSING THE PAYMENT OF CABLE TELEVISION
FRANCHISE FEES IN THE VILLAGE OF WASHBURN, ILLINOIS

WHEREAS, Mediacom Illinois LLC operates a cable television system providing cable television services to households in the Village of Washburn, Illinois authorized under an Authorization to Offer Cable or Video Services granted by the Illinois Commerce Commission on _____, 2018 pursuant to 220 ILL. COMP. STAT. 5/21-401; and

WHEREAS, 220 ILL. COMP. STAT. 5/21-801 permits the Village to collect service provider fees from a cable operator operating within the Village pursuant to a state authorization; and

WHEREAS, the Village hereby adopts this Ordinance in order to collect service provider fees from Mediacom Illinois LLC.

NOW, THEREFORE, BE IT OBTAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WAHSBURN, ILLINOIS AS FOLLOWS:

SECTION 1. Mediacom Illinois LLC shall pay an annual service provider fee to the Village in an amount equal to 3% of annual gross revenues derived from the provision of cable or video service to households located within the Village. The twelve (12) month period for the computation of the service provider fee shall be a calendar year.

SECTION 2. The service provider fee payment shall be due annually and payable within 90 days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation. If mailed, the fee shall be considered paid on the date postmarked.

SECTION 3. For purposes of the calculation of the service provider fee, "gross revenues" shall mean consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by Mediacom Illinois LLC for the operation of its cable system to provide cable or video service within the Village, including the following: (i) recurring charges for cable service or video service; (ii) event-based charged for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges; (iii) rental of set-top boxes and other cable service or video service equipment; (iv) service charges related to the provision of cable service or vide service, including, but not limited to, activation, installation, and repair charges; (v) administration charges related to the provision of cable service or video service, including but not limited to service order and service termination charges; and (vi) late payments fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

SECTION 4. For purposes of the calculation of the service provider fee, "gross revenues" shall not include: (i) revenues not actually received, even if billed, such as bad debt; (ii) the service provider fee or any tax, fee or assessment of general applicability; (iii) any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunications services, voice over internet protocol (VoIP) services, information services, the provision of directory or Internet advertising, or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders; (iv) security deposits collected from subscribers, or (v) any amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

SECTION 5. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6. All ordinance or parts of ordinances in conflict herewith and hereby repealed to the extent of such conflict.

SECTION 7. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form (which publication is hereby authorized) as provided by law.

ADOPTED THIS 9th day of December, 2019.

AYES: 6

NAYS: 0


ABSTENTIONS: 0

ABSENT: 0

APPROVED THIS 9th day of December, 2019.


Steve Forney, Village President

ATTEST:


Rebecca Ulrich, Village Clerk

CERTIFICATE OF PUBLICATION

I, REBECCA ULRICH, the duly qualified Village Clerk of the Village of Washburn, Illinois, and the official custodian of the records of said County do hereby certify that this Ordinance was published in pamphlet form by authority of the VILLAGE Board on the 10th day of December, 2019.

A handwritten signature in cursive script, reading "Rebecca Ulrich", written over a horizontal line.

Rebecca Ulrich, Village Clerk