

VILLAGE OF HAMMOND

ORDINANCE 2015-02

**"AN ORDINANCE ADDRESSING THE PAYMENT OF CABLE TELEVISION
FRANCHISE FEES IN THE VILLAGE OF HAMMOND, ILLINOIS"**

**ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF HAMMOND**

THIS 12th DAY OF May 2015

Published in pamphlet form by authority of the Board of Trustees of the Village of

Hammond, Piatt County, Illinois, this 12th day of May 2015

ORDINANCE 2015-02

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

WHEREAS, Mediacom Illinois LLC operates a cable television system providing cable television services to households in the Village of Hammond, Illinois authorized under an Authorization to Offer Cable or Video Services granted by the Illinois Commerce Commission on May 12, 2015 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 ORDAINED BY THE VILLAGE TRUSTEES OF THE VILLAGE OF HAMMOND, ILLINOIS, AS FOLLOWS:

SECTION 1: Mediacom Illinois LLC shall pay an annual service provider fee to the Village in the amount equal to 5% 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 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 it is 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 charges for cable services 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 video service, including, but not limited to, activation, installation, and repair charges; (v) administrative charges related to the provision of cable service or video service, including, but not limited to, insufficient funds check charges, and other charges assess to recover the costs of collecting delinquent payment.

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 nonvideo 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; (vi) security deposits collected from subscribers, or (vii) 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 ordinances or parts of ordinances in conflict herewith are 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.

Approved this 12th day of May 2015.

Michael Chappell
Village President

(SEAL)
Attest:

Brenda Sebens
Village Clerk
STATE OF ILLINOIS
COUNTY OF PIATT

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) SS.

I, Brenda Sebens do hereby certify that I am the duly appointed and acting Village Treasurer of the Village of Hammond, Piatt County, Illinois.