

ORDINANCE NO: 12 – 1070

AN ORDINANCE ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE VILLAGE OF RUSSELLS POINT AND TO AUTHORIZE THE MAYOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE IN THE VILLAGE OF RUSSELLS POINT, LOGAN COUNTY, OHIO

WHEREAS, the Ohio general Assembly enacted Sections 1331.21 through 1331.24 of the Revised Code, effective September 24, 2007, to provide a statewide uniform regulatory framework for the provision of cable television and/or other video service; and

WHEREAS, under the Revised Code a video service provider that is providing video service to subscribers in the village pursuant to a state issued video service authorization must pay the village a video service provider fee (VSP Fee); and

WHEREAS, the Revised Code requires that the percentage of gross revenues on which VSP fees are paid must be the same percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect in the village (VSP Fee Percentage) or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee percentage shall be zero percent of gross revenues unless the village determines by ordinance that the VSP Fee will be a percentage of gross revenues not to exceed five percent of gross revenues; and

WHEREAS, the Revised Code further requires the village to provide a video service provider with written notice of the VSP Fee Percentage within ten days of receiving notice from a the video service provider that it will begin offering service in the village; and

WHEREAS, in order to provide timely notice to a video service provider of the VSP Fee Percentage, it is necessary for this council to establish a VSP Fee Percentage in the village and to authorize the mayor to give written notice to the video service provide in a timely fashion; and

WHEREAS, the residents of the village have already been paying a VSP Fee Percentage of three percent under a previous agreement; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Russells Point, Ohio:

SECTION I: That this Council hereby establishes a VSP fee that is calculated by applying a VSP Fee Percentage of three percent (3%) to the video service provider's gross revenue as defined in section 1332.32(B) the Revised Code. All video service providers and cable television operators providing video service in the village shall apply the VSP Fee Percentage against gross revenues as defined in the Revised Code.

SECTION II: That the VSP Fee shall be paid by each video service provider in the village on a quarterly basis but not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter.

SECTION III: That the Mayor is hereby authorized to provide written notice to the video service provider of the VSP Fee Percentage as determined by this council which notice shall be given by certified mail. Upon receipt of such notice, the video service provider shall begin providing video service in the village pursuant to a state issued video service authorization.

SECTION IV: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council and that all deliberations of this Council, and any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Ohio Revised Code.

SECTION IV: That this ordinance shall, therefore, be in force and take effect upon its passage and signature by the Mayor.

Passed: _____, 2012

Dave Leonard
President Pro Tem of Council

Attested: _____
Jeff Weidner
Fiscal Officer

Robin Reames
Mayor

Approved as to form

Robert N. Eshenbaugh Jr.
Village Solicitor