

ORDINANCE NO. 90-1

AN ORDINANCE AMENDING ORDINANCE NO. 83-11 ENTITLED  
"ORDINANCE PROVIDING FOR CABLE TV FRANCHISE"  
AS ADOPTED JUNE 1, 1983

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF CHAPIN, MORGAN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1: Ordinance No. 83-11 entitled "Ordinance Providing for  
Cable TV Franchise", passed by the President and Board of Trustees of  
the Village of Chapin, Morgan County, Illinois, on the 1st day of  
June, 1983 is hereby amended by adding to Ordinance No. 83-11,  
Section XII to read as follows:

**SECTION XII. FRANCHISE FEE**

A. The Grantee shall annually pay to the Village an amount  
equal to three percent (3%) of the annual gross revenues of the  
Grantee, as defined in sub-paragraph D, as a franchise fee.  
Payment of the annual franchise fee shall be made to the Village  
within sixty (60) days following the close of Grantee's fiscal  
year. The fiscal year of the Grantee ends on December 31 of each  
year.

B. Each payment of the franchise fee shall be accompanied  
by a financial statement showing the gross revenues of the  
Grantee. The financial statement shall be signed before a notary  
public by the appropriate officers of the Grantee. Further, the  
Village shall have the right at any time, upon reasonable notice,  
to inspect the financial records of Grantee with reference to the  
gross revenues of the Grantee. In addition, the Village shall  
have the right to have a certified public accountant designated

by the Village, examine such of the financial records of the Grantee as the accountant may reasonably require to verify the financial statements of Grantee.

C. If any franchise fee is not received by the Village on or before the date specified, interest shall be charged from the due date at two percentage points over the prime lending rate at Chapin State Bank, Chapin, Illinois, computed daily and the Village may, at its option, declare Grantee in default of the franchise.

D. "Gross revenue of the Grantee" means all revenues derived from the operation of the cable television system governed by this franchise including subscriber service fees for basic service as well as pay and premium channel service.

E. Grantee agrees that if, upon expiration of the term of the franchise granted in Section I hereof, the Village shall grant a successive franchise to Grantee, its successors or assigns, the Grantee shall pay to the Village, for the term of the successive franchise, the maximum annual franchise fee allowed by law in effect at that time, subject to adjustments agreed to by the Village.

Section 2: (Effective Date). This Ordinance shall take effect on January 1, 1990. The first payment of the franchise fee by Grantee shall be due sixty (60) days following December 31, 1990.

Section 3: (Savings Clause). If any section, paragraph, clause or provision of this Ordinance shall be held invalid, such invalidity shall not affect any other section, paragraph, clause or provision

herein.

PASSED this 10<sup>th</sup> day of January, 1990 at a regular meeting of the President and Board of Trustees of the Village of Chapin.

acting Roy A. Hill  
President

ATTEST:

Shirley Coffman  
Village Clerk

(SEAL)

The undersigned, Grantee above, does hereby unconditionally accept this Amendment to Ordinance No. 83-11 and the franchise granted thereby and shall comply with and abide by all of its provisions, terms and conditions.

Dated this 2nd day of February, 1990.

~~TRIAX CABLEVISION~~ Missouri Limited Prtnsp.  
Triax Midwest Associates, L.P., d.b.a Triax Cblvsn.

By: Jim Vaughn

Its: Vice-President of Operations

ATTEST:

Kathleen L. Rice

Kathleen L. Rice  
Its: Assistant Secretary to the Board

(SEAL)

bd:c:rf:cabtvard

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