

FIREWORKS ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF VANCE, ALABAMA AS FOLLOWS:

1. PERMIT REQUIREMENT: It shall be unlawful for any person to sell or offer to sell any item of fireworks without first having secured the required applicable permit from the Town Clerk of the Town of Vance, Alabama. This provision applies to non-residents as well as residents of the Town of Vance.

The Town Clerk is authorized and directed to charge Twenty-five and no/100 (\$25.00) Dollars for permits and the holder of any such permit will be authorized to engage in the retail sale of permitted items as more particularly defined hereinafter.

2. REVOCATION OF PERMIT: Any permit issued hereunder may be revoked upon evidence that the holder of said permit has purchased, received, sold, used, shipped or caused to be shipped any illegal fireworks in violation of this ordinance.

3. ISSUANCE OF PERMIT BY STATE FIRE MARSHALL: No permit may be issued under the provisions of this ordinance until the applicant shall have furnished definite and satisfactory evidence that a proper State permit has been issued to the applicant by the State Fire Marshall and that said permit is current and valid.

4. PERMISSIBLE ITEMS OF FIREWORKS: It shall be unlawful for any person to sell or use within the Town of Vance any pyrotechnics commonly known as "Fireworks" other than those fireworks classified as permissible fireworks pursuant to Article 8 of Chapter 17 of Title 8 of the Code of Alabama, 1975.

5. REQUIREMENTS AS TO STORAGE:

(a) Placing, storing, locating or displaying of fireworks in any window where the sun may shine through glass onto the fireworks so displayed or to permit the presence of lighted cigars, cigarettes or pipes within ten (10) feet of where the fireworks are offered for sale is hereby declared unlawful and prohibited. At all places where fireworks are stored or sold, there must be posted signs with the words "FIREWORKS - NO SMOKING" in letters not less than four (4) inches high.

(b) No fireworks shall be sold at retail at any location where paints, oils or varnishes are for sale or use unless kept in the original unbroken containers, nor within fifty (50) feet of where resin, turpentine, gasoline or other inflammable substance which may generate inflammable vapors is used, stored or sold.

(c) Any fireworks devices that are readily accessible to handling by consumers or purchasers must have their fuses protected in such manner as to protect against accidental ignition of an item by a spark, cigarette ashe or other ignition source.

(d) No permit shall be issued for the sale of fireworks at retail from tents or from or in a motor vehicle or from a trailer towed by a motor vehicle. No permit shall be issued to an applicant unless the premises where fireworks are to be stored or sold shall have been inspected by the State Fire Marshall and a permit for retail sales shall have been issued by the State Fire Marshall or his designated representative.

6. DEFINITIONS: As used in this Article, the following terms shall have the meaning ascribed to them in this section unless clearly indicated otherwise:

(1) PERMIT: The authorization of the Town of Vance issued under the authority of this Article.

(2) PERSON: Includes any corporation, association, co-partnership or one or more individuals.

(3) SALE: An exchange of Articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal proprietor, salesman, agent, association, co-partnership or one or more individuals.

This the 7th day of April, 1987.

Bob Sauls
MAYOR

Mary Martin

Jim Kellum

O. V. Gerson

Bertha Martin

ORDINANCE NO. 3

AN ORDINANCE EVIDENCING THE CONSENT OF
THE TOWN COUNCIL OF THE TOWN OF VANCE
TO THE AMENDMENT AND TRANSFER OF A FRANCHISE HERETOFORE
GRANTED BY SAID TOWN AND AUTHORIZING THE
TOWN CLERK TO DELIVER A CERTIFIED COPY
OF THIS ORDINANCE AS WRITTEN EVIDENCE
OF THE APPROVAL OF SAID TRANSFER

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL (HEREIN
TOGETHER CALLED THE "COUNCIL") OF THE TOWN OF VANCE,
ALABAMA, AS FOLLOWS:

Section 1. Findings by the Council. The Council
has ascertained and does hereby find and declare that:

(a) On July 5, 1983, the Town Council of the Town
of Vance, Alabama duly adopted an Ordinance, titled the
"Vance Community Antenna Television Company Franchise
Ordinance," granting West Alabama Cable T.V. Company, Inc.,
its successors and assigns (herein referred to as "West
Alabama Cable TV"), the right to build, maintain, and
operate a cable television system in the Town of Vance,
Alabama (herein called the "Franchise Ordinance"), a
complete copy of which is attached hereto as Exhibit "A" and
made a part hereof;

(b) The Council has now been requested to approve
the transfer of all of West Alabama Cable TV's rights,
title, and interest in and under the Franchise Ordinance to
Cheaha Cablevision, Inc., an Alabama corporation; and

(c) It is desirable and in the public interest
that the Council evidence its approval of such transfer to
Cheaha Cablevision, Inc. by the adoption of this Ordinance.

Section 2. No Knowledge of Defaults. The Council
hereby declares that, to the best of its knowledge,
information, and belief, there exists no breach or default
of any kind by West Alabama Cable TV under the Franchise
Ordinance.

Section 3. Approval and Acknowledgment. The
Council hereby approves and consents to the transfer of all
rights, title, and interest of West Alabama Cable TV in and
under the Franchise Ordinance to Cheaha Cablevision, Inc.,
its successors or assigns, said consent to be effective upon
the later of: (i) the closing of the sale to Cheaha
Cablevision, Inc. of substantially all the operating assets
of West Alabama Cable TV, as certified in writing to the
Town Clerk by an officer of Cheaha Cablevision, Inc.; or
(ii) five days following publication of this Ordinance in

revocation on account of any acts or omissions of West Alabama Cable TV. The Council further acknowledges and agrees that, as of the effective date of said transfer, Cheaha Cablevision, Inc. will be in full compliance with all the terms, provisions, conditions, and requirements set forth in the Franchise Ordinance, as amended in the manner described below.

Section 4. Only Ordinance Pertaining to Matter. The Council acknowledges that the Franchise Ordinance and this Ordinance are the only ordinances or resolutions heretofore adopted by the Council with respect to the rights of West Alabama Cable TV to exercise the rights and franchise granted under the Franchise Ordinance.

Section 5. Amendments to Section 8. Subsection (1) of Section 8 of the Franchise Ordinance is hereby amended in its entirety and shall read as follows, and the following subsection (5) shall be added to the end of Section 8 of the Franchise Ordinance:

(1) Produce a picture, whether in black or white or in color, that is undistorted, free from ghost images, and accompanied with proper sound on typical standard production TV sets in good repair, and meeting all Federal Communications Commission technical standards for signal quality and technical performance of the system;

(5) Without limiting or restricting the applicability of the law governing the impossibility of performance of contracts, the grantee shall be relieved of and from undertakings, duties and responsibilities imposed upon the grantee by virtue of this Franchise when the performance of such undertakings, duties or responsibilities has been prevented, curtailed or delayed by virtue of circumstances beyond the grantee's reasonable control, including, but not limited to, strikes, war (whether declared or not), acts of God, or changes of law (whether the result of legislative, executive, administrative, or judicial action). Under such circumstances, the grantee shall not be deemed to have committed a breach or to be in default under the pertinent term or terms of this Franchise.

Section 6. Amendment to Section 9. Subsection (b) of Section 9 of the Franchise Ordinance is hereby amended in its entirety and shall read as follows:

(b) The Grantee shall maintain an office in or in reasonable proximity to the City, which shall be open during all usual business hours, have a listed telephone, and be so operated that complaints and requests for repairs or adjustments may be received at any time.

Section 7. Amendment to Section 11. Section 11 of the Franchise Ordinance is hereby amended in its entirety and shall read as follows:

The grantee shall provide service to public

system if the cost of
installation of such service does not exceed the
grantee's standard residential installation costs
for one outlet per school location or teaching
station. Any costs to the grantee in excess of
this amount shall be reimbursed to the grantee
after notice, either by the City or the public
school system. The grantee may, at its election,
provide similar services at the same cost to

private schools, including parochial or other religious schools.

Section 8. Amendment to Section 13. Subsection (a) of Section 13 of the Franchise Ordinance is hereby amended in its entirety and shall read as follows:

(a) Neither the grantee hereunder nor any shareholder of the grantee shall engage in the business of selling, repairing, or installing radio receivers or accessories for such receivers within the City during the term of this Franchise and the grantee shall not allow any of its shareholders to so engage in any such business.

Section 9. Amendment to Section 14. Subsection (b) of Section 14 of the Franchise Ordinance is hereby amended in its entirety and shall read as follows:

(b) Construction, maintenance, and operation of the television transmission and distribution system, including connections made to the system to provide service to subscribers, shall be in accordance with the material and applicable provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Code of the National Board of Fire Underwriters, and such applicable ordinances and regulations of the Town of Vance affecting electrical installations which may be presently in effect or which may be enacted by the Town Council of the Town of Vance. The operation of the television system shall conform to all rules and regulations of the Federal Communications Commission applicable thereto.

Section 10. Amendment to Section 17. Section 17 of the Franchise Ordinance is hereby amended in its entirety and shall read as follows:

The grantee shall not, as to rates, charges, service, service facilities, rules, regulations, or in any other respect, make or grant any undue preference or advantage to any person, or subject any person to prejudice or disadvantage. However, nothing in this Franchise shall prohibit the grantee from (a) conducting reasonable marketing promotions and test marketing activities in targeted portions of the City or (b) privately negotiating independent rates for commercial or "bulk" multi-unit complex subscribers.

Section 11. Amendment to Section 22. Section 22 of the Franchise Ordinance is hereby amended in its entirety and shall read as follows:

At any time upon request, the grantee shall promptly file with the City Clerk true and accurate maps or plats of all existing or proposed installations.

Section 12. Amendment to Section 23. Section 23 of the Franchise Ordinance is hereby amended in its entirety and shall read as follows:

The grantee shall pay to the City, as a franchise tax and as compensation for the rights

and privileges hereunder, a sum equaling three percent (3%) of the revenues received by the grantee for "basic cable television service", as defined under the Cable Communications Policy Act of 1984, Pub. L. No. 98-549, from subscribers within the City. These fees shall be paid in quarterly installments, provided, however, that the grantee shall have thirty (30) days after the end of each quarter in which to compute the amount due to the City and make payment thereof. This payment shall be in addition to any other tax or payment owed to the City by the grantee. A penalty of two percent (2%) per month shall be taxed to the grantee if payment is not made within the time hereinabove stated.

Section 13. Amendment to Section 24. Subsection (b) of Section 24 of the Franchise Ordinance is hereby amended in its entirety and shall read as follows:

(b) Such termination and cancellation shall be by ordinance duly adopted after thirty days notice to the grantee after following the procedures and requirements described below. No such termination and cancellation shall be effective until the following procedures have been complied with:

(1) The City shall promptly notify the grantee, in writing, of the alleged grounds on which this Franchise may be terminated and cancelled by the City.

(2) The grantee shall have thirty (30) days after receipt of such written notice to commence and, within a reasonable time thereafter, to correct such violation.

(3) If after such thirty (30) day period, the grantee has failed to begin correcting the violation, or if the grantee has failed to correct the violation within a reasonable time thereafter, the City shall immediately schedule an administrative hearing, after providing prompt public notice of such hearing, at which time the grantee's alleged violation of this Franchise shall be considered. At any such administrative hearing, the grantee shall be afforded adequate notice and a fair opportunity for full participation, including the right to introduce evidence, to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding, at the grantee's expense.

(4) If after the administrative hearing the City still concludes that the grantee has violated this Franchise, it shall formally terminate this Franchise by ordinance duly adopted after thirty days notice to the grantee, as provided above. Written notice of the City's decision and the reasons for it shall be promptly delivered to the grantee after such decision has been rendered by the Council.

Nothing contained in this Franchise shall in any way affect the grantee's rights, at law or in equity, to pursue

appropriate actions and remedies against the City, nor shall the City's authority, actions, or decisions be accorded more weight than those of a private party in any subsequent court proceedings.

Section 14. Security Interest. The Council agrees that Cheaha Cablevision, Inc., its successors or assigns, may grant a security interest in the Franchise Ordinance, as amended, to any reputable financial institution for the purpose of financing, and may assign its rights, title and interest under the Franchise Ordinance, as amended, as collateral to such financial institutions and their assigns pursuant to such financing arrangements.

Section 15. Ratification and Confirmation. The Franchise Ordinance, as amended, is hereby ratified and confirmed.

Section 16. Publication and Delivery. The Council hereby directs the Town Clerk to publish this Ordinance by posting copies hereof in accordance with the laws of the state of Alabama, the costs of such publication to be paid by Cheaha Cablevision, Inc. The Council also directs the Town Clerk to deliver a certified copy of this Ordinance to Cheaha Cablevision, Inc., as evidence of the Council's approval of the conditional transfer of West Alabama Cable TV's franchise rights to Cheaha Cablevision, Inc., as provided above.

ADOPTED AND APPROVED this the 15th day of December, 1987.

Bob Taylor
Mayor

ATTEST:

Dora L. Weaver
Town Clerk

ORDINANCE NO. 10.5

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VANCE,
ALABAMA, AS FOLLOWS:

Section 1 (a). The maximum lawful speed for vehicles of any type shall be thirty-five (35) miles per hour for that portion of Tuscaloosa County Road 9 (a/k/a the Johntown Road) from its intersection with U. S. Highway 11, southward for a distance of .9 miles (to the property of E. J. Martin).

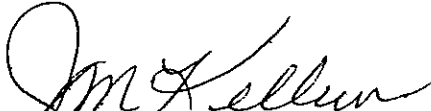
(b). The maximum lawful speed for vehicles of any type shall be forty-five (45) miles per hour for that portion of Tuscaloosa County Road 9 (a/k/a the Johntown Road) southward from the property of E. J. Martin (being .9 miles from its intersection with U. S. Highway 11) for a distance of .2 of a mile.

ADOPTED AND APPROVED THIS THE 22ND DAY OF NOVEMBER, 1983.

ATTEST.



Bertha Martin, Town Clerk



J. M. Kellum, Mayor

ORDINANCE NO. 11

Be it ordained by the Town Council of the Town of Vance,
Alabama, as follows:

Section 1. Pursuant to the provisions of §12-14-17, Code of Alabama, 1975 (as amended), the Town of Vance, Alabama hereby abolishes its municipal court.

Section 2. All cases arising out of the violations of the municipal ordinances of the Town of Vance, Alabama will be tried in District Court having jurisdiction over such violations.

Section 3. This Ordinance shall be effective on the 2nd day of June, 1981.

ADOPTED AND APPROVED THIS THE 3rd DAY OF March,
1981.

ATTEST:

Bertha Martin
Town Clerk

Jim Kellum
Mayor

ORDINANCE NO. 11

Be it ordained by the Town Council of the Town of Vance, Alabama, as follows:

Section 1. Pursuant to the provisions of §12-14-17, Code of Alabama, 1975 (as amended), the Town of Vance, Alabama hereby abolishes its municipal court.

Section 2. All cases arising out of the violations of the municipal ordinances of the Town of Vance, Alabama will be tried in District Court having jurisdiction over such violations.

Section 3. This Ordinance shall be effective on the 2nd day of June, 1981.

ADOPTED AND APPROVED THIS THE 3rd DAY OF March, 1981.

ATTEST:

Bertha Martin
Town Clerk

Jim Kellum
Mayor

I, Bertha Martin, Town Clerk, Town of Vance, Alabama, hereby certify that the foregoing instrument is a true and correct copy of Ordinance No. 11 of the Town of Vance, Alabama that appears on record in the official minutes and records of the Town of Vance, Alabama.

Given under my hand and official seal this the 3rd day of March, 1981.

Bertha Martin
Town Clerk

ORDINANCE NO. 10,3

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VANCE, ALABAMA, AS FOLLOWS:

Section 1. Any person or corporation committing an offense within the corporate limits of the Town of Vance, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a misdemeanor, shall be guilty of an offense against the Town of Vance, Alabama.

Section 2. Any person or corporation committing an offense within the corporate limits of the Town of Vance, Alabama, or within the police jurisdiction thereof, which is declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a violation, shall be guilty of an offense against the Town of Vance, Alabama.

Section 3. Any person or corporation committing within the corporate limits of the Town of Vance, Alabama, or within the police jurisdiction thereof, an offense as defined by Section 13A-1-2 of the Alabama Criminal Code, which offense is not declared by a law or laws of the State of Alabama now existing or hereafter enacted to be a felony, misdemeanor or violation, shall be guilty of an offense against the Town of Vance, Alabama.

Section 4. Any person found to be in violation of Section One (1), Two (2) or Three (3) of this ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) and/or may be imprisoned or sentenced to hard labor for the town for a period not exceeding six (6) months, at the discretion of the Court trying the case. Any corporation found to be in violation of Sections One (1), Two (2) or Three (3) of this ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00), at the discretion of the Court trying the case.

Section 5. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 6. This ordinance shall become effective on Jan 1, 1981.

ADOPTED AND APPROVED THIS THE 16th DAY OF December, 1980.

ATTEST:

Bertha Martin
City Clerk

Jim Kellum
Mayor

ORDINANCE NO. 10.4

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VANCE,
ALABAMA, AS FOLLOWS:

Section 1. It shall be unlawful for any person to discharge a gun, pistol or other firearm within the corporate limits of the city or within that area of the police jurisdiction within 1,000 feet from any school, public building, public playground, business establishment or residence of another where such school, public building, public playground, business establishment or residence of another is located within the corporate limits. The provisions of this section shall not apply to the discharge of a gun, pistol or other firearm in self defense or in the execution and enforcement of the law or with the express permission of the chief of police.

Section 2. Any person found to be in violation of Section 1 of this ordinance shall, upon conviction, be punished by a fine of not less than One and No/100 (\$1.00) Dollar nor more than Five Hundred and No/100 (\$500.00) Dollars and/or may be imprisoned or sentenced to hard labor for the town for a period not exceeding six (6) months, at the discretion of the Court trying the case.

Section 3. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

ADOPTED AND APPROVED THIS THE 6TH DAY OF OCTOBER, 1981.

ATTEST:

Bertha Martin

City Clerk

JM Kellum

Mayor