

ORDINANCE NO. 41994

PURSUANT TO THE PROVISIONS OF SECTION 11-51-200, CODE OF ALABAMA (1975), THIS ORDINANCE LEVIES A PRIVILEGE, LICENSE OR EXCISE TAX AGAINST PERSONS, FIRMS OR CORPORATIONS STORING, USING, OTHERWISE CONSUMING OR ENGAGED IN THE BUSINESS OF SELLING AT RETAIL TANGIBLE PERSONAL PROPERTY OR CONDUCTING PLACES OF AMUSEMENT IN THE TOWN OF VANCE, ALABAMA, OR WITHIN ITS POLICE JURISDICTION; PROVIDES FOR THE COLLECTION OF SAID TAXES; PROVIDES PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

Pursuant to the provisions of §11-51-200, Code of Alabama (1975), be it ordained by the Town Council of the Town of Vance, in the State of Alabama, as follows:

Section 1. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation, (including the State of Alabama, The University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of such institutions) engaged, or continuing within the Town in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden), an amount equal to two percent (2%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within the Town, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling allies, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within the Town, or any athletic association thereof, or other association whether

such institution or association be a denominational, a state, or county or a municipal institution or association or a state, county, or city school, or other institution association or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the Town, an amount equal to two percent (2%) of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within the Town in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property in an amount equal to one percent (1%) of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within the Town in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer or house trailer, an amount equal to one percent (1%) of the gross proceeds of sale of said automotive vehicle or truck trailer, semi-trailer or house trailer, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$2.00 per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdraw and shall run for the 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in an series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm or corporation engaged or continuing within the Town in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one percent (1%) of the gross proceeds of the sale thereof. Provided, however, the one percent (1%) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer design primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) Upon every person, firm or corporation engaged or continuing within the Town in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefore, there is hereby levied a tax equal to two percent (2%) of the cost of such food, food products and beverages sold through such machines which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

Section 2. Levy of the Tax in Police Jurisdiction. Upon every person, firm or corporation engaged in the doing of any act, or who shall do any act, or continuing in the doing of any act, or engaged in the operation of any business, or who shall engage in the operation of any business, within the police jurisdiction of the Town but beyond the corporate limits of said Town, for which or upon which a privilege or license tax in this ordinance levied or required within the corporate limits of the Town, there is hereby levied, in addition to all other taxes of every kind now imposed by law or by municipal ordinance, to be collected as herein provided for the privilege or license taxes herein levied within the corporate limits of the Town, a privilege or license tax equal to 1/2 of that provided, levied or required in this ordinance for the doing of such act, or the engaging or continuing therein, or the engaging or continuing in the operation of such business within the corporate limits of the Town. Provided further, that except for the amount of the privilege or license tax herein levied within the police jurisdiction of said Town but within the corporate limits thereof, all of the provisions of this ordinance extend and apply to all the area within the police jurisdiction of the Town.

Section 3. Provisions of State Sales Tax Statutes Applicable to this Ordinance and Taxes herein Levied. The taxes levied by Sections 1&2 of this ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State sales tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State sales tax statutes for enforcement and collection of taxes.

Section 4. (a) An excise tax is hereby imposed on the storage, use or other consumption in the Town of tangible personal property (not including material and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden) purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the Town except as provided in subsections (b), (c), and (d), at the rate of two percent (2%) of the sales prices of such property within the corporate limits of said Town.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the

Town of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property purchased at resale on or after the effective date of this ordinance at the rate of one percent (1%) of the sales price of any such machine, within the corporate limits of the Town; provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for use on or in the operation of such machines in which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the Town of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail on or after the effective date of this ordinance for storage, use or other consumption in the Town at the rate of one percent (1%) of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer within the corporate limits of said town. Where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the Town of any machine, machinery, or equipment which is used in planting, cultivating, and harvesting of farm products, or used in connection with the production with agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this ordinance, for the storage, use or other consumption in the Town at the rate of one percent (1%) of the sales price of such property within the corporate limits of said Town, regardless of whether the retailer is or is not engaged in the business in this Town. Provided, however, the one percent (1%) rate herein prescribed with respect to parts, attachments, and replacement shall not apply to any automotive vehicle or trailer design primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery, or equipment which is used in planting, cultivating and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

An excise tax is hereby imposed on tangible personal property at one half the rates specified in subsections (a), (b), (c), and (d) of this section on the storage, use or other consumption of such tangible personal property outside the corporate limits of the Town, but within the police jurisdiction.

Section 5. The taxes levied by Section 4 of this ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments and deductions that are applicable to the

taxes levied by the state use tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State use tax statutes for enforcement and collection of taxes.

Section 6. This Ordinance Cumulative to General License or Ordinance. This ordinance shall not be construed to repeal any of the provisions of the general license code or ordinance of the Town, but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license taxes imposed by the Town by its general license code or ordinance.

Section 7. Severability. Each and every provision of this ordinance is hereby declared to be an independent provision and the holding of any provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provision which might have been held invalid.

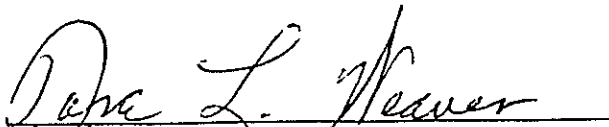
Section 8. Effective date. This ordinance shall become effective on the 1st day of July, 1994, and the first payment of taxes hereunder shall be due and payable on the 20th day of August, 1994. This ordinance shall remain in full force and effect and shall apply to each month of the year 1994, beginning with the month of August and to each month of each calendar year thereafter from year to year.

Section 9. Adopted and approved this 4th day of April, 1994.



Mayor

AUTHENTICATED:



Clerk

ORDINANCE NO. 41794 A

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

The Corporate Limits of the Town of Vance, Alabama are
extended to contain all of that property described in the
Exhibits attached to this ordinance and incorporated
herein by reference.

TOWN OF VANCE


MIKE SANDERS, MAYOR

ATTEST:


VANCE TOWN CLERK

ORDINANCE NO. 11-16-93


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

Ordinance No. 10.4, adopted and approved on the 6th day of October, 1981, making it unlawful for any person to discharge a gun, pistol or other firearm within the corporate limits of the Town of Vance 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 play ground, business establishment or residence of another is located within the corporate limits, is hereby rescinded.

ADOPTED AND APPROVED THIS THE 16th DAY OF November,
1993.

ATTEST:


Town Clerk



Mayor

ORDINANCE # 042093

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

The Corporate Limits of the Town of Vance, Alabama, are extended to contain all of that property described in the Exhibits attached to this Ordinance and incorporated herein by reference.

TOWN OF VANCE


Mike Sanders, Mayor

ATTEST:


Nora Weaver, Clerk

Callaway Chemical Company

*Ordinance 042093
Callaway Chemical*

ORDINANCE NO. 11

AN ORDINANCE AMENDING AND FIXING AND ESTABLISHING SPEED LIMITS ALONG ALABAMA HIGHWAYS WITHIN THE TOWN LIMITS OF THE TOWN OF VANCE, ALABAMA.

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

Section I: No person shall operate a motor vehicle at a greater speed than fifty-five (55) miles per hour in the following listed zones of the town:

(1) On Alabama Highway No. 11, (Alabama Highway No. 7) beginning at a point 200 feet south of the intersection of U.S. Highway No. 11 (Alabama Highway No. 7) and paved county road right, south city limits, (m.p. 100.35) thence northerly along U.S. Highway No. 11 (Alabama Highway No. 7) to the intersection of U.S. Highway No. 11 (Alabama Highway No. 7) and paved county road right, (m.p. 100.40) a distance of 0.05 miles.

(2) On U.S. Highway No. 11 (Alabama Highway No. 7), beginning at a point 800 feet north of the intersection of U.S. Highway No. 11 (Alabama Highway No. 7) and Rock Gardens Road (m.p. 101.20), thence northerly along U.S. Highway No. 11 (Alabama Highway No. 7) to the north city limits (m.p. 102.20), a distance of 1.00 miles.

Section II: No person shall operate a motor vehicle at a greater speed than forty-five (45) miles per hour in the following listed zones of the town:

(1) On U.S. Highway No. 11 (Alabama Highway No. 7) beginning at the intersection of U.S. Highway No. 11 (Alabama Highway No. 7) and paved county road right (m.p. 100.40), thence northerly along U.S. Highway No. 11 (Alabama Highway No. 7), to a point 800 feet north of the intersection of U.S. Highway No. 11 (Alabama Highway No. 7) and Rock Gardens Road (m.p. 101.20), a distance of 0.800 miles.

Section III: Speed limits as described above shall apply so long as the Town limits remain as they are this date. In the event they are extended, this Ordinance shall be revised to properly cover the new territory.

Section IV: In addition to any provisions of law relating to the speed and operation of motor vehicles in said Town, there are hereby adopted by the Town of Vance, Alabama, all laws of the State of Alabama and all rules and regulations of the State of Alabama Highway Department pertaining to the control of traffic and motor vehicles on highways, that are misdemeanors under the State laws and a violation of such laws, rules, and regulations in the Town of Vance, or in the police jurisdiction thereof, shall be violations of this Ordinance.

Section V: Any person or persons violating this Ordinance shall be guilty

ORDINANCE NO. V-92-1

AN ORDINANCE FOR PROHIBITION OF SMOKING IN CERTAIN DESIGNATED AREAS AND FOR THE PROHIBITION OF THROWING OR PLACING LIGHTED OR BURNING SUBSTANCES NEAR COMBUSTIBLE MATTER.

BE IT ORDAINED BY THE COUNSEL OF THE TOWN OF VANCE:

A. Definitions: For the purposes of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include, the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

(1) "Town" is the a Town of Vance, Alabama.

(2) "Council" is the council of the Town of Vance, Alabama.

(3) "Person" is any person, individual, firm, partnership, association, corporation, company, or organization of any kind.

B. Smoking Prohibited in Specified Places: No person shall smoke or carry a lighted cigar, cigarette, pipe or match, or use any spark, flame or fire-producing device, not otherwise specifically authorized for use in such place by the council in the following places:

(1) Town Hall.

(2) ~~Town Civic Center.~~

3 Library - Police Station

C. Placarding Required: A printed notice advising occupants of the effects of Section V-92-1-B above shall be posted in a conspicuous place in every building enumerated in Section V-92-1-B and any amendments thereto.

D. Violations: It shall be unlawful for any person, or his agent, having control of any such premises or place to knowingly permit a violation of this ordinance. It shall be unlawful for any individual occupying or visiting any such premises or place to knowingly violate

ises or place, nor shall any person remove any placard required to be erected by or under authority of this ordinance.

E. Throwing Hot or Burning Substances: No person shall through hot or burning substances or objects such as cigars, cigarettes, papers, matches and ashes from windows and doors on any building or public place, or from any moving vehicle.

F. Placing Lighted Objects Close to Combustible Matter: No person shall throw or place hot burning substances or objects such as cigars, cigarettes, or the contents of a burning pipe in, upon or in close proximity to any public or private premises, object or structure, or in any public street or place, where there is any material or condition which is combustible, liable to damage by heat, fire or explosion.

G. Penalties: Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed \$25 + cost. Each day such violation is committed or permitted to continue, shall constitute a separate offense and be punishable as such hereunder.

H. Separability: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding by a Court shall not affect the validity of the remaining portions of this ordinance.

I. Ordinance Repealed: All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

J. Amendments: This ordinance may from time to time be amended by subsequent ordinances adopted pursuant to applicable procedures.

APPROVED AND ADOPTED THIS 16TH DAY OF June, 1992.

Muel Boal

MAYOR

ATTEST:

ORDINANCE NO. 3AA

AN ORDINANCE AMENDING ORDINANCE NO. 3A,
CONCERNING THE TRANSFER OF A FRANCHISE HERETOFORE
GRANTED BY THE TOWN OF VANCE, ALABAMA WITH RESPECT TO
THE OPERATION OF THE VANCE CABLE TELEVISION SYSTEM

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 September 17, 1991, the Council duly
adopted Ordinance No. 3A, authorizing the transfer of a
cable television franchise heretofore granted by the Council
to CableSouth, Inc. (f/k/a Cheaha Cablevision, Inc.), its
successors and assigns (herein called "CableSouth") to
Cencom of Alabama, L.P., a Delaware limited partnership
(herein called "Cencom");

(b) The Council has now been requested to amend
Ordinance No. 3A in certain respects; and

(c) The Council finds and declares that it is
desirable and in the public interest that said Ordinance No.
3A be amended as provided below.

Section 2. Amendments to Ordinance No. 3A.
Ordinance No. 3AA is hereby amended in the following
respects:

(a) All references in Ordinance No. 3AA to
"City" are hereby amended to read "Town".

(b) Section 7 of Ordinance No. 3AA is hereby
amended in its entirety and shall read as follows:

Section 7. Publication and Delivery. The
Council hereby directs the Town Clerk to publish
this Ordinance in accordance with the laws of the
State of Alabama. The Council also directs the
Town Clerk to deliver a certified copy of this
Ordinance to Cencom, as evidence of the Council's
conditional approval of the transfer of
CableSouth's franchise rights to Cencom, as
provided above.

Section 3. Ratification and Confirmation. Ordinance No. 300, as amended above, is hereby ratified and confirmed.

Section 4. Publication and Delivery. The Council hereby directs the Town Clerk to publish this Ordinance in accordance with the laws of the State of Alabama. The Council also directs the Town Clerk to deliver a certified copy of this Ordinance to Cencom or its attorneys as evidence of the Council's approval of this Ordinance.

ADOPTED AND APPROVED this 15 day of October, 1991.

Mark Brock
Mayor

ATTEST:

John L. ...
Town Clerk

ORDINANCE NO. 3A

AN ORDINANCE EVIDENCING THE CONSENT OF
THE CITY COUNCIL OF THE CITY OF VANCE
TO THE TRANSFER OF A FRANCHISE HERETOFORE
GRANTED BY SAID CITY AND AUTHORIZING THE
VANCE CITY 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 CITY COUNCILMEN (HEREIN TOGETHER
CALLED THE "COUNCIL") OF THE CITY 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 City Council of the City of Vance, Alabama duly adopted an Ordinance granting a cable television franchise to West Alabama Cable T.V. Company, Inc.; as assigned by Ordinance No. 3 on December 15, 1987, to CableSouth, Inc. (f/k/a Cheaha Cablevision, Inc.), its successors and assigns (herein called "CableSouth"), granting the right to build, maintain, and operate a cable television system in the City 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 CableSouth's rights, title, and interest in and under the Franchise Ordinance to Cencom of Alabama, L.P., a Delaware limited partnership (herein called "Cencom"); and

(c) It is desirable and in the public interest that the Council evidence its approval of such transfer to Cencom 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 CableSouth 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 CableSouth in and under the Franchise Ordinance to Cencom, its successors or assigns, said consent to be effective upon the later of: (i) the closing of the sale to Cencom of substantially all the operating assets of CableSouth related to the cable television system in the City of Vance, Alabama, as certified in writing to the Vance City Clerk by an officer of Cencom; or (ii) five days following publication of this Ordinance in accordance with Alabama law. The Council hereby acknowledges that, upon the effective date of said transfer, Cencom will possess a valid franchise which is in good standing and which is not subject to revocation on account of any acts or omissions of CableSouth. The Council further acknowledges and agrees that, as of the effective date of said transfer, Cencom 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 previously adopted

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

which is in good standing and which is not subject to
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 to the grantee for the 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:

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.

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 November, 1987.

Bob Souls
Mayor

ATTEST:

Nora L. Weaver
Town Clerk

STATE OF ALABAMA Y
 Y
TOWN OF VANCE Y

AN ORDINANCE GRANTING A FRANCHISE TO THE WEST ALABAMA CABLE T.V. COMPANY, INC., ITS SUCCESSORS AND ASSIGNS, TO OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDING FOR CITY REGULATION AND USE OF THE COMMUNITY ANTENNA TELEVISION SYSTEM; AND PRESCRIBING PENALTIES FOR VIOLATION OF THE FRANCHISE PROVISIONS.

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

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "Vance Community Antenna Television Company Franchise Ordinance."

SECTION 2. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the Town of Vance.
- (2) "Council" is the Town Council of Vance.
- (3) "Community antenna television system," hereinafter referred to as "CATV System" or "system," means a system of coaxial cables or other electrical conductors and equipment used or to be used primarily to receive television or radio signals directly or indirectly off-the-air and transmit them to subscribers for a fee.
- (4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (5) "Grantee" is West Alabama Cable T.V. Company, Inc. or any person or firm who succeeds West Alabama Cable T.V. Company, Inc. in

SECTION 3. Grant of Nonexclusive Authority.

(a) There is hereby granted by the City to the grantee the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public

EXHIBIT "A"

places now laid out or dedicated, and all extensions thereof, and additions thereto, in the City, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the City of a CATV system for the interception, sale and distribution of television and radio signals.

(b) The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, public ways and places, to any person at any time during the period of this Franchise.

SECTION 4. Compliance with Applicable Laws and Ordinances. The grantee shall, at all times during the life of this Franchise, be subject to all lawful exercise of the police power by the City and to such reasonable regulation as the City shall hereafter provide.

SECTION 5. Territorial Area Involved. This Franchise relates to the present territorial limits of the City and to any area henceforth added thereto during the term of this Franchise.

SECTION 6. Liability and Indemnification.

(a) The grantee shall pay and by its acceptance of this Franchise the grantee specifically agrees that it will pay all damages and penalties which the City may legally be required to pay as a result of granting this Franchise. These damages or penalties shall include, but shall not be limited to, damages arising out of copyright infringements and all other damages arising out of the installation, operation, or maintenance of the CATV system authorized herein, whether or not any act or omission complained of is authorized, allowed, or prohibited by this Franchise.

(b) The grantee shall pay and by its acceptance of this Franchise specifically agrees that it will pay all expenses incurred by the City in defending itself with regard to all damages and penalties mentioned in subsection (a) above. These expenses shall include all out-of-pocket expenses

services rendered by the City Attorney or his assistants or any employees of the City.

(c) The grantee shall maintain, and by its acceptance of this Franchise specifically agrees that it will maintain throughout the terms of this Franchise liability insurance insuring the City and the grantee with

regard to all damages mentioned in subparagraph (a) above in the minimum amounts of:

(1) \$500,000.00 for bodily injury or death to any one person within the limit, however, of \$1,000,000.00 for bodily injury or death resulting from any one accident.

(2) \$250,000.00 for property damage resulting from any one accident.

(3) \$500,000.00 for the infringement of copyrights, and

(4) \$500,000.00 for all other types of liability.

(d) The grantee shall hold the Town of Vance safe and harmless from all damages or claims for damages arising by reason of negligence in the construction or maintenance or operation of said television cable system.

SECTION 7. Color T.V. The facilities used by the grantee shall be capable of distributing color TV signals, and when the signals the grantee distributes are received in color they shall be distributed in color where technically feasible.

SECTION 8. Signal Quality Requirements. The grantee shall:

(1) Produce a picture, whether in black and 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 as good as the state of the art allows;

(2) Transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing crossmodulation in the cables or interfering with other electrical or electronic systems;

(3) Limit failures to a minimum by locating and correcting malfunctions promptly, but in no event longer than forty-eight (48) hours after notice;

(4) Demonstrate by instruments and otherwise to subscribers that a

(a) The grantee shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest time possible. Such interruptions insofar as possible shall be preceded by notice and shall occur during periods of minimum use of the system.

(b) The grantee shall maintain an office in 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 10. Program Alteration. All programs of broadcasting stations carried by the grantee shall be carried in their entirety as received with announcements and advertisements and without additions.

SECTION 11. Service to Schools. The grantee shall provide service to public school locations and teaching stations within the City for educational purposes upon request by the City and at no cost to it or to the public school system. The grantee may at its election provide similar services without cost to private schools, including parochial or other religious school

SECTION 12. Emergency Use of Facilities. In the case of an emergency or disaster, the grantee shall, upon request of the City Council, make available its facilities to the City for emergency use during the emergency or disaster period.

SECTION 13. Other Business Activities.

(a) Neither the grantee hereunder nor any shareholder of the grantee shall engage in the business of selling, repairing, or installing television receivers, 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.

(b) This Franchise authorizes only the operation of a CATV system as provided for herein, and does not take the place of any other franchise, license, or permit which might be required by law of the grantee.

SECTION 14. Safety Requirements.

(a) The grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for pre-

or nuisances to the public.

(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 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.

(c) All structures and all lines, equipment, and connections in, over, under, and upon the streets, sidewalks, alleys, and public ways or places of the City, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition, and in good order and repair.

(d) The grantee shall maintain a force of one or more resident agents or employees at all times and shall have sufficient employees to provide safe, adequate, and prompt service for its facilities.

SECTION 15. New Developments. It shall be the policy of the City liberally to amend this Franchise, upon application of the grantee, when necessary to enable the grantee to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently, or economically to serve its customers. Provided, however, that this Section shall not be construed to require the City to make any amendment or to prohibit it from unilaterally changing its policy stated herein.

SECTION 16. Conditions on Street Occupancy.

(a) All transmissions and distribution structures, lines, and equipment erected by the grantee within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, alleys or other public ways and places.

(b) In case of disturbances of any street, sidewalk, alley, public

manner approved by the City replace and restore such street, sidewalk, alley, public way, or paved area in as good a condition as before the work involving such disturbance was done.

(c) If at any time during the period of this Franchise the City shall lawfully elect to alter or change the grade of any street, sidewalk,

alley or other public way, the grantee, upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.

(d) Any poles or other fixture placed in any public way by the licensee shall be placed in such manner as not to interfere with the usual travel on such public way.

(e) The grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same and the grantee shall have the authority to require such payment in advance. The grantee shall be given not less than seven (7) days advance notice to arrange for such temporary wire changes.

(f) The grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, except that at the option of the City, such trimming may be done by it or under its supervision and direction at the expense of the grantee.

(g) In all sections of the City where the cables, wires, or other like facilities of public utilities are placed underground, the grantee shall place its cables, wires or other like facilities underground to the maximum extent that existing technology reasonably permits the grantee to do so.

SECTION 17. Preferential or Discriminatory Practices Prohibited.

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, nor subject any person to prejudice or disadvantage.

SECTION 18. Removal of Facilities Upon Request. Upon termination

SECTION 19. Transfer of Franchise. The grantee shall not transfer this Franchise to another person without prior approval of the City by ordinance.

SECTION 20. Change of Control of Grantee. Prior approval of the City Council shall be required where ownership or control of more than 50% of

the right of control of grantee is acquired by a person or group of persons acting in concert, none of whom already own or control 50% or more of such right of control, singularly or collectively. By its acceptance of this Franchise the grantee specifically grants and agrees that any such acquisition occurring without prior approval of the City Council shall constitute a violation of this Franchise by the grantee.

SECTION 21. City Rights in Franchise.

(a) The right is hereby reserved to the City or the City Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power; provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.

(b) The City shall have the right to inspect the books, records, maps, plans, and other like materials of the grantee at any time during normal business hours.

(c) The City shall have the right, during the life of this Franchise, to install and maintain free of charge upon the poles of the grantee any wire and pole fixtures necessary for a police alarm system, on the condition that such wire and pole fixtures do not interfere with the CATV operations of the grantee.

(d) After the expiration of the term for which this Franchise is granted, or after its termination and cancellation, as provided for herein, the City shall have the right to determine whether the grantee shall continue to operate and maintain the CATV system pending the decision of the City as to the future maintenance and operation of such system.

SECTION 22. Maps, Plats, and Reports.

The grantee shall file with the City Clerk true and accurate maps

quarterly; provided that WAC T.V. shall have 30 days to compute said fee and make payment, an amount equal to two percent (2%) for the first year of operation, two and one-half percent (2½%) for the second and third year of operation and three percent (3%) for years four and five and each year thereafter; provided that, after the fifth year the City may increase said fees

to the maximum allowed by law, of the annual gross operating revenues from cable T.V. fees, and EXCLUDING fees from pay T.V. (HBO/Showtime), taken in and received by it on sales of television signals within the City during the year, for the use of the streets and other facilities of the City in the operation of the CATV system and for the municipal supervision 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 WAC T.V. if payment is not made within the time hereinabove stated.

SECTION 24. Forfeiture of Franchise.

(a) In addition to all other rights and powers pertaining to the City by virtue of this Franchise or otherwise, the City reserves the right to terminate and cancel this Franchise and all rights and privileges of the grantee hereunder in the event that the grantee:

(1) Violates any provision of this Franchise or any rule, order, or determination of the City or City Council made pursuant to this Franchise, except where such violation, other than of subsection (2) below, is without fault or through excusable neglect;

(2) Becomes insolvent, unable or unwilling to pay its debts, or is adjudged a bankrupt;

(3) Attempts to evade any of the provisions of this Franchise or practices any fraud or deceit upon the City; or

(4) Fails to begin complete construction of 75% of available services to residences under this Franchise before _____ (being 12 months from passage of this ordinance).

(b) Such termination and cancellation shall be by ordinance duly adopted after 30 days notice to the grantee and shall in no way affect any of the City's rights under this Franchise or any provision of law. In the event that such termination and cancellation depends upon a finding of fact, such finding of fact as made by the City Council or its representatives shall be

and cancelled under this Section, the grantee must be provided with an opportunity to be heard before the City Council.

SECTION 25, City's Right of Intervention. The grantee agrees not to oppose intervention by the City in any suit or proceeding to which the grantee is a party.

SECTION 26. Further Agreement and Waiver by Grantee. The grantee agrees to abide by all provisions of this Franchise, and further agrees that it will not at any future time set up as against the City or the City Council the claim that the provisions of this Franchise are unreasonable, arbitrary or void.

SECTION 27. Duration and Acceptance of Franchise.

(a) This Franchise and the rights, privileges, and authority hereby granted shall take effect and be in force from and after final passage hereof, as provided by law, and shall continue in force and effect for a term of 25 years, provided that within 15 days after the date of the passage of this ordinance, the grantee shall file with the City Clerk its unconditional acceptance of this Franchise and promise to comply with and abide by all its provisions, terms, and conditions. Such acceptance and promise shall be in writing duly executed and sworn to, by or on behalf of the grantee before a notary public or other officer authorized by law to administer oaths.

(b) Should the grantee fail to comply with subsection (a) above, it shall acquire no rights, privileges, or authority under this Franchise whatever.

SECTION 28. Erection, Removal, and Common Use of Poles.

(a) No poles or other wire-holding structures shall be erected by the grantee without prior approval of the City Council with regard to location, height, type and any other pertinent aspect. However, no location of any pole or wire-holding structure of the grantee shall be a vested interest and such poles or structures shall be removed or modified by the grantee at its own expense whenever the City Council determines that the public convenience would be enhanced thereby.

(b) Where poles or other wire-holding structures, already existing for use in serving the City, are available for use by the grantee, but it does

would be enhanced thereby and the terms of the use available to the grantee are just and reasonable.

(c) Where the City or a public utility serving the City desires to make use of the poles or other wire-holding structures of the grantee but agreement therefor with the grantee cannot be reached, the City Council may require the grantee to permit such use for such consideration and upon such

terms as the Council shall determine to be just and reasonable, if the Council determines that the use would enhance the public convenience and would not unduly interfere with the grantee's operations.

SECTION 29. Number of Channels. The grantee's cable distribution system shall be capable of carrying at least twelve television channels. Further, the grantee shall make available upon the request of the City Council one channel for educational TV. Beginning with the first day of year six of operation, the system shall offer twenty channels, at least.

SECTION 30. Existing Ordinances. The grantee shall be subject to all ordinances now in force or that may be hereafter passed relative to the use of highways, streets, alleys, bridges and public places of said town.

SECTION 31. Publication Costs. The grantee shall assume the cost of publication of this Franchise as such publication is required by law and such is payable upon the grantee's filing of acceptance of this Franchise.

SECTION 32. Separability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

PASSED AND ADOPTED, this the 5th day of July, 1983.

TOWN COUNCIL OF THE TOWN OF VANCE, ALABAMA

ATTEST:

Bertha Martin
Town Clerk

BY:

J. M. Kellum
Mayor

WEST ALABAMA CABLE T.V. COMPANY, INC.

Approved and adopted by:

Ruth E. Hook

Ordinance #41691-C

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

Section 1: Whenever any street or highway in the Town or its police jurisdiction has been affixed with or modified by a physical barrier or other clearly indicated divided section so constructed as to impede vehicular traffic, it shall be unlawful for any person to drive any vehicle over, across or within such space, except through an opening therein or at a crossover or intersection established by the Town.

The provisions of this Ordinance shall not apply to authorized emergency vehicles.

Adopted this 16th day of April, 1991.

By Emack Brook
MAYOR

ATTEST:

Dora L. Jones
CLERK

AMENDMENT TO LICENSE SCHEDULE - 1990
TOWN OF VANCE, ALABAMA

AN AMENDMENT to an ordinance to prescribe and fix a license for businesses and occupations and professions in the Corporate limits of the Town of Vance, Alabama, and that part outside of the corporate limits but within the police jurisdiction of the Town of Vance, Alabama for the year 1990, and to regulate and fix the delinquencies of such licenses for the year 1990 and to fix and prescribe fines and penalties in connection therewith.

BE IT ORDAINED by the Town Council of the Town of Vance, Alabama, as follows:

That Number Nineteen (19) of the schedule for the license schedule ordinance for the year 1990, which currently reads:

- (19) MERCHANTS, RETAIL 10.00
- A. Alcoholic Beverages - Beer off Premises . . 10.00

is hereby amended such that the words "-Wine Off Premises . . ~~75.00 or~~ the maximum amount allowed by law, ~~whichever is the greater.~~" are designated and hereby inserted in said license schedule ordinance, such that Number Nineteen (19) of said license schedule ordinance shall read as follows:

- (19) MERCHANTS, RETAIL 10.00
- A. Alcoholic Beverages - Beer Off Premises . . . 10.00
- Wine Off Premises . . . ~~75.00~~

~~or~~ the maximum amount allowed by law,
~~whichever is the greater.~~

Said amendment to take effect through the procedure and within the

AMENDMENT TO LICENSE SCHEDULE - 1990
TOWN OF VANCE, ALABAMA

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 - Wine Off Premises . . . ~~75.00~~

~~or~~ the maximum amount allowed by law, whichever is the greater.

LICENSE SCHEDULE - 1990
TOWN OF VANCE, ALABAMA

AN ORDINANCE to prescribe and fix a license for businesses and occupations and professions in the corporate limits of the Town of Vance, Alabama, and that part outside of the corporate limits but within the police jurisdiction of the Town of Vance, Alabama for the year 1990, and to regulate and fix the delinquencies of such licenses for the year 1990 and to fix and prescribe fines and penalties in connection therewith.

BE IT ORDAINED by the Town Council of the Town of Vance, Alabama, as follows:

SECTION 1. That the following be and the same is hereby declared to be the schedule of licenses for the year beginning January 1, 1990 until this license schedule is changed or modified for the various exhibitions, trades, businesses, vocations, occupations and professions engaged in or carried on in the Town of Vance, Alabama, and in that territory outside of the corporate limits of Vance, Alabama, but within the police jurisdiction thereof, and each and every person, firm, company, association, partnership, agency or corporation engaged in carrying on any of the exhibitions, trades, businesses, vocations, occupations and professions herein enumerated shall pay for and take out such license and in the sums as herein provided. Where the license is by the year, parties subject to the license under this Ordinance prior to July 1st shall pay for full year, and after July 1st, for one-half year.

SECTION 2. There is hereby levied for the use of the Town of Vance, Alabama, on the hereinafter enumerated businesses, vocations, occupations, professions, trades or callings which may be maintained, operated, carried on or engaged in by any person, firm, company,

jurisdiction of the Town of Vance, Alabama, the following license or privilege tax for the year 1990, and each full year thereafter on January 1st of said year, until repealed or amended; which license or privilege tax is hereinafter listed; provided, however, that for the protection of the lives, health, and property of the citizens within the

police jurisdiction of the Town of Vance, Alabama, and without the corporate limits thereof and for maintenance of good order and quiet of the community and the preservation of public morals and not for revenue, there is hereby levied a license tax on each and every business, trade or profession engaged in, or carried on, within the police jurisdiction of the Town of Vance and without the corporate limits of said Town of one-half of the amounts hereinafter enumerated and setforth.

SECTION 3. The word "person" as used herein shall be held to mean person, firm or corporation.

SECTION 4. Except as herein specifically provided, all licenses required in this Ordinance shall be for one year and shall become due on the 1st day of each January, and shall be delinquent in the sense in which such term is herewith used if not paid, by the first day of February of the year in which the same is due. All other license shall, unless otherwise, provided, become delinquent if not paid before the business is engaged in, or the act done for which the same is required.

SECTION 5. All such licenses shall be paid for one year, except for new vocations, professions, businesses, trades or callings that are begun after the last day of January of any given year. In the case of such a new business the license may be issued on a monthly pro-rata basis, such that the cost of the license shall be a percentage of the months remaining in the year:

SECTION 6. All licenses shall be issued by the Clerk of the Town and shall be signed by the Mayor and countersigned by the Clerk. The Clerk shall be entitled to a fee of Fifty Cents (.50¢) for the issuance of each license, to be paid by the licensee, said Fifty Cents (.50¢) fee to be deposited with the Clerk.

SECTION 7. If any person, shall become delinquent in the payment of the licenses required herein, he shall pay a penalty of Ten Percent (10%) of the amount of the same of each month or fractional part of a month thereof of such delinquency, such penalty to be added to the

original amount of the license.

SECTION 8. The schedule of licenses and this Ordinance shall become effective January 1, 1990, and shall continue in force and effect through successive years until changed, modified, amended or repealed, and the amount fixed for licenses shall be annual unless otherwise specified herein. No licenses shall be issued for a longer period than the end of the calendar year of the date of issuance. During the time this Ordinance shall remain in force and effect licenses shall be collected each year from persons, firms or corporations subject to the schedule contained herein or during each calendar year in which the business occupation or profession is carried on. The delinquent date of the licenses due hereunder may be accelerated at any time the Mayor or Town Clerk shall deem the Town in danger of losing this license tax, and the fixation of the delinquent date of February 1st, of each year, shall not deprive the Town of its lawful right to institute proceedings for the collection of its license tax any time prior to said delinquent date nor demand an arrest for failure to pay license tax imposed hereunder at any time prior to said delinquent date. The delinquent date is fixed and determined as the date when the penalty will attach for failure to pay and is not intended to circumscribe or deprive the Town of its right to institute proceedings for the collection of the taxes at any time on or after January 1st of each license tax year. For the purpose of suit or arrest to collect license taxes, all persons, firms or corporations shall pay the same on January 1st of each year, if in business at that time, and if not in business at that time, shall pay the same before they institute proceedings for the said license tax on the day said business is started, or as soon thereafter as may be practicable, and to cause the arrest of said person who engaged in a business without a

SECTION 9. The license tax herein imposed on each class of trade, occupation and profession, conducted or carried on wholly within the police jurisdiction of Vance is imposed as a means of regulating same as hereinabove stated, and it is determined by the Town Council that the

respective amounts so imposed on each of said classes as listed in each schedule are reasonably necessary to promote these objects in such police jurisdiction "in the exercise of police power, but not for revenue". It is further determined that said amounts so imposed on each classification of business, occupation, trade or profession as listed in each schedule, are reasonably necessary to cover the cost of granting the license and of exercising proper police regulation of such trade, business, profession. The schedule shall not apply to trades, professions or occupations which are exempted from the payment of tax by reason of their interstate character.

All rights of enforcement of this Ordinance for the collection of licenses in the corporate limits of the Town of Vance, Alabama, be and the same are hereby extended to the police jurisdiction of the Town of Vance, Alabama.

SECTION 10. No license issued under the provisions of this Ordinance shall contain any element of contract, but that it shall be a mere grant or privilege, subject to alteration, amendment or revocation, at the pleasure of the Town Council. But it shall be the duty of the Council upon such revocation to cause to be refunded to the licensee an amount equal to the sum unaccrued during the term of said license.

SECTION 11. Any persons, firms or corporations dealing in two or more of the articles mentioned in said schedule unless permission is given by said schedule to handle under a particular license, or engaged in two or more callings or professions enumerated in the foregoing schedule, and for which a license is required for each person, firm,

and no one lice.

business of the same or different kind at another location, but a separate license shall be taken out for each location. Nothing herein shall prevent the license following the business when moved from one location to another. No license shall be transferred to another without

permission of the Mayor or Town Council, and there shall be no obligation to permit such transfer.

SECTION 12. Before the Town Clerk shall issue a license that is based on the value of the applicant's stock of goods, wares, and merchandise, or is based upon gross premiums or gross income he shall cause to be filed with him a sworn statement as to such facts, to be verified by the owner, agent or manager of the business for which the license is sought, and where the amount of fire insurance is material in determining the valuation he shall also require a verified statement of the amount of insurance so carried as provided by the schedule. If the Clerk prefers he may refuse to issue the license and may submit the application to the Town Council for consideration. If the Council is not satisfied with the correctness of said statement or affidavit it may order the Clerk not to issue the license, and may cause legal proceedings to be instituted for the correct amount. If the Clerk has issued a statement filed with the Clerk upon which basis the license was issued it may revoke said license and cause appropriate proceedings to issue for collection of the correct amount.

SECTION 13. Any person, firm or corporation, or other person, subject to the payment of the license hereunder beginning, the conduct or operation of said business after the delinquency date prescribed in Section 4 hereof shall become delinquent in the payment of such license thirty (30) days after the date the operation of business begins and the penalty of Ten Percent (10%) prescribed in Section 7 shall attach and shall be collected by the Clerk after thirty (30) days. This section shall not be deemed to conflict with any other provision of this Ordinance in the matter of the time fixed for payment of the license.

SECTION 14. The due date of any license shall be on the 1st day of January of each current license year if the business, trade or profession, etc., is carried on at that time, but if not, the due date shall be on the day that said business, trade, occupation or profession

is begun, and any person, firm, corporation, agent or manager thereof, shall be subject to arrest and conviction on or after that day for failure to procure a license. Each day of operation or conduct of the business without having procured a license thereof, as prescribed by this Ordinance, shall constitute a separate offense.

SECTION 15. For vocations, occupations, professions, trades, and for which no license is prescribed herein, the Mayor may cause the same to be issued and may prescribe the amount to be fixed and collected for said license.

SECTION 16. Any person, firm, corporation, or other person subject to payment of license hereunder who shall engage in or carry on any business or to any act in the Town of Vance, Alabama, or in the police jurisdiction thereof, for which a license is charged or required under this Ordinance, without first having paid for and taken out a license thereof in the manner provided by this Ordinance shall be guilty of doing business without a license, and such person who fails to pay license may be fined not more than One Hundred and no/100 (\$100.00) Dollars for each offense, and may be sentenced to hard labor upon the streets of the Town of Vance for not more than six (6) months, either or both as the Court trying the same may deem proper.

SECTION 17. This Ordinance shall supersede, for the tax year 1990 and subsequent years, all other license schedules heretofore enacted which are in conflict with this Ordinance.

SECTION 18. This Ordinance is divisible as to sections and subsections and if any section or subsection of this Ordinance shall be

SCHEDULE

- (1) AUTOMOBILE
 - A. Dealer selling used cars.....\$ 25.00
 - B. Automobile repair shop..... 25.00

- (2) BANKS
 - License fixed by ALA. CODE, in proportion to the capital, surplus and undivided profits of the bank.

(3)	BARBER SHOPS	
	A. One Chair.....	5.00
	B. Each additional chair.....	5.00
(4)	BEAUTY PARLORS	
	A. One Chair.....	5.00
	B. Each additional chair.....	1.00
(5)	BILLIARD ROOM, POOL ROOM, GAME ROOM.....	25.00
(6)	CABLE SERVICES & FRANCHISE	
	Three per cent of the gross income received by the company within the incorporated limits of the Town of Vance, Alabama, and one and one-half per cent in police jurisdiction during the year just preceding.	
(7)	DELI.....	10.00
(8)	ELECTRICAL LIGHT AND POWER COMPANY	
	Three per cent of the gross income received by the company within the incorporated limits of the Town of Vance, Alabama, and one and one-half per cent in police jurisdiction during the year just preceding.	
(9)	ELECTRICAL MUSIC MACHINES.....	2.00
	License as limited by ALABAMA CODE	
(10)	FIREWORKS SALES.....	35.00
(11)	FLORIST.....	5.00
(12)	GASOLINE PUMPS.....	5.00
(13)	INCOME TAX PREPARATION SERVICE.....	5.00
(14)	INDUSTRIES.....	50.00
(15)	INSURANCE COMPANIES - Including Life and Burial.	
	Each insurance company other than fire, marine and fraternal.....	25.00
	Plus one dollar on each on hundred dollars and major fraction thereof of gross premiums less return premiums, received during the preceding year on policies issued during said year to citizens and residents of the Town of Vance, and one half of this amount for policies issued within the police jurisdiction of said Town. All licenses due under this schedule and the next succeeding schedule shall become delinquent if not paid on or before February 1st of the year in which they are due. On all such delinquent licenses there shall be due and collected an additional sum equal to twenty (20%) percent of the original amount of the license. Failure of any such insurance	

the current year
the year in which such license becomes due,
shall cause a forfeiture of the right of the
company so failing or its agents to continue
to do business in the Town of Vance until
said statement shall have been filed and said
sum with penalty thereon as herein provided
shall have been paid and shall subject the
company and its agents to the penalties
prescribed by this ordinance for doing business
without a license.

(16) INSURANCE COMPANIES - FIRE AND MARINE

License as prescribed by State Law, ALA. CODE.
Each fire and marine insurance company, four dollars on each one hundred dollars or major fraction thereof of gross premiums, less returned premiums, received on policies issued during the preceding year on property located in the Town of Vance, and one-half ($\frac{1}{2}$) of this amount for companies doing business within the police jurisdiction of the Town of Vance; provided, that new companies shall pay a flat minimum license of Five Dollars (\$5.00) on which there shall be an adjustment on the above basis at the expiration of the year.

(17)	LAUNDRY (COIN OPERATED).....	25.00
(18)	LAWN SERVICE.....	5.00
(19)	MERCHANTS, RETAIL.....	10.00
	A. Alcoholic Beverages-Beer Off Premises.....	10.00
(20)	PENNY SCALES	
	A. Each.....	1.00
	PENNY VENDING MACHINES	
	A. Each.....	1.00
	OTHER VENDING MACHINES	
	A. Each.....	5.00
(21)	PIN BALL MACHINES	
	A. Each.....	5.00
	Up to a maximum of \$25.00	
(22)	RAILROADS	
	A. Each.....	50.00
(23)	REAL ESTATE SALES OFFICE.....	25.00
(24)	RESTAURANTS	
	A. Having counters and tables.....	25.00
(25)	SAWMILLING, LUMBER DEALER AND BUILDING MATERIAL.....	50.00
(26)	STORES.....	25.00
(27)	TELEPHONE SERVICES.....	50.00
(28)	TRAILER PARKS.....	10.00
(29)	VENDING MACHINES	
	A. Each.....	5.00

Adopted ...

1989.

Mark Brook

MAYOR

ATTEST:

Dore L. Weaver

TOWN CLERK