ORDINANCE NUMBER 708

AN ORDINANCE OF SOLANO COUNTY, CALIFORNIA, PROVIDING FOR THE GRANTING OF LICENSES FOR COMMUNITY ANTENNA TELEVISION SYSTEMS AND PROVIDING TERMS AND CONDITIONS FOR THE OPERATION OF SUCH COMMUNITY ANTENNA TELEVISION SYSTEMS AND FEES THEREFOR.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SOLANO
DO ORDAIN AS FOLLOWS:

SECTION 1: LICENSING OF COMMUNITY TELEVISION AND RADIO SYSTEMS - DEFINITIONS.

(a) "County" and "Board" mean the County of Solano and its Board of Supervisors.

(b) "Licensee" means the person, firm or corporation to whom or to which a license, under this Ordinance, is granted by the Board and the lawful successor or assignee of said persons, firm or corporation, but shall not include a telephone company furnishing a license hereunder with distribution channels for use in a CATV system pursuant to tariffs on file with the Public Utilities Commission of the State of California which telephone company may do so without obtaining a license pursuant to this Ordinance.

(c) "License" means and includes any nonexclusive authorization granted pursuant to this Ordinance in terms of the license, permit, or otherwise, to construct, operate and maintain a CATV system in the unincorporated area of this County.

(d) "CATV" means a community television system defined as a system of antennas, coaxial cables, wires, wave guides, or other conductors, equipments or facilities designed, constructed, or used for the purpose of providing television or FM radio service by cable or through its facilities as herein contemplated. CATV shall not mean or include the transmission of any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television".

(e) "Street" means the surface of and the space above and below any public street, highways, alleys, public properties, or public easements of the County, now or hereinafter existing as such within the County.

(f) "Property of licensee" means all property constructed, installed, operated or maintained by a licensee under the authority of a nonexclusive license issued pursuant to this Ordinance.

(g) "Subscriber" means any person or entity receiving for any purpose the CATV service of a licensee.

(h) "Gross Annual Receipts" means any and all compensation and other consideration in any form whatever and any contributing grant or subsidy received directly or indirectly by a licensee from subscribers or users in payment for television or FM radio signals or service received within the County, excluding installation, line extension or any other non-recurring charges.

Gross Annual Receipts shall not include any taxes or services furnished by the licensee imposed directly on any subscriber or user by any governmental unit and collected by the licensee for such governmental unit, and shall not include the amount of any refunds, credits or other payments made to subscribers or users.

(i) "Service area" means the unincorporated area in this County in which a licensee is authorized pursuant to this Ordinance to construct, maintain and operate a CATV system.

SECTION 2: LICENSE.

Nonexclusive licenses to construct, operate and maintain CATV systems within all or any portion of the unincorporated area of the County may be granted by the Board to any persons, firms, or corporations, whether operating under existing licenses or not, who or which offer to furnish and provide such systems under and pursuant to the terms and provisions of this Ordinance.

No provision of this Ordinance shall be deemed or construed as to require the granting of a license when in the opinion of the Board it is in the public interest to restrict the number of licensees to one or more for a proposed service area or not to grant any licenses for a proposed service area. Neither the granting of any nonexclusive license hereunder nor any of the provisions contained herein shall be construed to prevent the County from granting any identical, or similar, nonexclusive license to any person, firm, or corporation, within all or any portion of the County.

SECTION 3: USES PERMITTED BY LICENSE.

Any license granted, pursuant to the provisions of this Ordinance shall authorize and permit the licensee to engage in the business of operating and providing a CATV system in the unincorporated area of the County, and, for that purpose, to erect, install, construct, repair, replace, reconstruct, maintain, and retain in, on, over, under, upon, across and along any
The granting of a license pursuant to this Ordinance shall not be construed as permission or license to enter on, occupy, or otherwise utilize private property without the expressed consent of the owner or occupant thereof.

SECTION 4: SUBSCRIBER RATES AND CHARGES.

The licensee may make a reasonable charge to subscribers for installation or connection to its CATV system and a reasonable fixed monthly charge as filed and approved as herein provided. No increase in rates and charges to subscribers, as set forth in the schedule filed and approved with the licensee's application, may be made without prior approval of the Board.

No license shall be construed as a permit or a license to transmit any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to "pay television", and no licensee shall directly or indirectly install, maintain, or operate on any television set a coinbox or any other device or means for collection of money for individual programs.

SECTION 5: DURATION, TERMINATION AND FORFEITURE.

No license granted by the Board shall be for a term longer than twenty (20) years following the date of acceptance of such license by the licensee or the renewal thereof.

Any neglect, failure or refusal to comply with any of the terms or conditions of this Ordinance, including changes or additions thereto during the term of a license by a licensee, continuing for more than sixty (60) days following notice thereof from the County, shall work a forfeiture thereof in addition to such other penalties and rights provided in this Ordinance, and the Board may thereupon declare the license forfeited, and may exclude the licensee from further use or acts thereunder, and thereupon, the licensee shall be deemed to have immediately and automatically surrendered all rights hereunder. The licensee shall remove its equipment from the streets within this County within sixty (60) days after receipt of notice of the Board's declaration that his license has been forfeited. Notice may be given and will be deemed received for the purposes of this Section when deposited in the mails, addressed to the licensees at his address contained in the files of the Board of Supervisors.

SECTION 6: LICENSE PAYMENTS.

Any licensee granted a license under this Ordinance shall pay to the County during the term of such license a sum equal of five percent (5%) of the gross annual receipts of the licensee derived from the service area for which the license is issued. Such payment by the licensee to the County shall be made annually. In addition, County shall, upon request, receive CATV reception service from licensee during the term of said license without charges other than installation, repair, and maintenance.

SECTION 7: FINANCIAL STATEMENT AND INSPECTION.

The licensee shall file with the County within ninety days (90) after the expiration of any fiscal year or portion thereof during which such license is in force, a financial statement prepared by licensee showing in detail the gross annual receipts, as defined herein, during the preceding year, or portion thereof. It shall be the duty of the licensee to pay to the County within thirty (30) days after the time for filing such statements, the sums hereinabove prescribed or any unpaid balance thereof for the fiscal year or portion thereof covered by such statements. The County shall have the right to inspect the licensee's records showing the gross receipts from which its license payments are computed and the right of audit and recomputation of any and all amounts paid under this Ordinance. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the County may have for further or additional sums payable under this Ordinance or for the performance of any other obligation hereunder.

SECTION 8: PUBLIC USE PROPERTY.

No privilege or exemption is granted or conferred by any license granted under this Ordinance except those specifically prescribed in this Ordinance. Any privilege claimed under a license granted pursuant to this Ordinance in any street shall be subordinate to any prior lawful occupancy of the street or any subsequent occupancy of the street for public purposes.

SECTION 9: TRANSFER AND ASSIGNMENT.

A licensee shall not sell, transfer, lease, dispose of, or assign this license or any
ORDINANCE NO. 708 continued

rights thereunder, including any beneficial interest or right to operate thereunder, by voluntar­
try sale, merger, consolidation, or otherwise, or by operation of law, without the prior
written consent of the Board and under such conditions as may be therein prescribed, and then
only by a duly executed instrument in writing, filed with the Board; provided, however,
that the foregoing provisions of this Section shall not apply to a transfer or assignment
of this license, or of any right or privilege thereby granted, contained in or made by a
 deed of trust, mortgage, or other instrument, given merely to secure the payment of any
indebtedness of a licensee. The said consent of the Board may not be unreasonably withheld
for such assignments and transfers. The provisions of this Ordinance and all rights,
obligations and duties hereunder shall inure to and be binding upon assignee who must agree
in a duly executed written instrument filed with the Board to comply with all the said
provisions before any such transfer will be effective.

SECTION 10: OTHER LAWS AND POLE AGREEMENTS.

An license granted pursuant to this Ordinance is subject to all provisions, regulations,
and conditions prescribed by federal, state, county, and local law heretofore and hereafter
enacted or established during the term of any license granted and shall be in addition to
any electrical or encroachment, or other permits required by any ordinance of this County.
Any such license granted shall not relieve the licensee of any obligation involved in obtaining
pole space from any department of the County, utility company, or from others maintaining
poles in streets.

SECTION 11: SUPPRESSION.

Any License granted under this Division is in lieu of any and all rights, privileges,
powers, immunities, and authority owned, possessed, controlled, or exercisable by licensee,
or any successor to any interest of licensee, of or pertaining to the constructing, operation,
or maintenance of any CATV system in the unincorporated area of this County, and the acceptance
of any license hereunder shall operate, as between licensee and the County, as an abandonment
of any and all such rights, privileges, powers, immunities, and authorities within the
County, to the effect that, as between licensee and the County, any and all construction,
operation, and maintenance of any licensee of any CATV system in the County shall be, and
shall be deemed and construed in all instances and respects to be, under and pursuant to
said license, and not under or pursuant to any other right, privilege, power, immunity, or
authority whatsoever.

SECTION 12: TERMINATION EXPENSE.

The licensee shall have no recourse whatsoever against the County, its officers or em­
ployees, for any loss, cost, expense or damage arising out of any provision or requirement of
this Ordinance or of any license issued hereunder or because of its enforcement or for the
termination or forfeiture of any license as provided in this Ordinance.

SECTION 13: EMINENT DOMAIN.

Nothing in this Ordinance shall in any way or to any extent, impair or affect the right
of the County to acquire licensee's property either by purchase or through exercise of the
right of eminent domain, and nothing herein shall be construed to contravene any or to modify
or abridge the County's right of eminent domain in respect to any licensee. Nor shall any
license ever be given any value before any court or public authority in any proceeding of any
character except for the purposes of taxation.

SECTION 14: ADDITIONAL REQUIREMENTS.

During the term of any license granted, the County may amend any section or part of this
Ordinance so as to require additional or greater standards of construction, operation, main­
tenance, or otherwise, on the part of the licensee, including the payment of a larger or
greater percentage of the gross annual receipts of any licensee for the remaining term of such
license. If this Ordinance is amended to require additional or greater standards, the license
within ninety (90) days after the effective date of such amendment shall comply with the new
standards, subject to any State or Federal laws or regulations.

SECTION 15: DISPUTES.

The Board may do all things necessary and convenient in the exercise of its jurisdiction
under this Ordinance and may determine any question of fact which may arise during the exist­
ence of any license granted hereunder. The Board may adjust, settle, or compromise any con­
troversy or cancel any charge arising from the operations of any licensee or from any provision
of this Ordinance, and such decisions of the Board shall be final and binding upon all parties.
ORDINANCE #708 Continued:----

SECTION 16: PERMITS, INSTALLATION AND SERVICE.

(a) Within thirty (30) days after acceptance of any license the licensee shall pro­ceed, with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses, zoning approval and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems, or their associated microwave transmission facilities.

(b) Within ninety (90) days after obtaining all necessary permits, licenses and authorizations, licensee shall commence construction and installation of the CATV system.

(c) Within ninety (90) days after the commencement of construction and installation of the system, licensee shall proceed to render service to subscribers, and the completion of the construction and installation shall be pursued with reasonable diligence thereafter, so that service to all areas designated in the license, shall be provided with one (1) year from commencement of construction.

(d) Failure on the part of the licensee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein, shall be grounds for termination of such license. The Board, in its discretion, may extend the time for the commencement and completion of the construction and installation.

SECTION 17: LOCATIONS, CONSTRUCTION AND UNDERGROUNDING.

(a) Any poles, wires, cable lines, conduits or other properties of the licensee to be constructed or installed in streets, shall be constructed or installed cimlytatesui;::hsxoeations and on such manner as shall be approved by the Director of Public Works or Solano County and shall conform to all applicable Federal, State and local laws and ordinances.

(b) The licensee shall not install or erect any facilities or apparatus in or on other public property, places or rights-of-way, or within any privately-owned area within the County which has not yet become a public street but is designated or delineated as a proposed public street on any tentative sub-division map approved by the County except those installed or erected upon existing or future public utility facilities, without obtaining the prior approval of the Director of Public Works and the owner-subdivider.

(c) In those areas and portions of the County where the transmission or distribution facilities of both the public utility providing telephone service and those of the utility providing electric service are underground or hereafter may be placed underground, then the licensee immediately upon written request by the Director of Public Works of Solano County shall likewise construct, or reconstruct, operate, and maintain all of its transmission and distribution facilities underground. For the purposes of this subsection, "underground" shall include a partial underground system, e.g. streamlining. Amplifiers in licensee's transmission and distribution lines may be in appropriate housings upon the surfact of the ground as approved by the Director of Public Works. The County shall not in any manner be responsible for any costs incurred by any licensee in placing his property underground.

SECTION 18: REMOVAL AND ABANDONMENT OF PROPERTY OF LICENSEE.

(a) In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of twelve (12) months, or in the event such system or property has been installed in any street or public place without complying with the requirements of this Ordinance, or the license has been terminated, cancelled or has expired, the licensee shall promptly, upon being given ten (10) days notice, remove from the streets or public places all such property and poles of such system other than any which the Director of Public Works may permit to be abandoned in place. In the event of such removal, the licensee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the Director of Public Works of Solano County.

(b) Any property of the licensee remaining in place sixty (60) days after the termin­ation, forfeiture or expiration of the license shall be considered permanently abandoned. The Director of Public Works of Solano County may extend such time not to exceed an additional thirty (30) days.

(c) Any property of the licensee to be abandoned in place shall be abandoned in such a manner as the Director of Public Works of Solano County shall prescribe. Subject to the provisions of any utility joint use attachment agreement, upon permanent abandonment of the property of the licensee in place, the property shall become that of the County and the licensee shall submit to the Director of Public Works of Solano County an instrument in writing, to be approved by the County Counsel of Solano County, transferring to the County the ownership of such property.
ORDINANCE NO. 708 Continued----

SECTION 19: CHANGES REQUIRED BY PUBLIC IMPROVEMENTS.

The licensee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the licensee when required by the Director of Public Works of Solano County by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structure or improvements by public agencies; provided, however, that the licensee shall in all such cases have the privileges and be subject to the obligations to abandon any property of the licensee in place, as provided in this Ordinance.

SECTION 20: FAILURE TO PERFORM STREET WORK.

Upon failure of the licensee to commence, pursue, or complete any work required by law or by the provisions of this Ordinance or by its license to be done in any street or other public place, within the time prescribed, and to the satisfaction of the Director of Public Works of Solano County, the Director of Public Works of Solano County may, at his option, cause such work to be done and the licensee shall pay to the County the cost thereof in the itemized amounts reported by the Director of Public Works to the licensee within thirty (30) days after receipt of such itemized report.

The licensee shall at its expense install and maintain adequate shielding, filtering and grounding at affected installation within the CATV system to eliminate television interference from fundamental frequency overload by radio amateur transmissions which are in compliance with Federal Communication Regulations.

SECTION 21: BOND.

The licensee shall, concurrently with the filing of an acceptance of award of any license granted under this Ordinance, file with the County Clerk and at all times thereafter maintain in full force and effect for the term of such license or any renewal thereof, at licensee's sole expense, a corporate surety bond in a company and a form approved by the Solano County Counsel, in the amount of FIVE THOUSAND DOLLARS ($5,000.00) renewable annually, providing, in essence, that if licensee shall fail to comply with any one or more of the provisions of this Ordinance, or of any license issued hereunder, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the County as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the licensee as prescribed hereby which may be in in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond; said condition shall be a continuing obligation for the duration of such license and any renewal thereof and thereafter until the licensee has liquidated all of its obligations with the County that may have arisen from the acceptance of said license or renewal by the licensee or from its exercise of any privilege therein granted. The bond shall provide that thirty (30) days prior written notice of intention not to renew, cancellation or material change, be given to the County.

Neither the provisions of this Section, nor any bond accepted by the County pursuant hereeto, nor any damages recovered by the County thereunder, shall be construed to excuse faithful performance by the licensee or limit the liability of the licensee under any license issued hereunder or for damages, either to the full amount of the bond or otherwise.

SECTION 22: LIABILITY INSURANCE.

(a) The licensee shall, concurrently with the filing of an acceptance of award of any license granted under this Ordinance, furnish to the County and file with the Solano County Clerk, and at all times during the existence of any license granted hereunder maintain in full force and effect, at its own cost and expense, a liability insurance policy in the amount of FIVE HUNDRED THOUSAND DOLLARS ($500,000.00), and in a form satisfactory to the County Counsel indemnifying and saving harmless the County, its officers and employees from and against any and all claims, demands, actions, suits and proceedings by others, against all liability to others, including but not limited to any liability for damages by reason of or arising out of any failure by the licensee to secure consents from the owners, authorised distributors or licensees of programs to be delivered by the licensee's CATV system and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney's fees, arising out of the exercise or enjoyment of its license irrespective of the amount of the comprehensive liability insurance policy required hereunder.

This insurance provision may be satisfied by proper endorsement to the comprehensive
liability insurance policy required by subsection (b) of this Section. In the event licensee is unable to secure such insurance, County may, in lieu thereof, accept an appropriate agreement of indemnification.

(b) Comprehensive Liability Insurance. The licensee shall, concurrently with the filing of an acceptance of award of any license granted hereunder, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy, in protection of the County, its officers, boards, commissions, agents and employees, in a form satisfactory to the County Counsel, protecting the County and all persons against liability, for loss or damage for personal injury, death, property damage, and inverse condemnation, or any combination of these, and regardless of whether or not such liability, claim or damage was foreseeable at any time before the County approved plans for the installation of license property or after the installation of license property, occasioned by the operations of licensee under such license with minimum liability limits of THREE HUNDRED THOUSAND DOLLARS ($300,000.00) for personal injury or death of any one person and FIVE HUNDRED THOUSAND DOLLARS ($500,000.00) for personal injury or death of two or more persons in any one occurrence, and FIFTY THOUSAND DOLLARS ($50,000.00) for damage to property resulting from any one occurrence.

(c) Additional Insured, Cancellation. The policies or certificates of insurance representing such policies, mentioned in the foregoing paragraph shall name the County, its officers, boards, commissions, agents and employees, as additional insured and shall contain a provision that a written notice of cancellation of reduction in coverage of said policy shall be delivered to the County ten (10) days in advance of the effective date thereof; if such insurance is provided by a policy which also covers licensees or any other entity or person other than those above named then such policy shall contain the standard cross-liability endorsement. The promise and agreement in this Section is not conditioned or dependent on whether or not the County has approved any plan(s) or specification(s) in connection with this license, or has insurance or other indemnification covering any of these matters.

(d) By accepting a license, the licensee agrees to save and hold harmless as set forth in this Section the County, its officers, boards, commissions, agents and employees from any and all claims, costs, demands, causes of action, suits, loss, expenses, or other detriment or liability arising from or out of the operations of the licensee from any cause whatsoever including inverse condemnation and in addition to and not in lieu of said surety bond and liability insurance.

SECTION 23: INSPECTION OF PROPERTY AND RECORDS.

(a) At all reasonable times, the licensee shall permit any duly authorized representative of the County examine all property of the licensee, together with any appurtenant property of the licensee situated within or without the County, and to examine and transcribe any and all maps and other records kept or maintained by the licensee or under its control which deal with the operations, affairs, transactions or property of the licensee with respect to its license. If any such maps or records are not kept in the County, or upon reasonable request made available in the County, and if the Board shall determine that an examination thereof is necessary or appropriate, then all travel and maintenance expense necessarily incurred in making such examination shall be paid by the licensee.

(b) The licensee shall prepare and furnish to the Director of Public Works at all times and in the form prescribed by said officer, such reports with respect to its operations, affairs, transactions or property, as may be reasonable, necessary, or appropriate to the performance of any of the rights, functions, or duties of the County or any of its officers in connection with the license.

(c) The licensee shall at all times make and keep in the County full and complete plans and records showing the exact location of all CATV system equipment installed or in use in streets and other public places in the County.

(d) The licensee shall file with the Director of Public Works of Solano County, upon his demand, a current map or set of maps drawn to scale, showing the location of all CATV system equipment installed and placed in licensee's service area and such other information as the Department of Public Works may specify.

(e) When any portion of the CATV system is to be installed on public utility poles and facilities, certified copies of the agreements for such joint use of poles and facilities shall be filed with the Director of Public Works.
SECTION 24: OPERATIONAL STANDARDS

The CATV system shall be installed and maintained in accordance with the currently accepted standards of the industry to the effect that subscribers shall receive the highest possible level of service. In determining the satisfactory extent of such standards the following among others shall be considered.

(a) The system should be installed using all band equipment capable of passing the entire VHF and FM spectrum, and it must have the capability of converting UHF for distribution to subscribers on the VHF band.

(b) The system as installed, must be capable of passing standard color TV signals without introduction of material degradation on color fidelity and intelligibility.

(c) The system and all equipment must be designed and rated for 24-hour per day continuous operation.

(d) The system must provide a nominal signal level of 200 microvolts, measured across 300 ohms, at the input terminals of each TV receiver.

(e) The system signal-to-noise ratio must be not less than 40 decibels.

(f) Hum modulation of the picture signal shall be less than five percent (5%).

(g) That the system shall employ components having a VSWR of 1.4 or less.

(h) The system shall provide, on a continuous equal basis, all available TV and FM radio channels to the extent allowed by applicable law and regulations, and as be provided by reasonable engineering standards.

SECTION 25: COMPLAINTS

The licensee may be required to reimburse County for costs incurred by County in investigating subscriber complaints. Reimbursements shall be made to the Department of Public Works and shall be deposited in the General Fund of the County of Solano. Failure to make reimbursement within sixty (60) days of date of billing shall constitute grounds for recovery of the total amount due from the performance bond specified in Section 21.

SECTION 26: OFFICE IN COUNTY.

The licensee shall maintain an office within the County or at a location which subscribers may call without incurring added message or toll charges so that CATV maintenance service shall be promptly available to subscribers.

SECTION 27: SERVICE TO SUBSCRIBER.

No person, firm or corporation in the existing service area of the grantee shall be arbitrarily refused service; provided, however, that the licensee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or monthly service charge. For remote, relatively inaccessible subscribers within the Franchies Area, the installation of service may be made on the basis of cost of materials, labor and supplying of easements and special charges may be established for service.

SECTION 28: SUBSCRIBER CONTRACT

Before providing antenna service to any subscriber, the licensee shall obtain a signed contract from the subscriber containing a provision substantially as follows:

Subscriber understands that in providing antenna service Licensee is make use of public rights-of-way within the County of Solano and that the continued use of these public rights-of-way is in no way guaranteed. In the event the continued use of such rights-of-way is denied to Licensee for any reason, Licensee will make every reasonable effort to provide service over alternate routes. Subscriber agrees he will make no claim nor undertake any action against the County of Solano, its officers, or its employees, if the service to be provided by licensee hereunder is interrupted or discontinued.

The form of the licensee’s contract with its subscribers shall be subject to the approval of the County.

SECTION 29: APPLICATION FEE.

An application for a license hereunder shall be in writing and accompanied by a payment to the County of $250.00 to reimburse it for expenses incurred in connection with processing the application.

SECTION 30: APPLICATION REQUIREMENTS.

The application shall be submitted on a form prescribed by the Board which shall contain such information as the Board deems necessary to determine whether the requested license should be granted.

SECTION 31: APPROVAL OF APPLICATION.

Upon consideration of any application, the Board may refuse to grant the requested license or the Board may, by resolution, grant a license for a CATV system to any such applicant as may appear from said application to be, in its opinion, qualified to render proper
and efficient CATV service to television viewers and subscribers in the proposed service area.

SECTION 30: LICENSE CONDITION.

Any license granted pursuant to this Ordinance shall include the following conditions:

"The CATV system herein licensed shall be used and operated solely and exclusively for the purpose expressly authorized by Ordinance of the County of Solano and no other purposes whatsoever."

Inclusion of the foregoing statement in any such license shall not be deemed to limit the authority of the County to include any reasonable condition, limitation or restriction which it may deem necessary to impose in connection with such license pursuant to the authority conferred by this Ordinance.

SECTION 31: LICENSE RENEWAL.

Any license granted under this Ordinance is renewable upon the application of the licensee, in the same manner and upon the same terms and conditions as required herein for obtaining the original license, except those which are by their terms expressly inapplicable; provided, however, that the Board may at its option waive compliance with any or all of the requirements of Section 29 hereof.

SECTION 32: EFFECTIVE DATE OF LICENSE.

No license granted pursuant to the provisions of this Ordinance shall become effective unless and until all things required by this Ordinance, and all laws affecting the issuance of said license hereunder, are done and completed, all of such things being hereby declared to be conditions precedent to the effectiveness of any such license granted hereunder. In the event any of such things are not done and completed in the time and manner required, the Board may declare the license null and void.

SECTION 33: ACCEPTANCE OF LICENSE.

Within thirty (30) days after the date of the resolution awarding a license or within such extended period of time as the Board in its discretion may authorize, the licensee shall file with the County Clerk his written acceptance, in form satisfactory to the County Counsel, of the license, together with the bond and insurance policies, and his agreement to be bound by and to comply with and to do all things required of him by the provisions of this Ordinance and the license.

SECTION 34: PROHIBITIONS.

No person, firm or corporation shall establish, operate or carry on the business of distributing to any persons in this County any television signals or radio signals by means of a CATV system unless a license therefor has first been obtained pursuant to the provisions of this Ordinance and unless such license is in full force and effect. No person, firm or corporation shall construct, install or maintain within any street in the County, or within any other public property of the County, or within a privately owned area within the County which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the County, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a license authorizing such use of such street or property of or area has first been obtained pursuant to the provisions of this ordinance, and unless such license is in full force and effect.

SECTION 35: EXCEPTIONS.

The Board may, upon the filing of an appropriate request therefor, except CATV systems from the operation of this ordinance, if the Board finds and determines that:

(1) The system is operated for the benefit of a limited group of individuals within a specified area, and
(2) The system is maintained solely for the convenience of said group, and
(3) Is not available to the general public, and
(4) Is not operated for profit.

SECTION 36: UNAUTHORIZED CONNECTIONS AND TAMPERING.

No person, firm or corporation shall make any unauthorized connection, whether physically, electrically acoustically, inductively or otherwise, with any part of a licensed CATV system within the unincorporated area of this County for the purpose of taking or receiving television signals, radio signals, pictures, programs or sound. Also, no person without the consent of the owner shall tamper with, remove or injure any cables, wires, or equipment used for distribution of television signals, radio signals, pictures, programs or sound.
SECTION 39: SALE OF TELEVISION RECEIVERS.
The licensee or any of his employees during their course of employment shall not engage in the business of selling or leasing television or other receivers which make use of signals transmitted by its system, nor shall the licensee or any of his employees during the course of their employment engage in the repair of such receivers or the sale of parts for the same, nor shall the licensee or any of his employers make to subscribers referrals or recommendations regarding patronage of firms engaged in the sale, rental, or repair of television or other receivers, or parts thereof.

The Board may waive the requirements of all or any portion of this Section, or may place conditions upon any license granted hereunder requiring divestiture within a prescribed time of any conflicting business interests held by a licensee or any of this employees which, in the judgment of the Board, might interfere or conflict with the proper performance of the services to be provided under said license.

SECTION 40: OTHER JURISDICTIONS
Whenever any portion of the territory covered by this license shall be annexed to, or otherwise become a part of any municipal corporation or of any other County, or any other agency or political subdivision of the State of California, the County's rights hereunder shall inure to the benefit of such other public body and its appropriate officers.

SECTION 41: COPYRIGHTS
Any authority granted hereunder is not and shall not be in derogation of any copyright or other private proprietary interest in any material in the program content of the television signals which shall be granted, without prejudice to any right of the owner, or any such copyright or other private proprietary interest to forbid any use thereof without the license or other permal of such owners.

SECTION 42: PRIOR LICENSES
Any and all radio and television antenna services, licenses, or other permission, granted by the Solano County Board of Supervisors prior to the effective date of this Ordinance are hereby terminated effective on the one hundred and eighth (108th) day following the effective date of this Ordinance. The Clerk of this Board is hereby directed to mail notices of termination, together with a copy of this Ordinance, to all such licensees at their addresses contained in the files of the Board of Supervisors. The notices of termination shall state that if such licensees have not obtained new licenses pursuant to this Ordinance prior to the termination date of their existing licenses they shall remove their equipment from the County's rights-of-way within thirty (30) days after the termination of their licenses.

SECTION 43: CONSTITUTIONALITY
If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not effect the validity of the remaining portions of this Ordinance, it being herein expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 44: EFFECTIVE DATE
This Ordinance shall be published once before the expiration of fifteen (15) days after its final passage in TIMES HERALD, a newspaper of general circulation printed, published, and circulated in Solano County, California, and shall be effective thirty (30) days after its final passage.

ATTEST: Neil Crawford
Neil Crawford, County Clerk and ex-officio clerk of the Board of Supervisors
By Ellen Starmer, Deputy Clerk

I, Neil Crawford, County Clerk of Solano County, and ex-officio Clerk of the Board of Supervisors of said County, do hereby certify that the foregoing Ordinance was regularly introduced, passed and adopted by said Board at a regular meeting thereof held April 8, 1969 by the following vote:

AYES: Supervisors Church, Mazzoni, Godfrey, Scofield, Brazelton.
NOES: Supervisors none
Absent: None

Witness my hand and the seal of said board this 8th day of April, 1969.

Neil Crawford, County Clerk
By Ellen Starmer, deputy clerk