

**ARTICLE I – TELECOMMUNICATION AND TELEVISION SERVICE REGULATIONS**

**SECTION 4-101: INSTALLATION IN PUBLIC RIGHT OF WAY**

- a. No telecommunications or television service company shall construct, operate, and maintain telecommunications lines and related facilities along, upon, across, and under public right of way of the City of Albion without first obtaining the consent of the governing body of the City of Albion. Said consent of the governing body must be obtained on an annual basis unless otherwise agreed to by the parties in writing.
- b. Any telecommunications company or television service company wishing to construct, operate, and maintain telecommunications lines and related facilities along, upon, across, and under public right of way of the City of Albion must file a written application with the City Clerk for consideration by the City Council at the next regularly scheduled City Council Meeting.

**SECTION 4-102: EXISTING UTILITY LOCATED WITHIN PUBLIC RIGHT OF WAY**

- a. No telecommunications or television service company shall operate, and maintain existing telecommunications lines and related facilities along, upon, across, and under public right of way of the City of Albion without first obtaining the consent of the governing body of the City of Albion. Said consent of the governing body must be obtained on an annual basis unless otherwise agreed to by the parties in writing.
- b. Any telecommunications or television service company wishing to operate, and maintain existing telecommunications lines and related facilities along, upon, across, and under public right of way of the City of Albion must file a written application with the City Clerk for consideration by the City Council at the next regularly scheduled City Council Meeting.

**SECTION 4-103: PUBLIC RIGHT OF WAY PERMIT; APPLICATION; ANNUAL**

- a. Written applications may be made utilizing provided form and shall contain:
  - 1. Legal name of applicant;
  - 2. Type and nature of telecommunication line and/or related facilities to be constructed, operated, and maintained; and,
  - 3. Legal description of public right of way to be occupied by telecommunication line and/or related facilities to be constructed, operated, and maintained.

- b. Written application shall be accompanied by:
1. Drawing and/or diagram of entire intended route of new telecommunication line and/or related facilities to be constructed, operated, and maintained, or the actual route of existing telecommunication line and/or related facilities to be operated and maintained;
  2. Public Right of Way permit fee of \$100.00, renewable annually;
  3. Insurance Certificate, naming the City of Albion as additional insured, verifying at least: General Liability of \$1,000,000.00; Personal Injury of \$500,000.00; Product & Completed Operations Aggregate of \$1,000,000.00; Medical Expense (Any One Person) of \$5,000.00; Each Occurrence of \$500,000.00; and,
  4. If new construction, a surety bond or certified check payable to the City of Albion in the amount of 10% of the total utility installation and construction to be returned upon satisfactory installation and construction of utility and written approval of satisfactory restoration of public right of way.
- c. Upon formal consent and approval of application by the governing body of the City of Albion, a right of way permit shall be issued by the City Clerk.
1. Right of way permit shall be renewable annually on May 1 of each year following the first full year of installation, operation, and maintenance of the telecommunication line and/or related facilities located along, upon, across, and under public right of way of the City of Albion.
  2. Each entity occupying right of way belonging to the City of Albion shall be required to pay an annual right of way permit fee of \$100.00 due on or before May 1 of each year following installation of the entity's initial telecommunication line and/or related facilities. This fee shall be limited to \$100.00 per entity occupying the City right of way regardless of the number of permits in effect for that entity.
  3. The City may grant, upon request, a multi-year right of way permit; however, the annual permit fee shall not be waived. The Grantee of a multi-year right of way permit may pay the entire permit fee balance for the multiple years, at the time the permit is granted. Absent such payment the annual permit fee shall be due at the same time as all other right of way permit fees. Failure to pay any permit fees due under a multi-year permit shall result in the immediate cancellation of said right of way permit and the Grantee will need to reapply.

#### SECTION 4-104: TELEVISION SERVICE FRANCHISE

- a. Approved application and associated right of way permit shall be considered valid franchise authorization as required by 18-2202, R.S.S. Neb.

#### SECTION 4-105: REQUIRED TELEVISION SERVICE QUALITY STANDARDS

- a. The Mayor and City Council may prescribe reasonable television service quality standards at the time that the application for right of way permit is considered for approval.

#### SECTION 4-106: TELEVISION SERVICE RATE REGULATION

- a. The Mayor and Governing Body of the City of Albion shall regulate rate increases so as to provide reasonable and compensatory rents or rates for such service including installation charges in the manner as prescribed by Nebraska State Statute as follows:
  1. Approval of a rate increase for a person or entity furnishing community television service shall be required and shall be made by resolution or ordinance by the Albion City Council.
  2. Prior to voting on a rate increase the council shall hold at least two public meetings at which the ratepayers and the franchisee may comment on the programming content and rates of such franchisee.
  3. At least thirty days prior to the first public meeting held to examine programming content and rates, each ratepayer or subscriber shall be notified by a billing statement or other written notice when and where such public meeting shall be held. Such notice shall also provide information as to what rates are proposed by the franchisee for consideration by the council or board of trustees.

(Ref. 86-701 through 86-704, 18-2201 through 18-2206, R.S.S. Neb.)