

Ordinance 20-06

AN ORDINANCE TO ESTABLISH A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE WITHIN THE VILLAGE, AND DECLARING AN EMERGENCY

WHEREAS, The Ohio General Assembly having passed Senate Bill 117 enacted Chapter 1332 of the Ohio Revised Code effective September 24, 2007, which provides that the State, through the Department of Commerce, will no longer allow municipalities to enter franchise agreements with video service providers; and

WHEREAS, As provided in ORC Section 1332.23, a person that offers service under a franchise or competitive video service agreement in effect on September 24, 2007, may continue on and after that date to provide service within the franchise area or the respective municipal corporation pursuant to the terms and conditions of the franchise or agreement. However, no such franchise or agreement shall be renewed or extended beyond the existing term of the franchise or agreement or its earlier termination pursuant to the terms and conditions of the franchise or agreement; and

WHEREAS, The franchise agreement between the Village of South Point and Armstrong Utilities, Inc. on February 1, 2005, is set to expire on April 16, 2020; and

WHEREAS, As provided in ORC Section 1332.27, a Video Service Provider that intends to provide service in the Municipality, in consideration of the benefits and privileges granted under the State of Ohio video service authorization and in consideration of permission to use the Municipalities streets and rights-of-way, before providing such service must serve a Notice on the Municipality of its intent to offer service in the Municipality; and

WHEREAS, Armstrong Utilities, Inc. has provided said notice to the Village of South Point in a certified letter dated March 6, 2020; and

WHEREAS, As provided in ORC Section 1332.32, a video service provider shall pay a video service provider fee to each municipal corporation and each township in which it offers video service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of South Point, Ohio that:

Section 1. Hereby establishes a video service provider fee of 5% of the video service provider's gross revenue pursuant to ORC Section 1332.32. This fee shall apply to any video service provider offering services within the village.

Section 2. Upon receipt of notice of a video service provider obtaining a state issued video service authorization to provide services within the village, that the Mayor is authorized and directed to provide any video service provider with this ordinance within 10 days by certified mail.

Section 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare, and for the further reason that it is immediately necessary to establish video service provider fees, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

Adopted This 21st Day of April 2020

Attest:


Scott Thomas, Clerk


Jeff Gaskin, Mayor