

BULLITT COUNTY FISCAL COURT
ORDINANCE NO. 05-019

An Ordinance Granting a License for Erecting, Laying, and Maintaining Cable Television Facilities along, under and across the public ways and places in Bullitt County, Kentucky.

Be it Ordained by the Fiscal Court of Bullitt County, Kentucky, as follows:

Section One: There is hereby granted to Inside Connect Cable, LLC (hereinafter "Inside Connect") FKA: Derbytown Communications, Inc., a non-exclusive right and privilege to construct, erect, operate, and maintain in, along, and across the streets, alleys, public ways, and other public places in Bullitt County, wires, cables, and other such fixtures as might be necessary for the maintenance and operation of a cable television system. Bullitt County Fiscal Court does hereby reserve the right to fix location of any and all poles, wires, and other structures, and hereby reserves the right to request that any such fixture be removed in the future for public convenience. All such fixtures shall be erected so as not to interfere with traffic or other use of public property.

Section Two: It shall be the sole responsibility of Inside Connect to obtain permission to use poles and equipment presently located in Bullitt County which are the property of any public utility.

Section Three: Inside Connect shall at all times be subject to the lawful police powers of Bullitt County and to such other regulations as Bullitt County Fiscal Court shall from time to time impose.

Section Four: All construction by Inside Connect shall at all times be in a good and workmanlike manner and shall be in compliance with all safety codes currently in effect in the Commonwealth of Kentucky. No construction shall be made in any public street, sidewalk, or public place or ground without prior notice to and approval of the Bullitt County Judge/Executive, being the Executive Authority of Bullitt County Fiscal Court. Any and all such construction shall be properly guarded and shall be at the sole risk of Inside Connect.

Section Five: Before commencing construction, Inside Connect shall indemnify and save harmless Bullitt County Fiscal Court from any and all losses and damages to persons or property which may arise out of and be caused by the construction, maintenance, presence, use, or removal of Inside Connect fixtures, or by any act of Inside Connect, its agents, or employees. Inside Connect shall have in full force and effect a good and sufficient policy of insurance with a copy thereof filed with the Bullitt County Judge/Executive providing for liability limits with a minimum of \$300,000.00 for property damage and in the same amount for personal injury, per accident.

Section Six: The term of this License shall be for a period of 15 years commencing February 17, 2004. Said License is subject to forfeiture by the Inside Connect if for any reason it fails to abide by the terms hereof.

Section Seven: During the term of this License, Inside Connect shall pay Bullitt County Fiscal Court a sum equal to 3% percent of the gross revenues received by Inside Connect by the users of said cable system within Bullitt County, Kentucky. Payment of said sum shall be made to Bullitt County Fiscal Court on or before the 30th of the first month of each year commencing in January 2005. For purposes of this section, gross revenues shall consist solely of subscriber charges for cable service and shall not include advertising or other non-subscriber revenues. Inside Connect shall make and cause its books of account to be open to Bullitt County Fiscal Court, the Bullitt County Judge/Executive, or any designated agent thereof, for examination and auditing of Inside Connect's account with Bullitt County Fiscal Court for the purpose of determining the veracity of its statement of account to Bullitt County Fiscal Court.

Section Eight: Inside Connect shall have the right to determine the rates to be charged to subscribers and shall have the right to determine and fix any installation or service charges. At least ninety (90) days prior to any increase in rates, and/or installation or service charges, Inside Connect shall notify Bullitt County Fiscal Court of said increase and its effective date.

Section Nine: Inside Connect shall at all times carry a minimum of 12 basic channels on its system and shall carry such movie and sports channels as it deems appropriate. Inside Connect further agrees to maintain an office to receive complaints concerning the quality of service and equipment furnished. All of said complaints, where possible, shall be investigated and corrected within a twenty-four (24) hour period from the time the complaint is received. Inside Connect shall keep a log of such complaints, and said log shall be open to Bullitt County Fiscal Court, the Bullitt County Judge/Executive, or any designated agent thereof during normal business hours.

Section Ten: It shall be Inside Connect's responsibility to furnish all service in compliance with any and all federal and state rules and regulations, and it shall be the sole responsibility of Inside Connect to acquire any permits as might be necessary from any regulatory agencies prior to furnishing service to the residents of Bullitt County, Kentucky.

Section Eleven: (I) The area to be served by Inside Connect under this License shall be within the present boundaries of the Licensing Authority to which Inside Connect may provide service.

(II) Inside Connect will furnish service to anyone within 400 feet of cable lines. After 400 feet, the customer is responsible for construction cost.

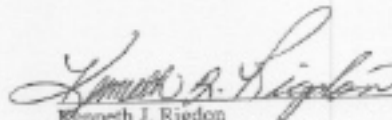
Section Twelve: This Ordinance amends Ordinance No. 04-07 in its entirety.

Section Thirteen: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not effect the remainder of this Ordinance.

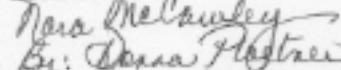
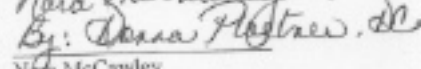
Given first reading by subject only at the regular meeting of Bullitt County Fiscal Court held on the 19th day of July, 2005.

Given second reading and passed at a regular meeting of Bullitt County Fiscal Court held on the 2nd day of August, 2005.

Votes For: 5 Votes Against: 0 Abstentions 0


Kenneth J. Rigdon
Bullitt County Judge/Executive

ATTESTED TO:


By: 
Nora McCawley
Bullitt County Clerk