

## ORDINANCE 825

### AN ORDINANCE ADDRESSING THE PAYMENT OF CABLE TELEVISION FRANCHISE FEES IN THE CITY OF MOMENCE, ILLINOIS

**WHEREAS**, the City Council of the City of Momence, Illinois is charged with the continued administration and oversight of the City Code Book; and

**WHEREAS**, Mediacom Illinois LLC operates a cable television system providing cable television service to households in the City of Momence, Illinois, authorized under an Authorization to Offer Cable or Video Services granted by the Illinois Commerce Commission on January 23, 2014, pursuant to 220 ILCS 5/21-401; and

**WHEREAS**, 220 ILL. COMP. STAT. 5/21-801 permits the City to collect service provider fees from a cable service provider operating within the City pursuant to a state authorization; and

**WHEREAS**, the City of Momence, Illinois, hereby adopts this Ordinance in order to collect service provider fees from Mediacom Illinois LLC.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOMENCE, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** The City Council of the City of Momence, Illinois, finds that all of the recitals contained in the preamble to this ordinance are true, correct, and complete, and further declare that the same are hereby incorporated by reference hereto, and made a part thereof.

**SECTION 2.** Mediacom Illinois LLC shall pay an annual service provider fee to the City of Momence, Illinois, in an amount equal to five (5) % of annual gross revenues derived from the provision of cable or video service to households located within the City. The twelve (12) month period for the computation of the service provider fee shall be a calendar year.

**SECTION 3.** The service provider fee payment shall be due annually, and payable within ninety (90) days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation. If mailed, the fee shall be considered paid on the date it is postmarked.

**SECTION 4.** For purposes of the calculation of the service provider fee, “gross revenues” shall mean consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by Mediacom Illinois LLC for the operation of its cable system to provide cable or video service within the City, including the following:

- (A) Recurring charges for cable service or video service;
- (B) Event-based charges for cable service, or video service, including, but not limited to , pay-per-view, and video on demand charges;
- (C) Rental of set-top boxes and other cable service or video service equipment;
- (D) Service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges;
- (E) Administrative charges related to the provision of cable services or video services, including, but not limited to, service order and service termination charges;
- (F) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

**SECTION 5.** For purposes of the calculation of the service provider fee, “gross revenues” shall not include:

- (A) Revenues not actually received, even if billed, such as bad debt;
- (B) The service provider fee or any tax, fee, or assessment of general applicability;
- (C) Any revenues received from services not classified as cable service, or video service, including , without limitation, revenue received from telecommunications services, voice over internet protocol (VoIP) services, information services, the provision of directory or Internet advertising, or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder’s books and records kept in the regular course of business and applicable laws, rules, regulations, standards, or orders;
- (D) Security deposits collected from subscribers;
- (E) Any amounts paid by subscribers to “home shopping” or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

**SECTION 6.** In the event that any section, paragraph, clause, or provision of this Ordinance shall be declared to be invalid, or unenforceable by a court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remainder thereof, which remainder shall remain and continue in full force and effect.

**SECTION 7.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 8.** To become effective, the City Clerk is hereby directed to send a copy of this Ordinance to:

Mediacom Illinois  
Attn: Government Relations  
3900 26<sup>th</sup> Avenue  
Moline, Il. 61265

**SECTION 9.** That this ordinance shall be in full force and effect after its passage, adoption, and publication in pamphlet form, as required by law.

Passed by the Mayor and the City Council of the City of Momence, Illinois, this 20<sup>th</sup> day of March, 2017.

Alderman Denton	Electronic___ Attendance	Aye_X_Nay___ Absent___
Alderman Navratil	Electronic___ Attendance	Aye_X_Nay___ Absent___
Alderman N. Metz	Electronic___ Attendance	Aye_X_Nay___ Absent___
Alderman Steele	Electronic___ Attendance	Aye_X_Nay___ Absent___
Alderman Rehmer	Electronic___ Attendance	Aye_X_Nay___ Absent___
Alderman Cook	Electronic___ Attendance	Aye___ Nay___ Absent_X___
Alderman Lesyna	Electronic___ Attendance	Aye_X_Nay___ Absent___
Alderman J. Metz	Electronic___ Attendance	Aye_X_Nay___ Absent___
Mayor Porter		Aye___ Nay___ Absent___

TOTALS

Electronic\_\_\_\_  
Attendance

Aye\_7\_\_Nay\_\_\_\_ Absent\_1\_\_

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**Mick Porter**, Mayor, City of Momence, Illinois

ATTEST:

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**Jene Henson**, City Clerk, City of Momence, Illinois

**STATE OF ILLINOIS  
COUNTY OF KANKAKEE  
PUBLICATION CERTIFICATE**

I, Jenene Henson, certify that I am the duly elected and acting  
Municipal Clerk of the City of Momence, county of  
Kankakee, Illinois.

I further certify that on March 20<sup>th</sup>, 2017, the Corporate Authorities of such municipality passed and approved Ordinance No.825, entitled an Ordinance amending the payment of cable television franchise fees, which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. 825, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall building, commencing on March 21<sup>st</sup>, 2017 and continuing for at least 10 days thereafter.

Copies of such Ordinance are also available for public inspection upon request from the City Collector at Momence City Hall.

Dated at Momence, Illinois, this 20<sup>th</sup> day of March, 2017

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Jenene Henson,

City Clerk, City of Momence