ORDINANCE 95-76

TO AMEND CHAPTER 3.02 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED, "CABLE COMMUNICATIONS FRANCHISES" (Authorizing an Informal Process for the Renewal of Cable Franchises)

WHEREAS, federal statutes allow cable franchising authorities to renew franchise agreements through formal or informal procedures, singly or in combination; and

WHEREAS, the City of Bloomington wishes to incorporate the informal method of franchise renewal into its cable refranchising ordinance, to function in lieu of, or in addition to, its previously adopted formal procedures;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 3.02.041 Procedures governing the renewal of existing franchises shall be amended to add the following:

(h) Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may, either on its own initiative, or after consultation and/or negotiation with the City, submit to the Board a proposal for the renewal of a franchise at any time. The Board may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g) of this section.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 13th day of December, 1995.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 14 day of December, 1995.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 15th day of December, 1995.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

Synopsis

This amendment allows the City to consider proposals for renewal of a franchise agreement which are submitted in lieu of, or in addition to, the formal renewal process. Federal law, 47 U.S.C. § 546, permits both "formal" and "informal" renewal procedures. Under either procedure, renewal of a franchise will require public notice and comment on the proposal, and action by the Board of Public Works and Common Council.

Signed copies to:
LA/CA
Clerk
BMC-File
Legal - 5
TCI
TCC