

CHAPTER 751
CABLE SYSTEM

751.04 CONDITIONS OF SYSTEM CONSTRUCTION, MAINTENANCE AND OPERATION.

The operator shall comply with the following conditions and the Director of Public Service shall be charged specifically with the duty of enforcing the provisions of this section:

- (a) Construction and maintenance of the transmission and distribution system shall be in accordance with the National Electrical Safety Code and such applicable Federal, State, County and City statutes, laws, ordinances and regulations as may be presently in effect or may become effective in the future.
- (b) The operator shall, at its cost and expense, install and maintain during the life of the franchise adequate shielding, filtering and grounding as to prevent interference with the television and radio reception of subscribers and nonsubscribers to the operator's service or services.
- (c) All Federal Communications Commission rules and regulations governing RF (radio frequency) interference presently in effect, and as may become effective in the future, shall be applicable.
- (d) Additional emphasis is supplied to subsection (c) hereof as follows: Any interference with the City's radio communication activities, as determined by the Director of Public Service, shall be eliminated without undue delay by the operator.
- (e) All installations of equipment shall be of a permanent nature and durable, installed in accordance with accepted good engineering practices; sufficient to comply with all applicable Federal, State, County and City rules, regulations and ordinances, as they may be amended, in order not to interfere in any manner with the right of the public or individual property owners; and shall not interfere with travel and use of public places. Construction, repair and removal of the cable system shall not obstruct or impede traffic unnecessarily or unreasonably interfere with the use or enjoyment of public or private property adjacent thereof. The operator shall obtain advance written approval of the Director of Public Service for any installation of equipment in or on property owned by the City and shall, upon completion of the installation, furnish the Director of Public Service with accurate maps and other supporting data showing the location of such installation. In the event that any such installation should therefore interfere with a proposed public use of such property, the operator shall, upon written request by the Director of Public Service, relocate the installation within a reasonable amount of time at the operator's expense.
- (f) The City shall have the right to inspect all construction and installation work performed by the operator and shall make such tests as it shall find necessary to ensure compliance with the terms thereof and the operator's franchise and other pertinent provisions of the law; provided, however, that the City shall be permitted to charge the operator its usual and customary fees of general applicability for the inspection of construction in the streets; and provided, further, that such inspection and tests shall not interfere with the provision of subscriber services.
- (g) In operating its system, the operator shall meet the following minimum requirements:

- (1) The system will produce a picture, whether in black and white or in color, provided that all signals which the operator receives in color shall be distributed in color, that is undistorted, free from ghost images and accompanied by proper sound on typical, standard production television sets in good repair.
 - (2) The system shall transmit signals of adequate strength to produce a truly representative sound and picture to all subscriber outlets without causing undue cross modulation in the cable or interfering with other electrical or electronic systems.
 - (3) The operator shall be able to demonstrate to subscribers, upon request, that a signal of adequate strength and quality as described in subsections (g)(1) and (2) hereof is being delivered by the system.
 - (4) The operator shall render efficient service, make repairs promptly, and interrupt service only for good cause for the shortest time possible.
 - (5) Failure to provide corrective measures, when advised in writing by the Director of Public Service to so do, in subsections (g)(1) through (4) hereof shall constitute a violation of this chapter.
 - (6) Whenever it is necessary to shut off or interrupt service to make repairs, adjustments, installations or for any other non-emergency purpose the operator shall do so at such time as will cause the least amount of inconvenience to its subscribers and unless such interruption is unforeseen and immediately necessary, it shall give twelve hours notice to its customers of any planned shutdown of service in excess of four hours.
- (h) The operator shall at all times employ ordinary care and install and maintain in use commonly accepted methods and devices for preventing failure and accidents which are likely to cause damage, injuries or nuisances to the public.
- All structures and all lines, equipment and connections, in, over, under and upon all streets in the City shall be kept and maintained in a safe and suitable condition and in good order and repair.
- (i) The operator shall maintain an operations center in Franklin County, Ohio, and shall be capable to receiving complaints twenty-four hours a day, seven days per week.
 - (j) The operator shall provide good quality customer service which at a minimum meets the requisite FCC standards. Further, the operator shall comply with all customer service standards specified herein and in its franchise.
 - (k) A cable communications system operated hereunder shall at all times operate and be updated as needed so that, at a minimum, it is in conformance with all Federal, State and local technical specifications, as they may be amended, including but not limited to technical specifications contained in FCC rules and regulations, as they may be amended, or any other applicable law which may supersede such rules. Regardless of the technical standards that may be applicable, the system shall provide to subscribers video and aural signals of consistently good quality. Further the operator shall at its cost perform all tests necessary to determine compliance with the requisite technical standards as required by applicable local, State and Federal law, included but not limited to FCC standards, as amended.
- (1) The City has adopted procedures for the investigation and resolution of complaints related to the operation and quality of service provided by the

cable television franchisees and the Director of Public Service shall have the primary obligation for the implementation and administration of the aforesaid complaint procedures. At the time of the initial subscription, each subscriber shall be notified of the operator's above procedures for reporting and resolving complaints related to the operation and quality of service of the cable television system.

- (1) If the Director of Public service determines there is a pattern of consumer complaints related to an operator, the Director shall set up and maintain a program to record all comments and complaints received from the residents of Gahanna regarding that operator. The record-keeping system shall include the action and resolution of all complaints received. The Director of Public Service shall submit a written report on this program quarterly to Council.
 - (2) Each cable service provider being monitored in such a manner by the Director of Public Service shall submit a written report regarding its compliance with the customer service standards contained in its franchise to the Director of Public Service at such times as required in its franchise. The Director of Public Service shall incorporate this information in a report to Council.
- (m) The City has implemented and currently has a Cable Advisory Board. The Board shall meet ~~quarterly, and~~ as needed, to evaluate and make recommendations on behalf of cable subscribers. The Board shall consist of **FIVE (5)** ~~seven~~ members. ~~The Board shall be appointed by Council at their first regular meeting in January, or at the earliest date possible by law.~~

~~Members shall serve terms as established by Council. The Board shall review cable reports after their receipt by Council, evaluate service and follow up on unresolved complaints.~~ **THE DUTIES OF THE CABLE ADVISORY BOARD SHALL BE AS ESTABLISHED IN CHAPTER 150 OF THE CODIFIED ORDINANCES.**

- (1) Cable consultants may be retained by Council to meet with Council and make recommendations to Council.
- (n) In the event of an emergency or disaster, the operator shall comply with emergency alert provisions of federal law as promulgated by the FCC. Upon request of the Mayor, the operator shall make available its facilities to a regional entity at no cost for emergency use during the period of such emergency or disaster and shall provide such personnel as necessary to properly operate under the circumstances.
- (o) The operator shall provide one free drop and make its basic service available without charge to each building comprising the Municipal Complex, the Mifflin Township Fire Station (which is located within the City) and any other City-owned public facility and to all schools and public libraries located within the City provided the buildings are within 150 feet of passed by the operator's cable system.
- (1) There will be no limit as to the number of television receivers the buildings specified above may operate from the connection, subject to internal distribution systems and any expense involved in bringing additional signal capacity to a building will be the responsibility of each building.
 - (2) Any internal distribution system installed by such a building shall conform to all Federal, State and City rules, regulations and ordinances, and shall be operated in such a manner as not to interfere with the operator's system.

- (p) The operator shall provide, at no cost to the users, at least one governmental access channel, one educational access channel, and one noncommercial public access channel to be available on a shared basis in Franklin County, Ohio.
- (q) Upon request of the City, the operator shall negotiate in good faith to interconnect the cable communications system with neighboring cable communications systems. Within three months of the City's request, the operator shall report to the City the results of such negotiations.
- (r) Upon termination or revocation of its franchise or upon cessation of operations by the operator, such operator at its expense is under an obligation to remove all of its equipment and installations over City streets, at the request of Council; over private property at the request of property owners; and from the homes or business establishment of subscribers, at their requests; within one year from the date of termination or revocation of its franchise or upon cessation of operations.
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