

## PART 17

### UTILITIES

#### Chapters:

- 1 General Provisions
- 2 Water System
- 3 Sanitary Sewer System
- 4 Refuse; Collection and Disposal
- 5 Tulsa Cable Television, Inc.

#### Chapter 1

### GENERAL PROVISIONS

#### Sections:

- 17-101 Utility fees and billings in general.
- 17-102 Failure to pay utility bills; penalty and disconnection of service.
- 17-103 Utility taps and connections; fees; utility deposits.
- 17-104 Other utility fees or charges.
- 17-105 Lease of systems to municipal authority, regulations.
- 17-106 Mandatory connection required to city utilities.

#### 17-101 Utility fees and billings in general.

All fees and charges in connection with any customer's use of the city's sanitary sewer system, the city's water system, or the operation of the city's collection and disposal of refuse and garbage are billed in accordance with applicable rates set by the city council or the municipal authority. All fees and charges owing for any of these utility services shall be billed on one monthly bill submitted to the customer each month. The utility bills submitted under the terms of this section shall be payable on or before the post due date which is printed on the bill.

#### 17-102 Failure to pay utility bills; penalty and disconnection of service.

Upon failure of a customer to pay any part of a utility bill submitted to customer by city for any utility service, the following actions and penalties may result:

1. A penalty may be added to any utility bill which is not paid on or before the due date printed on the bill;
2. The city may terminate utility services to a customer for nonpayment of all or any part of utility bills, charges, or penalties within ten (10) days of the date of the final notice as provided in paragraphs 3 and 4 of Section 17-102;
3. Prior to the termination of utility services for nonpayment, the customer shall be notified by final notice that:
  - a. If the bill is not paid in full within ten (10) days of the date of final notice, the utility service will be terminated; and

b. That the customer is entitled to a pre-termination of service hearing with the mayor regarding the proposed termination of utility service upon the customer's written request submitted to the mayor;

4. The final notice as provided in paragraph 3 of Section 17-102 shall be given to the customer by certified mail with return receipt requested at the address shown by the customer's application for service or posting the final notice on the premises affected; or

5. If any utility service is discontinued or disconnected pursuant to this section, the city shall not reconnect or re-establish service until a reconnection fee and the full amount of any outstanding utility bills, penalties or charges have been paid. (Ord. No. 9-19-88, 9/19/88)

#### 17-103 Utility taps and connections; fees; utility deposits.

A. The city shall approve any request for a water tap and connection or a sewer tap. Prior to granting approval by the city, the customer shall have paid the connection or tap charge as applicable and set by ordinance, resolution or motion of the council. The deposit shall serve as a guarantee for the payment of charges for utility service and other amounts owed to the city in connection with the utility service. It shall be held in trust by the city. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the city have been satisfied, shall be returned to the customer.

B. A fee for reconnection of utility service where the service has been turned off or a meter has been disconnected by the city for any reason shall be as set by the city council by motion, resolution or ordinance.

#### 17-104 Other utility fees or charges.

The city council or municipal authority from time to time by motion or resolution shall have the power to establish rates and charges governing all aspects of the city utility services, including monthly service fees, connection fees and charges, and deposits.

#### 17-105 Lease of systems to municipal authority, regulations.

The city council has leased its water and sanitary sewer system for operation and maintenance to the Bristow Municipal Authority. The authority has the power to establish rules and regulations regarding operation and use of these systems by motion or resolution.

#### 17-106 Mandatory connection required to city utilities.

All facilities requiring service by city utilities, constructed within the city with funds furnished in whole or in part by the Oklahoma Department of Commerce Economic Development CDBG Financing Program shall connect to the city sewer, water and gas utility systems.

1. All developers, except low and moderate income developers, of commercial and manufacturing properties that connect to infrastructure improvements financed in whole or in part by the Oklahoma Department of Commerce Economic Development CDBG Financing Program shall pay for their own utilities, yard lines, hook-ups and other expenses in connecting to the city's utility systems in the area served by the improvements;

2. Should an entity or person (household) that is connecting to the city's utility system that has been constructed from funds provided by the CDBG Economic Development Program be determined as an entity or person (household) that is defined as a low income household (under the guidelines of the U.S. Department of Housing and Urban Development LMI income definition) such connection shall be paid for by the city; and

3. Each entity connecting to the city's utility services that have been constructed in whole or in part from funds provided by the CDBG Economic Development Financing Program shall provide employment and beneficiary information as requested by proper governmental agencies on a quarterly basis for a minimum period of three (3) years after final total close-out to the applicable project. (Ord. No. 5-9-94)

## Chapter 2

### WATER SYSTEM

#### Sections:

- 17-201 Application for water service.
- 17-202 Deposit for water service.
- 17-203 One premises to a meter--Subsidiary connection not allowed.
- 17-204 Turning on water.
- 17-205 Water may be cut off.
- 17-206 Turning water on again.
- 17-207 Not responsible for water stoppage.
- 17-208 No service connection until bills have been paid.
- 17-209 Personnel may inspect private premises.
- 17-210 Interference with fire hydrants--Damage of water system.
- 17-211 Water shortages--Declaration of emergency.
- 17-212 Restriction on water use in emergency.
- 17-213 Proclamation and notice of emergency.
- 17-214 Grievances with water restrictions.
- 17-215 Penalties.

#### 17-201 Application for water service.

Any person desiring to secure water from the city system shall make an application therefor. The applicant shall give such reasonable information as may be requested.

#### 17-202 Deposit for water service.

Every applicant for water service shall make a deposit to serve as a guarantee for the payment of charges for water service and other amounts owed in connection with the service. When the customer's service is discontinued, the deposit or any part of such amount deposited which remains after all such charges and amounts due have been satisfied, shall be returned to the customer.

#### 17-203 One premises to a meter--Subsidiary connection not allowed.

Not more than one premises or living unit may be connected to any one water meter. No customer shall make or permit to be made any subsidiary connection of another's premises with his water service.

#### 17-204 Turning on water.

It is unlawful for any person to turn the water on to any premises from the water system, except by permission of the city or authority. The city or authority will see that the water is turned on when all requirements for service have been complied with.

#### 17-205 Water may be cut off.

Water may be cut off and service discontinued for any user for any of the following reasons:

1. Violation of any ordinance provision relating to the water system, or violation of any ordinance provision or any provision of any code adopted by reference relating to water and sanitary plumbing;
2. Failure to pay all or a part of any water bill, charge or penalty in connection with Section 17-102 or in connection with the water system or the sewer use fee by the time specified; and
3. Any act or omission in regard to the water system or sanitary sewer system, the use of water, or the disposal of liquid wastes, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others. (Ord. No. 9-19-88A, 9/19/88)

17-206 Turning water on again.

When a customer's water service has been cut off because of delinquency or act or omission of the customer, as provided by ordinance, it may be turned on again when all charges have been paid or other change in the conditions justify it. A charge shall be made for turning the water on again.

17-207 Not responsible for water stoppage.

Neither the city nor the authority shall be responsible for any damages due to stoppage or interruption of water service.

17-208 No service connection until bills have been paid.

A person owing a water bill or other charges in connection with the water system shall not be extended water service until such bills and charges have been paid.

17-209 Personnel may inspect private premises.

Authorized personnel in the service of the water system may enter any private premises served by the water system at any reasonable times and inspect the water pipes and fixtures on the premises.

17-210 Interference with fire hydrants--Damage of water system.

A. It is unlawful for any person, except one duly authorized by city personnel, to open, turn on or off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant belonging to the city.

B. It is unlawful for any person to obstruct access to any fire hydrant by placing around or thereon brick, lumber, dirt or other thing, or in any other manner.

C. It is unlawful for any person to damage, destroy, or tamper with any pipes, meters, or other equipment or property which is a part of the water system.

D. Every person violating any provisions of Part 17, Chapter 2, Section 17-210 shall be deemed guilty of an offense and upon conviction thereof shall be fined and punished as provided in Part 1, Chapter 1, Section 1-108 of the code. (Ord. 3-4-96 §§ 1, 2)

17-211 Water shortages--Declaration of emergency.

A. Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the mayor is hereby authorized to restrict or prohibit the use of water from the city's water system.

B. An emergency exists whenever the mayor reasonably determines that the city's water system is unable or will within sixty (60) days become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

17-212 Restriction on water use in emergency.

A. Upon the determination that such an emergency exists the mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the city system. The order may:

1. Restrict water usage during certain periods of the day or week or according to any orderly and nondiscriminatory scheme; and
2. Prohibit usages not essential to public health and safety. The order may be revised from time to time as the mayor deems necessary.

B. A duly proclaimed emergency shall continue and the terms of the proclamation shall be in force for thirty (30) days or until such time as the mayor shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the board by resolution approved by a majority of all its members votes to terminate the emergency and proclamation upon a different date.

#### 17-213 Proclamation and notice of emergency.

A. The proclamation required by the preceding section shall be published in a newspaper of general circulation in the city or, if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the city. The emergency shall be in full force and effect upon publication. Substantial compliance with this section is sufficient to effect the emergency.

B. Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. However, if any means other than that required in Paragraph A of this section is used, the proclamation shall be republished in accordance with Paragraph A within twenty-four (24) hours of the first notice.

#### 17-214 Grievances with water restrictions.

Any person feeling aggrieved by a proclamation of the mayor shall have the right to present the matter to the next regular or special meeting of the city council or to any emergency session called to discuss the water emergency. The board may exempt such aggrieved person, wholly or in part, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the council by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the mayor is modified or revoked by action of the council all water users shall be bound by the proclamation.

#### 17-215 Penalties.

Any person who in any manner directly or indirectly violates or permits others under his supervision, custody or control to violate any term of a duly published proclamation shall be guilty of a misdemeanor. Any violation of the provisions of the mayor's proclamation or action of the board shall be punishable by a fine or imprisonment as provided in Section 1-108 of this code.

### Chapter 3

## SANITARY SEWER SYSTEM

### Sections:

17-301 Sewer use fee.

17-302 Prohibited discharges.

17-303 New sewers and connections.

17-304 Interceptors required.

17-305 Right of entry.

17-306 Penalty.

17-301 Sewer use fee.

For the purpose of providing funds for the maintenance of the sanitary sewer system of the city and for other purposes, there shall be a system of fees and charges for the use of the sanitary sewer system as established by motion or resolution of the city council or authority. In addition those fees and charges currently in force in the city shall remain in force until changed by motion, resolution, or ordinance.

17-302 Prohibited discharges.

A. No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:

1. Injure or interfere with wastewater treatment processes or facilities;
2. Constitute a hazard to humans or animals; or
3. Create a hazard in receiving waters of the wastewater treatment plant effluent.

B. All discharges shall be prohibited except those that meet the criteria for "Domestic Wastewater." BOD concentration shall not exceed 210\* mg/l. SS shall not exceed 200\* mg/l.

C. All industrial discharges are prohibited: At the present time there are no industrial users in the city. If an industrial user should desire to locate in the city and make use of the sewerage system, an industrial cost recovery system will be initiated in accordance with EPA and state regulations at that time to compensate for his use of the system.

D. Any new connections from inflow sources into the sanitary sewer portions of the sewer system shall be prohibited.

\* Maximum limit for average domestic wastewater.

17-303 New sewers and connections.

A. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city.

B. When a public sewer becomes available within two hundred (200) feet, the building sewer shall be connected to the sewer within sixty (60) days.

17-304 Interceptors required.

A. For the purposes of this section, the word "interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal waste and permit normal sewage or liquid waste to discharge into the sewer system by gravity.

B. In any building, establishment, house, garage or place where vehicles are washed or where sand, dirt, gravel, oil, gasoline, grease, or other grainy, deleterious or insoluble matter is washed or discharged into the sanitary sewer system of the city, the drain into which such materials are discharged shall be equipped with a sand trap or interceptor which shall be so designed and constructed as to be readily accessible for cleaning and inspection and that part of the discharge line which is within the trap or interceptor leading from such interceptor

to the sewer, shall at all times be equipped with a water seal or vertically downward turned elbow of ninety degrees (90°) and of not less than ten inches (10”) in length below the bottom of the outlet of such interceptor.

C. Whenever in the judgment of the water superintendent of the city, there is reason to believe that this section is being violated, the water superintendent or any of the employees of the water department on orders of the water superintendent, shall have the right and duty at all reasonable times during daylight hours to enter such place for the purpose of inspecting the same to determine whether in fact this section is being violated. The refusal to admit the water superintendent or any employee of the water department into any such place for the purposes above mentioned by any owner, tenant, manager, or occupier of any such place shall be considered a violation of this section. (Prior Code, Chapter 4, Article A)

#### 17-305 Right of entry.

Authorized personnel in the service of the sewer system may enter any private premises or property served by the sanitary sewer system at any reasonable time and inspect the pipes, lines and fixtures on the premises.

#### 17-306 Penalty.

A. A person who continues prohibited discharges is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in Section 1-108 of this code for each act of violation and for each day of violation.

B. In addition to proceeding under authority of subsection A of this section the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person continuing prohibited discharges.

C. The city reserves the right to terminate service to any customer that fails to pay bills when due or discharges any prohibited wastes into the sewer system.

## Chapter 4

### REFUSE; COLLECTION AND DISPOSAL

#### Sections:

- 17-401 Containers.
- 17-402 Definitions.
- 17-403 Accumulations of garbage and other refuse.
- 17-404 Garbage cans to be provided.
- 17-405 Capacity, number, material.
- 17-406 Metal container for dry refuse.
- 17-407 Lids to be kept on cans.
- 17-408 Where cans are to be kept.
- 17-409 Inspection, enforcement.
- 17-410 Burning trash prohibited.
- 17-411 Use of municipal refuse service required.
- 17-412 Dumping on property without owner's consent prohibited.
- 17-413 Penalty.

#### 17-401 Containers.

The council or authority shall prescribe the size and kinds of containers in which garbage and other refuse shall be placed, and the location where such containers are to be placed for pick-up. (Prior Code, Chapter 13, as amended)

#### 17-402 Definitions.

For the purpose of this chapter, "wet garbage" means all vegetable or animal matter such as waste material from kitchens, grocery stores, butcher shops, restaurants, cafes, hotels, rooming and boarding houses, and includes, but is not limited to, scraps of meat, bread, bones, peelings of fruit and vegetables. "Dry refuse" includes, but is not limited to, such items as feathers, coffee grounds, tin or other cans, paper and paper boxes, glass, ashes, cinders, rocks, old clothes, shoes, broken dishes and utensils, metals and all kinds of junk and useless material and waste. (Prior Code, Chapter 13, as amended)

#### 17-403 Accumulations of garbage and other refuse.

No person shall permit garbage or other refuse to accumulate on premises occupied by him in such manner that the garbage or other refuse becomes a hazard to the health or safety of others. Such an accumulation of garbage or other refuse is hereby declared to be a nuisance, and may be abated as such. (Prior Code, Chapter 13, as amended)

#### 17-404 Garbage cans to be provided.

Every owner, occupant, tenant, lessee, or other legal entity occupying a residence, building, house, or structure within the corporate limits of the city shall utilize the polycarts or bins provided by the city or its contractor for garbage, refuse, or rubbish. (Prior Code, Chapter 13, as amended: Ord. 45-100404 § 1)

#### 17-405 Capacity, number, material.

Repealed by Ordinance Number 46-100404 § 1.

(Prior Code, Chapter 13, as amended: Ord. 46-100404 § 1)

17-406 Metal container for dry refuse.

Repealed by Ordinance Number 47-100404 § 1.

(Prior Code, Chapter 13, as amended: Ord. 47-100404 § 1)

17-407 Lids to be kept on cans.

The lids or covers of all polycarts or bins shall at all times be kept on and closed so that flies and vermin may not have access to the contents. The lids or covers of all polycarts or bins shall only be opened for the placement or removal from the polycarts or bins of garbage, refuse, or rubbish. (Prior Code, Chapter 13, as amended: Ord. 48-100404 § 1)

17-408 Where cans are to be kept.

A. Every owner, occupant, tenant, lessee, or other legal entity shall at all times store all polycarts, except as provided in subsection B of this section within three (3) feet of the house, residence, building, or structure occupied by the owner, occupant, tenants, lessee, or other legal entity.

B. On those days which the city has designated as the day which the trash, garbage, refuse, or rubbish will be collected, every owner, occupant, tenant, lessee, or other legal entity shall place the polycart within three (3) feet of the street or such other location as determined by the city or contractor.

C. By eight a.m., on the day following the day the trash, garbage, refuse, or rubbish is collected by the city's contractor, every owner, occupant, tenant, lessee, or other legal entity shall return the polycart to a location set forth in subsection A of this section.

D. In the event the polycart has not been returned as required by subsection C of this section, an assessment of ten dollars (\$10.00) shall be placed on the next utility bill applicable to the house, residence, building, or structure where the polycart is located. (Prior Code, Chapter 13, as amended: Ord. 49-100404 § 1)

17-409 Inspection, enforcement.

The agents or employees of the city or authority may make, or cause to be made, inspections to determine.

A. Whether garbage, refuse, or rubbish is being properly disposed of; and

B. Whether polycarts have been or are properly located. (Prior Code, Chapter 13, as amended: Ord. 50-100404 § 1)

17-410 Burning trash prohibited.

It is unlawful for any person or persons to burn trash or garbage within the city limits. (Prior Code, Chapter 13, as amended)

17-411 Use of municipal refuse service required.

All residents of the city who are served by the city water or use the city sanitary sewer facilities are required to use the city refuse service or such service as shall be designated by the city or municipal authority, and shall pay the required fee for such service as determined by the city or municipal authority. Each day of violation hereof shall constitute a separate offense. (Ord. No. 85-04, 4/15/85)

17-412 Dumping on property without owner's consent prohibited.

No person shall dump or place any garbage, refuse or material of any kind upon any premises or in any container or dumpster located on any premises without the consent of the owner of such premises. (Ord. No. 9-5-89)

17-413 Penalty.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-108 of this code. Each day of violation hereof shall constitute a separate offense. (Ord. No. 9-5-89)

## Chapter 5

### TULSA CABLE TELEVISION, INC.

#### Sections:

- 17-501 Short title.
- 17-502 Definitions.
- 17-503 Grant of permit.
- 17-504 Rules of grantee.
- 17-505 Service standards.
- 17-506 Regulation by city.
- 17-507 Conditions on use of public ways.
- 17-508 Erection, removal and joint use of poles.
- 17-509 Permit fee.
- 17-510 Rates to subscribers.
- 17-511 Liability of grantee--Insurance and indemnification.
- 17-512 Channel capacity.
- 17-513 System extension.
- 17-514 Operational standards.
- 17-515 Services to subscribers.
- 17-516 Governmental and educational uses.
- 17-517 Services to city.
- 17-518 Compliance and monitoring.
- 17-519 Default of grantee--Penalties and revocation.
- 17-520 Assignability.
- 17-521 Right of city to purchase system.
- 17-522 Nondiscrimination.
- 17-523 Modification.
- 17-524 Miscellaneous provisions.
- 17-525 Acceptance by grantee.

#### 17-501 Short title.

Part 17, Chapter 5 of the code of ordinances of the city of Bristow is hereby created to provide as follows in this chapter. (Ord. 6-5-95A § 1)

#### 17-502 Definitions.

For the purposes of this permit, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future tense, words in plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not directory.

"Affiliate" means any person who owns or controls, is owned or controlled by, or is under common ownership or control with grantee.

"Basic cable service" means any service tier which includes the retransmission of local television broadcast signals and includes educational and government access channels.

“Cable Act” means the Communications Act of 1934, as amended by the Cable Television Consumer Protection and Competition Act (Public Law No. 102-385, 1992) and as the same may hereafter be amended.

“Cable channel” or “channel” means a portion of the electromagnetic frequency spectrum which is used in a cable television system and which is capable of transmitting a television channel as defined by the FCC.

“Cable service” means the one-way transmission to subscribers of video and audio programming or other programming services and subscriber interaction, if any, which is required for the selection of video and audio programming or other programming services provided through electric or electronic signals, or which utilizes any facility or equipment of the cable system.

“Cable television system” or “cable system” or “system” means facilities consisting of antennae, coaxial cables, fiber optic cables, wave guides, conductors or other closed transmission paths and associated signal generation, reception and control equipment, and other equipment designed to provide cable service or other lawful service to subscribers and users.

“City” means the city of Bristow, Oklahoma, a municipal corporation in its present incorporated form or in any other reorganized or changed form.

“Council” means the city council of the city or any body constituting in the future the legislative body of the city.

“FCC” means the Federal Communications Commission or its successor.

“Grantee” means Tulsa Cable Television, Inc., now doing business as TCI Cablevision of Tulsa or its lawful successor, transferee or assignee.

“Gross operating revenues” means any and all fees, charges, cash, credits, property of any kind or nature, consideration, compensation or receipts derived directly or indirectly by grantee, its affiliates, subsidiaries, parents, or arising from or attributable to the operation of the cable television system, except that the term shall not include:

1. The amount of any refunds, corrective billing credits or other repayments made to subscribers or users;
2. Any taxes on service furnished by grantee, imposed directly or indirectly on any subscriber or user by any municipal corporation, political subdivision, state or other governmental unit and collected by grantee for the governmental unit;
3. Receipts for the sale or transfer of tangible property;
4. Receipts for the sale or transfer of the system;
5. Receipts from the installation or reconnection of cable service, the transfer of an existing connection, the moving of a cable television outlet, or other nonrecurring charges to a subscriber or user for technical or installation services; and
6. Charges, credits, compensation, or payments on a commercially reasonable basis to an affiliate, subsidiary or parent for services rendered to grantee.

“Other lawful service” means any service other than cable service provided through electric or electronic signals or which utilizes any facility or equipment of the cable system.

“Person” means an individual, corporation, partnership, association, joint stock company, trust corporation or governmental entity.

“Permit” means the rights and privileges granted by city to grantee to construct, operate, maintain and upgrade a cable television system utilizing public ways within the corporate limits of the city of Bristow, Oklahoma, for the purpose of offering cable service or other lawful service to subscribers.

“Public way” means the surface of and the space above and below and public street highway, freeway, bridge, alley, court, boulevard, sidewalk, parkway, way, lane, drive, circle or other public right-of-way, including but not limited to, public utility and communication easements, dedicated utility strips or rights-of-way dedicated for compatible public uses, and any temporary or permanent fixtures or improvements located within or held by city

in the service area which entitles city or grantee to its use for the purpose of installing, operating, repairing and maintaining the cable television system.

“Service area” means the present corporate limits of the city and any additions caused by annexation or other lawful means.

“State-of-the-art” means the most current technology which is economically feasible, has been performance tested and is commonly accepted by industry standards for cable television systems of comparable size.

“Subscriber” means any person lawfully receiving cable service or other lawful service from the cable television system. (Ord. 6-5-95A § 2)

#### 17-503 Grant of permit.

A. City hereby grants to grantee a permit to enter upon the public ways to install, construct, operate, maintain, rebuild and upgrade in, upon, along, across, above and under the public ways a cable television system for the purpose of providing cable service and other lawful services to subscribers subject to the terms, conditions and provisions contained in this permit, the charter and applicable laws and regulations of Oklahoma and the United States of America.

B. This permit shall be the measure of the rights, privileges and liabilities of city as well as the grantee. In any court proceeding involving any claim against the city or other governmental entity, or any official, member, employee or agent of the city or entity, arising from the regulation of cable service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of this permit, any relief, to the extent such relief is required by any provision of federal, state or local law, shall be limited to injunctive relief and declaratory relief.

C. This permit shall not be exclusive and nothing herein shall be construed to divest city of its control and regulation of the public ways. The city reserves the right to grant similar or other uses of the public way to any person or entity during the period of this nonexclusive franchise.

D. The term of this permit shall be ten (10) years. This permit shall expire on July 29, 2005, at eleven fifty-nine p.m., unless modified subject to the provisions set forth in Sections 7-518(C) and (D). (Ord. 6-5-95A § 3)

#### 17-504 Rules of grantee.

The grantee shall have the authority to promulgate and enforce such reasonable rules, regulations, terms and conditions governing the conduct of its business as it shall deem necessary to enable grantee to exercise its rights and perform its obligations under this permit and to assure uninterrupted cable service to each and all of its subscribers. Such rules, regulations, terms and conditions shall not be in conflict with the provisions of this permit, the rules and regulations of the FCC or any other body having lawful jurisdiction. The rules of grantee shall become effective only upon or after, if a later effective date is specified therein, the filing of copies of such rules with the city clerk and the secretary to the council. (Ord. 6-5-95A § 4)

#### 17-505 Service standards.

Grantee shall maintain and operate the cable system and render efficient cable service in accordance with such rules and regulations as shall be promulgated by the FCC. Wherever it is necessary to interrupt cable service for the purpose of making repairs, adjustments or installments, grantee shall do so at such time as will cause the least inconvenience to subscribers, and unless such interruption is unforeseen and immediately necessary, grantee shall give notice to subscribers. (Ord. 6-5-95A § 5)

#### 17-506 Regulation by city.

A. Grantee in the installation, maintenance and operation of the cable television system shall, at all times, be subject to the terms and provisions of the general ordinances of the city and to the lawful exercise of the police power of the city.

B. Grantee shall be subject to the lawful exercise by city of all other powers, functions, rights, privileges and immunities of regulation of the cable system, cable service or other lawful service granted or delegated to city by the Charter, by the Constitution and laws of Oklahoma or the laws and regulations of the United States of America. (Ord. 6-5-95A § 6)

#### 17-507 Conditions on use of public ways.

A. All transmission and distribution structures, lines and equipment erected by grantee within the service area shall be located so as not to obstruct or interfere with the proper use of the public ways and other public places, and to cause minimum interference with the rights of property owners who abut any of the public ways and places, and not to interfere with existing public utility installments. In all areas of the service area where all cables, wires or other like facilities of public utilities are placed underground, grantee shall place its cables, wires or other like facilities underground to the maximum extent existing technology reasonably permits and shall mark such facilities, indicating their location by a method approved by city's department of public works. Upon request, grantee shall furnish to and file with city maps, plats and permanent records of the location and character of all facilities constructed, including underground facilities. Such maps, plats, and permanent records shall be updated as required by city.

B. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, grantee shall, at its own expense, replace and restore all paving, sidewalk, driveway or other surface of any public way disturbed in accordance with the standards and specifications of the city.

C. If at any time during the period of this permit city shall elect to alter or change the grade or location of any water line, sewer line, street, alley or other public way, grantee shall, upon reasonable notice by city, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures at its own expense, and in each instance comply with the standards and specifications of the city.

D. Grantee shall not place poles, conduits or other fixtures above or below ground where the same will interfere with any gas, electric, telephone fixtures, water hydrant or other utility, and all such poles, conduits or other fixtures placed in any public way shall be so placed as to comply with all requirements of the city.

E. Grantee shall, on request of any person holding a house moving permit issued by city, temporarily move its cables, equipment or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the person requesting the same. Grantee shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary changes.

F. Grantee shall have the authority to trim any trees upon and overhanging the public ways of city so as to prevent the branches of trees from coming in contact with the equipment and cables of grantee, except that at the option of city such trimming may be done by city, or under its supervision and direction, to the expense and liability of grantee and other franchise and permit grantees.

G. city shall not be liable to grantee for any injury to grantee's cable television system caused by any city employee while performing emergency repairs within the public ways. In all other circumstances when city employees negligently injure grantee's cable system, city shall only be liable to grantee for the grantee's actual cost of materials, equipment and labor necessary to effect repairs, with no allowance for interruptions to service or loss of revenues, subject to any applicable limits of liability established by the Oklahoma Governmental Tort Liability Act. (Ord. 6-5-95A § 7)

#### 17-508 Erection, removal and joint use of poles.

A. No poles, conduits or other structures shall be erected or installed by grantee without prior approval of city with regard to location, height, type and other pertinent aspects. Grantee shall not have a vested right to retain the location of any pole, conduit or structure installed by grantee. Such poles, conduits or structures shall be removed or modified by grantee at its own expense when necessary for the convenience of city.

B. where poles, conduits or other structures of any public utility company are available for use by grantee, city may require grantee to use such poles, conduits and structures if the permission and consent of such public utility company may be obtained by grantee and if the terms of the use available to grantee are just and reasonable.

C. Where a public utility serving city desires to make use of the poles, conduits or other structures of grantee but an agreement with grantee cannot be reached, city may require grantee to permit such use for such consideration and upon such terms as the council shall determine to be just and reasonable if the use would not unduly interfere with use of the cable television system.

D. Where city owned utility poles are available for use by grantee, grantee shall pay city the same pole rental per annum as paid by grantee for the use of pole owned by public utilities. (Ord. 6-5-95A § 8)

#### 17-509 Permit fee.

Grantee shall pay to city as compensation for the rights and privileges enjoyed under this permit an annual fee on a calendar year basis equal to three (3) percent of the gross operating revenues from the cable system in the service area. The fee, together with any accumulated interest, shall be payable monthly on or before the forty-five day after the end of each month on gross operating revenues received for that month. If the payment is not timely made, interest upon any unpaid portion shall accrue at the rate of one and one-half (1 1/2) percent per month until paid. Grantee shall file a complete and accurate verified statement of all gross operating revenues within the service area during the period for which the monthly payment is made and an annual statement of such gross operating revenues, verified by the grantee's external certified public accountant, within sixty (60) days after the end of each calendar year. Grantee's first annual statement shall include the months of the calendar year that preceded the first month in which this permit is effective. If grantee fails or refuses to pay such fee, city may maintain an action against grantee for the amount of such fee and interest and all expenses of collecting same, including reasonable attorneys fees. (Ord. 6-5-95A § 9)

#### 17-510 Rates to subscribers.

Subject to the provisions of the Constitution and laws of the United States of America, the Cable Act and the Constitution and laws of Oklahoma, the council may regulate the rates of grantee for the basic cable service to be furnished by grantee under this permit. No rates shall be adopted or changed by the council except after notice to the public and to grantee and after a public hearing. (Ord. 6-5-95A § 10)

#### 17-511 Liability of grantee--Insurance and indemnification.

Grantee shall defend and hold city harmless from all loss sustained by city by reason of any suit, judgment, execution, claim or demand resulting out of copyright infringement and/or the construction, operation or maintenance by grantee of a cable television system in the service area. Grantee shall maintain in full force and effect for the term of this permit, at grantee's sole expense, a general comprehensive liability insurance policy, in protection of city, the council, and city officers, boards, commissions, agents and employees, issued by a company authorized to do business in the state of Oklahoma, protecting city and all persons against liability for loss or damage for personal injury, death and property damage occasioned by the operations of grantee under this permit in the minimum amount of one million dollars (\$1,000,000.00); provided, if the maximum liability of the city under the Oklahoma Governmental Tort Liability Act should be increased to more than one million dollars

(\$1,000,000.00), the amount of liability insurance required hereunder shall be increased to that amount. Grantee shall file with the city clerk certificates of the insurance required hereunder in a form satisfactory to the city attorney. (Ord. 6-5-95A § 11)

#### 17-512 Channel capacity.

A. The cable television system now owned and operated by grantee within the service area provides a maximum of forty (40) video channels and consists of coaxial cables, amplifiers, conductors and other equipment and facilities which represented the state-of-the-art at the time of construction. Channel capacity expansion through the deployment of digital compression shall be implemented as soon as digital compression technology reaches state-of-the-art as defined in this document and commonly available to similar communities nation wide. In the event that digital compression does not reach state-of-the-art as defined herein within ten (10) years grantee shall upgrade or rebuild the cable system to a capacity of at least seventy-two (72) video channels.

B. Grantee shall not charge a subscriber any direct fee or assessment for the system channel capacity expansion, including the upgrade of drops required for service to a subscriber. (Ord. 6-5-95A § 12)

#### 17-513 System extension.

The system shall be extended and cable service provided to any area where there are then existing thirty-five (35) homes within one mile of existing cable system or ten (10) homes within one-quarter mile of the existing cable system. In other areas, grantee may charge for extension of the cable system based upon the cost of labor and materials. (Ord. 6-5-95A § 13)

#### 17-514 Operational standards.

A. Grantee shall maintain and operate the cable system so as to provide video, audio and other signals to be delivered with signal strength and quality levels which meet the parameters specified by the FCC and any other normally accepted industry standards. Grantee shall construct the system channel capacity expansion and operate and maintain the system in a manner consistent with all ordinary care and all applicable laws, ordinances, construction standards and FCC technical standards. Upon request, grantee shall provide city a report of the results of any FCC required proof of performance test conducted by grantee.

B. Grantee shall maintain equipment capable of providing standby battery power for trunk amplifiers for a minimum period of four (4) hours.

C. Grantee shall, as a part of the system channel capacity expansion, provide capacity for interactive services which may be added to the system as such services become technically and economically feasible.

D. Grantee may interconnect the cable television system within the service area with cable television systems owned or operated by grantee within adjacent cities.

E. Upon request, grantee shall provide subscribers with a parental control locking device or digital code capable of blocking or otherwise preventing a television set from receiving a channel or audio signal, for which grantee imposes a separate charge.

F. Under normal operating conditions, each of the following standards shall be met no less than ninety-five (95) percent of the time on an annual basis:

1. Standard installations shall be performed within seven (7) business days after an order has been placed;
2. Twenty-four (24) hour response to isolated service outages;
3. Twenty-four (24) hour response to area outages (ten (10) or more subscribers);
4. Six (6) hour response to system wide outages.

G. Grantee shall establish procedures for receiving, acting upon and resolving subscriber complaints which shall be subject to the approval of the city manager of the city.

H. City shall notify grantee in writing of any complaint from subscribers or of any failure of grantee to comply with the terms and conditions of this permit. Grantee, upon receipt of such notice, shall promptly investigate the complaint and take such action as is necessary to provide cable service to subscribers and to operate the system as required. (Ord. 6-5-95A § 14)

17-515 Services to subscribers.

A. Grantee shall provide to subscribers as a part of its basic cable service local television broadcast signals as required by the Cable Act and FCC regulations subject to obtaining the consent of the local broadcast stations as required by law, and educational and public affairs programming including local educational and governmental programs.

B. Upon completion of the system channel capacity expansion, grantee may offer to subscribers programming on at least fifty (50) video channels including the video channels offered as a part of basic cable service.

C. Grantee shall provide stereo audio services. All re-transmitted broadcast signals that are broadcast in stereo will be delivered in stereo. All programming services added to the system after the effective date of this ordinance will be provided in stereo if available to grantee in stereo.

D. Upon request, and at a reasonable charge, grantee shall provide to subscribers an input selector switch to permit broadcast television reception from an antenna. (Ord. 6-5-95A § 15)

17-516 Governmental and educational uses.

A. upon completion of the system channel capacity expansion, grantee shall provide two (2) channels on the system for governmental and educational use at no cost to such users.

B. Grantee shall provide on free service outlet to the system with additional service outlets to be provided at the cost of labor and materials, and with no monthly service charge for service outlets or for services which are not offered on a premium or pay-per-view basis for each state accredited school and institution of higher learning for the channels allocated for educational use.

C. Grantee shall have the right to temporarily use any unused portion of a channel allocated under subsections A and C of this section for governmental and educational use which is not being fully utilized, as defined herein; provided, such use shall not interfere with any educational or governmental use. If the channels provided under this section for governmental and educational use are being fully utilized, grantee shall provide at no cost to the user for governmental and educational use the first channel added to the cable television system above eighty-four (84) channels, above ninety-six (96) channels, above one hundred eight (108) channels, and additional channels in a like progression as channels are added to the cable television system. Generally, a channel shall be considered as being fully utilized if more than an average of forty-eight (48) hours per week over a six (6) month period of programming other than character generated programming is offered. School terms, seasonal and special concerns shall be considered in determining whether a channel is fully utilized. If a channel allocated for governmental or educational use is being temporarily used by the grantee, the governmental or educational institution for which the channel has been allocated shall have the right to require the return of the channel or portion thereof by a written statement to grantee that the institution is prepared to fully utilize the channel or portion thereof in which event the channel or portion thereof shall be returned to such institution within three (3) months after receipt by grantee of the statement.

D. Grantee shall not make any separate or premium charge to a subscriber for access to educational or governmental channels.

E. All channels allocated for governmental and educational use shall be of the same technical quality as the channels on the cable system for cable service. All channels allocated for educational use shall be available to

subscribers in the service area and the service areas of other cable television systems interconnected with the cable system.

F. When a channel allocated for governmental or educational use has been assigned a channel number or position by the grantee, such channel number or position shall not be changed until at least thirty (30) days written notice has been given to the user of such channel. (Ord. 6-5-95A § 16)

#### 17-517 Services to city.

Grantee shall provide the following services to city:

A. Channel space as provided in Section 17-516 at no charge for the dissemination of information to the public;

B. A service outlet, at no cost to city, to each city facility within the service area including, but not limited to, City Hall, the Police-Courts Building, fire stations. Additional service outlets shall be provided at the cost of labor and materials with no monthly service charge for connections, service outlets or nonpremium services; and

C. A means of simultaneously interrupting all channels on the cable television system to present emergency audio messages by local public safety, civil defense and other public officials. Grantee shall install at no cost to city, in the City Hall, for the use of the emergency information system. (Ord. 6-5-95A § 17)

#### 17-518 Compliance and monitoring.

A. Grantee will provide written notification to the city prior to offering any other lawful service and grantee shall file with the city a copy of its authority to provide such service, if any has been obtained.

B. City may perform technical tests of the cable system during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of grantee or the cable system in order to determine whether or not grantee is in compliance with the terms hereof and applicable state or federal laws. Except in emergency circumstances, such tests may be undertaken only after giving grantee reasonable notice thereof and providing a representative of grantee an opportunity to be present during such test. In the event that such testing demonstrates that grantee has substantially failed to comply with a material requirement hereof, the reasonable costs of such tests shall be borne by grantee. In the event that such testing demonstrates that grantee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by city. Except in emergency circumstances, such testing shall be undertaken no more than two (2) times in a calendar year and the results thereof be made available to grantee. Upon request, grantee shall furnish to and file with city the results of technical tests that grantee conducts for itself or others.

C. On or after September 1, 1999 and every five (5) years thereafter, council may commence proceedings, which afford public notice, public participation and open meetings, for the purpose of identifying future cable system community needs and interests, including channel capacity and customer service, and reviewing grantee's performance during the preceding five (5) years. Upon request by the council, grantee shall cause to be conducted a survey, as approved by the council, to determine community needs, desires and ratings of grantee's performance. The survey shall be made available to the public and shall specifically address, among other items, the demand for new services in relation to the cost of providing such services so as to ascertain the overall need for channel expansion.

D. upon completion of any five (5) year review provided for in this section, grantee and city shall meet, confer and, if deemed necessary by either, renegotiate in good faith the terms and conditions of this permit relating to community needs, channel capacity and customer service. (Ord. 6-5-95A § 18)

#### 17-519 Default of grantee--Penalties and revocation.

A. The rights and privileges granted by the city to grantee under this permit shall continue and remain in full force and effect until revoked by the council. In the event that city or the council believes that grantee has not complied with the terms of this permit, city or the council shall notify grantee in writing of the exact nature of the alleged default.

B. Grantee shall have thirty (30) days from receipt of a written notice of default to: (1) respond contesting the alleged assertion of a default; or (2) cure such default or, in the event that, by the nature of default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify city or the council of the steps being taken and the projected date that they will be completed.

C. In the event that grantee contests the assertion of a default or fails to respond to a notice of default or the alleged default is not remedied within thirty (30) days after grantee is notified thereof, the council shall schedule a hearing to investigate the default. The council shall notify grantee of the time and place of such hearing and provide grantee with an opportunity to be heard.

D. In the event the council, after such hearing, determines that grantee is in default of any provision of this permit, the council may:

1. Assess liquidated damages to city caused by the default by grantee as follows:

a. For default in the completion of the system channel capacity expansion as required by Section 17-513, the sum of two hundred fifty dollars (\$250.00) per day for the first thirty (30) days after the expiration of the time for the completion of the system channel capacity expansion or part thereof as required by Section 17-513, six hundred twenty-five dollars (\$625.00) per day for each day more than thirty (30) days past the expiration of the time for the completion of the system channel capacity expansion or part thereof as required by Section 17-513 and eight hundred seventy-five dollars (\$875.00) per day for each day more than sixty (60) days past the expiration of the time for completion of the system channel capacity expansion or part thereof as required by Section 17-513; provided, that the total amount of liquidated damages assessed under this subsection shall not exceed one hundred fifty thousand dollars (\$150,000.00);

b. For knowingly failing to provide data, documents or information as required in this permit, two hundred fifty dollars (\$250.00) per day for each day the failure occurs or continues; and

c. For knowingly failing to comply with the service and operational standards of this permit, five hundred (\$500.00) per day for each day the failure occurs or continues.

2. In the case of a default of a provision of this permit which is not cured by grantee or the subject of damages assessed as provided herein, the council may revoke this permit in its entirety; or

3. Seek specific performance of any provision, which reasonably lends itself to such remedy, or injunctive relief as an alternative to damages or termination of this permit.

Grantee shall not be relieved of any of its obligations to comply promptly with any provision of this permit by reason of any failure of city to enforce prompt compliance.

E. Grantee shall not be held in default with the provisions of this permit, nor suffer any enforcement or penalty relating thereto, where such alleged default is caused by strikes, acts of God, power outages or other events reasonably beyond the ability of grantee to control. (Ord. 6-5-95A § 19)

#### 17-520 Assignability.

A. If grantee shall at any time assign, sell, lease or otherwise transfer in any manner whatsoever its rights and privileges under this permit to any person, such action shall be in writing and a duly authenticated copy shall be filed with the city clerk. Such action shall not become effective until the transferee shall have agreed in writing with city to become responsible for the full performance of all the conditions, liabilities, covenants and obligations contained in this permit and until such action shall have been approved by the council; provided, such approval shall not be unreasonably withheld. The council may require evidence that the transferee possesses the

financial, technical and legal capability to perform all of the conditions, liabilities, covenants and obligations contained in this permit. If the council fails to act upon a proposed transfer within sixty (60) days after the transferee shall have agreed in writing to become responsible for the full performance of all of the conditions, liabilities, covenants and obligations of this permit, then such action shall be deemed to have been approved.

B. No approval of city shall be required for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of grantee in this permit or the cable television system in order to secure indebtedness of grantee. (Ord. 6-5-95A § 20)

#### 17-521 Right of city to purchase system.

A. City shall have the right at any time after fifteen (15) years after the effective date of this permit granted herein to purchase the cable television system of grantee located within the service area and to terminate this permit, if the purchase is approved by a majority of the qualified electors of city voting at a special or general election. At any time after the right to purchase the cable television system of grantee shall have accrued under the terms hereof, the question of the purchase of the cable television system may be submitted by the council to the qualified electors of the city for approval. The question of the purchase of the cable television system of grantee shall be submitted at the next succeeding election of the city upon petition to the council of twenty-five (25) percent of the qualified electors of the city. Grantee shall be compensated for the fair market value of the cable television system located within the service area with such value to be determined by the majority of three (3) appraisers, one to be appointed by the mayor of the city, one by grantee, and the third by the first two (2) appraisers. The appraisers shall be persons of recognized skill, ability and experience with respect to the appraisal and valuation of cable televisions systems. If grantee shall refuse to select an appraiser for thirty (30) days after approval by the qualified electors of the city of the purchase, the value of the cable television system located within the service area shall be fixed by the vote of a majority of the council. If the two (2) appraisers appointed by the mayor and by grantee shall fail to agree upon the third appraiser within thirty (30) days after their appointment, the third appraiser, upon the application of either city or grantee, shall be appointed by the presiding judge of the District Court of Creek County, Oklahoma.

B. The fair market value of the cable television system shall be determined by the majority of the appraisers within ninety (90) days after the appointment of the third appraiser. City shall have ninety (90) days from the receipt of written notice of the decision of the appraisers within which to pay grantee in cash the appraised value of the cable television system. Until such payment, grantee shall continue to operate the cable television system pursuant to the terms of this permit; provided, that if between the date of the appraisal of the cable television system and the date of payment therefor, reasonable and necessary additions, betterments and replacements shall have been made by grantee to the cable television system, city shall pay in addition to the value established by the appraisers the reasonable cost of such additions, betterments and replacements. (Ord. 6-5-95A § 21)

#### 17-522 Nondiscrimination.

A. Grantee shall not deny any person or group of potential cable subscribers access to cable service because of race, color, religion, national origin, age, gender, physical handicap or the income of residents in the local area in which a person or group resides.

B. Grantee shall not discriminate in the rates or charges for cable services or in making available cable services or facilities of the system. Grantee shall not extend any preference or advantage to any subscriber or potential subscriber to the system or to any user or potential user of the system. Grantee may conduct promotional campaigns to stimulate subscriptions to cable services or other lawful uses of the system and grantee may establish bulk billing rates and rate schedules for different classes of subscribers and cable service which any subscriber coming within such bulk billing group, rate or service classification shall be entitled.

C. Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, age, gender or national origin. Grantee shall comply with all applicable laws and regulations of the United States and of Oklahoma with respect to employment and personnel practices. (Ord. 6-5-95A § 22)

#### 17-523 Modification.

The city, after notice and public hearing, may modify this permit to provide for such standards and exercise such powers, functions, rights or privileges as may now or hereafter be mandated by federal or state law, rule or regulation regarding the cable system, cable service or other lawful service. (Ord. 6-5-95A § 23)

#### 17-524 Miscellaneous provisions.

A. Grantee shall keep books and records for periods of time reasonably established by the city to determine compliance with the terms of this permit. City, after reasonable notice, shall have the right to review the books and records, including any complaints, of grantee during normal business hours as is reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, any public records required to be kept by grantee pursuant to the rules and regulations of the FCC. Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature; provided, this exception shall not be construed to include financial records necessary to enable the city to determine compliance with grantee's fee payment obligations. Subject to open meeting and record disclosure laws of the state of Oklahoma, city agrees to treat any information disclosed by grantee to it on a confidential basis and only to disclose it to employees, representatives and agents thereof that have a need to know, or in order to enforce the provisions hereof. The council may inspect the books and records of grantee as necessary to determine compliance with the terms of this permit, compel attendance of witnesses and may by ordinance revoke this permit as provided in Section 17-520 for failure or refusal of grantee or any officer, employee or agent thereof to testify or to produce such books or records.

B. Copies of all petitions, applications and communications submitted by grantee to the FCC, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting cable television operations authorized pursuant to this permit, shall be submitted to the city clerk upon request.

C. Grantee shall pay the cost of publication of the ordinance codified in this chapter.

D. In the event city enters into a franchise, permit, license, authorization or other agreement of any kind with any person other than grantee or city for the purpose of constructing or operating a cable television system or providing cable service or other lawful service within the same service area, which contains terms more commercially or economically favorable with regard to government and educational channels and service, system operational service standards, fees to the city or rates to subscribers and users, or in the event city enters into a franchise, permit, license, authorization or other agreement of any kind with any person other than grantee for the purpose of constructing or operating a cable television system or providing cable service or other lawful service within the same service area, which contains terms more favorable to city with regard to government and educational channels and service, system operational service standards, fees to the city or rates to subscribers and users, then grantee and city shall meet, confer and, if deemed necessary by either, renegotiate in good faith the terms and conditions of this permit relating to government and educational channels and service, system operational service standards, fees to the city or rate to subscribers and users.

E. Notices or responses serviced upon city or grantee shall be in writing, and shall be deemed to have been duly given to the required party three (3) business days after having been posted in a properly sealed and correctly addressed envelope by certified or registered mail, postage prepaid, at the Post Office or branch thereof regularly maintained by the U.S. Postal Service.

All notices or responses between the city and grantee shall be addressed and delivered by certified or registered mail as follows: if to the city, City Clerk, City of Bristow, Bristow City Hall, 110 West 7th Street, Bristow, Oklahoma 74010, with copies to the mayor, the chairman of the city council and the city attorney at the same address; if to grantee, Tulsa Cable Television, Inc., d/b/a TCI Cablevision of Tulsa, 8421 East 61st Street, Suite U, Tulsa, Oklahoma 74133 with a copy to Tulsa Cable Television, Inc., ATTN.: Legal Department, 4700 S. Syracuse Street, Suite 1100, Denver, Colorado 80237. Any notice given by grantee to the city clerk shall be accompanied by instructions to the clerk referencing this section and directing the clerk to file and maintain such notice with the original of the ordinance codified in this chapter. City and grantee may designate other addresses or addresses from time to time by giving notice to the other. (Ord. 6-5-95A § 24)

17-525 Acceptance by grantee.

A. Grantee shall file with the city clerk of the city within sixty (60) days after passage and approval and prior to publication of the ordinance codified in this chapter a written acceptance, approved by parent corporations, of this permit and the terms and conditions thereof as set out herein.

B. Grantee by the acceptance of this permit shall be deemed to have waived and released any claim the grantee might have against the city by reason of a declaration, ruling or judgment by a court as to the invalidity of this permit or any part thereof. (Ord. 6-5-95A § 25)