

**AMENDED ORDINANCE NO. 03-044**  
**Sponsored by Council Member Robin Laubaugh**

**AN ORDINANCE TO AMEND SECTIONS 929.011, 929.012, 929.015 AND 929.016 AND TO ENACT SECTION 929.022 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO CHANGE THE DESCRIPTIONS AND CHARGES FOR CABLE TELEVISION PREMIUM SERVICE COMBINATION TWO, TO PROVIDE FOR ADDITIONAL TIERS OF INTERNET SERVICES AND CHARGES THEREFORE, TO MAKE INTERNET SERVICE FOR NON-PROFIT ORGANIZATIONS SUBJECT TO THE INSTALLATION CHARGES, AVAILABILITY AND APPLICATION PROVISIONS OF SECTION 929.015 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH, TO PROVIDE FOR THE DIRECTOR OF PUBLIC SERVICE TO ESTABLISH SPECIAL RATES FOR CABLE TELEVISION SERVICE AND INTERNET SERVICE AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:**

**Section 1.** That sections 929.011, 929.012, 929.015 and 929.016 are hereby amended and section 929.022 of the Codified Ordinances is hereby enacted to read as follows:

**929.011 CABLE TELEVISION**

The Director of Public Service is hereby authorized to make available cable television service as part of the service provided to residential customers of the Electric Utility of the City of Wadsworth. Cable Television service shall be provided subject to the following conditions and charges:

AVAILABILITY AND APPLICABILITY- Available system-wide to all residential consumers who are purchasing electric services from the Wadsworth Municipal Electric Distribution System and have access to the City of Wadsworth communications network. All applications for service should be in accordance with and conform to the Power and Communications Service by-laws and Regulations or subsequent revisions thereof which are prepared by the Director of Public Service and are on file with the Clerk of Council. This service is supplied for uses that are ordinarily considered in public utility operations as residential and designated and recognized as individual single family residential home or farm use, including apartments, mobile homes and other individual single family dwelling units or living quarters or apartments. Minimum term of service for billing shall be one month. Disconnection of service for periods less than one month will not reduce the minimum term for billing purposes.

DEFINITIONS:

Initial Installation-service being connected at an address for the first time for a particular customer

Re-Installation-Service being re-installed at the same address for the same customer for other than non-payment after service has been disconnected for more than 30 days

Re-Installation (non-payment)-Service being re-installed at the same address for the same customer after disconnection for non-payment

Seasonal Disconnect/re-installation- service being disconnected/re-installed once per year, disconnect period for a minimum of 2 months, not to exceed 6 months

CHARGES PER MONTH FOR INDIVIDUAL DWELLING UNIT

	<u>Inside City</u>	<u>Outside City</u>
Basic Service	\$ 7.50	\$ 8.25
Enhanced Service	\$24.14	\$26.55
Premium Service (Individual Channels) (HBO, Cinemax,)	\$10.75/each	\$10.75/each
Premium Service Combination 1 (HBO/Cinemax)	\$16.00	\$16.00
Premium Service Combination 2 (Starz/Encore)	\$11.00	\$11.00
DMX Music Service (inc. box and remote)	\$ 6.00	\$ 6.00
DMX Deluxe Remote	\$ 1.30	\$ 1.30
Additional Outlets for cable service	no charge	no charge

EQUIPMENT CHARGES PLUS APPLICABLE SALES TAX

Standard Set-Top Box with remote	\$1.00 per month
In-House Amplifier (one time charge)	\$24.95
Replacement Charge for:	
Standard Set-top Box	\$ 74.00
Set-Top Remote	\$ 5.00

INSTALLATION AND OTHER SERVICE CHARGES

Initial Service Installation	no charge
Additional Outlets installed by City at time of initial install	\$ 9.95 per outlet
Additional Outlets installed by City after initial installation	\$ 9.95 per outlet+\$15.00
Re-Installation of Service(non-payment)	\$15.00
Re-Installation of Service (after 30 days)	\$15.00
Service Call for installation of equipment or service	no charge
Service Call if not cable related problem	\$15.00
Change of Service	no charge
Seasonal Disconnect/re- installation	no charge

## 929.012 CABLE TELEVISION FOR COMMERCIAL ESTABLISHMENTS

The Director of Public Service is hereby authorized to make available cable television service as part of the service provided to commercial customers of the electric utility of the City of Wadsworth. Cable Television service shall be provided subject to the following conditions and charges:

**AVAILABILITY AND APPLICABILITY-** Available to commercial consumers who have access to the City of Wadsworth communications network. All applications for service should be in accordance with and conform to the Power and Communications Service by-laws and Regulations or subsequent revisions thereof which are prepared by the Director of Public Service and are on file with the Clerk of Council. Minimum term of service for billing shall be one month. Disconnection of service for periods less than one month will not reduce the minimum term for billing purposes.

### DEFINITIONS:

Initial Installation-service being connected at an address for the first time for a particular customer

Re-Installation-Service being re-installed at the same address for the same customer for other than non-payment after service has been disconnected for more than 30 days

Re-Installation (non-payment)-Service being re-installed at the same address for the same customer after disconnection for non-payment

Seasonal Disconnect/re-installation- service being disconnected/re-installed once per year, disconnect period for a minimum of 2 months, not to exceed 6 months

### CHARGES PER MONTH FOR COMMERCIAL CUSTOMERS

	<u>Inside City</u>	<u>Outside City</u>
Basic Service	\$ 7.50	\$ 8.25
Enhanced Service	\$24.14	\$26.55
Premium Service (Individual Channels) (HBO, Cinemax)	\$10.75/each	\$10.75/each
Premium Service Combination 1 (HBO/Cinemax)	\$16.00	\$16.00
Premium Service Combination 2 (Starz/Encore)	\$11.00	\$11.00
DMX Music Service (inc. box and remote)	\$36.75	\$36.75
Additional Outlets for cable service	no charge	no charge

### EQUIPMENT CHARGES PLUS APPLICABLE SALES TAX

Standard Set-Top Box with remote	\$1.00 per month
In Structure Amplifier (one time charge)	\$24.95

**INSTALLATION AND OTHER SERVICE CHARGES**

Initial Service Installation	no charge
Additional Outlets installed by City at time of initial install	\$ 9.95 per outlet
Additional Outlets installed by City after initial install	\$ 9.95 per outlet+\$15.00
Re-Installation of Service(non-payment)	\$15.00
Re-Installation of Service (after 30 days)	\$15.00
Service Call for installation of equipment or services	no charge
Service Call if not cable related problem	\$15.00
Change of Service	no charge

TAVERNS, HOTELS AND MOTELS- shall allow programming cost increases to the City of Wadsworth be passed on directly to commercial customers with 30 day notification of same as determined by the Director of Public Service. Such uses shall require agreements for service to define minimum term of service, installation charges beyond typical, ownership of wiring, programming provided and costs of programming at the time of the agreement as well as special conditions or charges.

	<u>Inside City</u>	<u>Outside City</u>
Taverns first 1-10 outlets (basic)	\$ 7.50	\$ 8.25
Taverns first 1-10 outlets (enhanced)	\$24.14	\$26.55
Taverns, each additional outlet beyond 10	\$2.00/outlet	\$2.00/outlet
Hotels, Motels \$2.00/outlet	\$2.00/outlet	+programming +programming

**929.015 INTERNET FOR COMMERCIAL ESTABLISHMENTS**

The Director of Public Service is hereby authorized to make available Internet service as part of the service provided to commercial customers of the electric utility of the City of Wadsworth. Internet service shall be provided subject to the following conditions and charges:

AVAILABILITY AND APPLICABILITY- Available system-wide to all commercial consumers located within or outside the corporation limits of the City of Wadsworth who have access to the City of Wadsworth communications network. All Applications for service should be in accordance with and conform to the Power and Communications Service by-laws and Regulations or subsequent revisions thereof which are prepared by the Director of Public Service and are on file with the Clerk of Council. End user agreements and contract terms may be negotiated by the Director of Public Service for issues such as server co-location, web hosting, customer firewall and network requirements, static IP addressing, contract conditions, customer hardware requirements and other services to be provided. Such by-laws may also include minimum specifications for hardware and equipment for end-users.

**CHARGES PER MONTH FOR COMMERCIAL CUSTOMERS**

128K Internet Access one Personal Computer	\$ 37.95
256K Internet access for one personal computer	\$ 52.95
512K Internet access for one personal computer	\$ 67.95
1.0Mbps Internet access	\$250.00
1.5Mbps Internet access	\$385.00
Modem Rental	\$ 9.00
Additional personal computers	\$ 19.95/each

a.) EQUIPMENT CHARGES PLUS APPLICABLE SALES TAX

Cable Modem	\$ 219.00
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INSTALLATION AND OTHER SERVICE CHARGES

Initial Service Installation, including non-profit accounts	\$ 89.95
Additional Outlets installed by City at time of initial install	\$ 9.95 per outlet
Additional Outlets installed by City after initial install outlet+\$15.00	\$9.95per
Re-Installation of Service(non-payment)	\$15.00
Re-Installation of Service (after 30 days)	\$15.00
Service Call for installation of equipment or services	no charge
Service Call if not cable related problem	\$15.00
Change of Service	no charge
Network Interface Card installation	\$ 45.00

Customers seeking 1.0Mbs or 1.5Mbs service shall be charged installation costs on a case by case basis dependent on material, equipment and labor costs for such installations as determined appropriate by the Director of Public Service.

**929.016 INTERNET FOR NON-PROFIT ORGANIZATIONS**

Non-profit organizations, including schools, hospitals, libraries, which are registered with the State of Ohio as non-profit corporations and other similar organizations shall be subject to monthly rates and conditions as defined in section 929.014 for services and installation charges and availability and applicability as defined in section 929.15. Such organizations must separately seek approval for service to verify non-profit status.

**929.022 SPECIAL RATES**

The Director of Public Service shall allow establishment of incentive rate structures including, but not limited to:

- 1) One time prepayment of 12 months of service for the cost of 10 months of the monthly rate as quoted in sections 929.014 and 929.015.

- 2) Introductory rates of 30% less than the current quoted monthly rates established in sections 929.014 and section 929.015 for a maximum of two months.
- 3) Waiver of service call charge for former customer returning to city system within designated time period.

**Section 2.** That the provisions of this ordinance shall be applicable to service received by city customers on and after June 1, 2003 as to section 929.011, 929.012, 929.015 and 929.016. The provisions of section 929.022 shall be applicable retroactive to October 1, 2002 when Ordinance 02-108 was enacted.

**Section 3.** That existing sections 929.011, 929.012, 929.015 and 929.016 of the Codified Ordinances of the City of Wadsworth are hereby repealed except as to service received by city customers prior to June 1, 2003.

**Section 4.** That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Wadsworth in order to provide fair and adequate rates and terms for cable television and internet service; WHEREFORE, this ordinance shall go into immediate effect provided that it receives a two thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_

Clerk of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

1<sup>st</sup> Rdg. \_\_\_\_\_

2<sup>nd</sup> Rdg. \_\_\_\_\_

3<sup>rd</sup> Rdg. \_\_\_\_\_

Passed: yes \_\_\_\_\_ no \_\_\_\_\_

Vote: aye \_\_\_\_\_ nay \_\_\_\_\_

Immediate Effect: yes \_\_\_\_\_ no \_\_\_\_\_

**CERTIFICATE OF PUBLICATION**

I, Katherine M. Stugmyer, Clerk of Council of the City of Wadsworth, State of Ohio, do hereby certify that the forgoing ordinance was duly published in *The Gazette* on \_\_\_\_\_ and \_\_\_\_\_, which is for two consecutive weeks as required by section 731.21 of the Ohio Revised Code.

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Katherine M. Stugmyer  
Clerk of Council  
City of Wadsworth