

ORDINANCE NO. 370

AN ORDINANCE TO REQUIRE MULTICHANNEL VIDEO PROVIDERS TO OBTAIN CONSENT AGREEMENTS FROM THE TOWNSHIP; TO PROVIDE FOR DEFINITIONS; AND TO IMPOSE CIVIL INFRACTION SANCTIONS FOR VIOLATION OF THE ORDINANCE

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. Consent Agreement Required. All multichannel video providers shall obtain a consent agreement from the township prior to providing service to any resident, business or person within the township, and shall have a consent agreement in full force in effect at all times while such service is being provided.

Section 2. A Multichannel Video Provider@ Defined. Multichannel video provider means a person or entity who meets one or more of the following tests:

(a) The provider is a cable operator, as such term is defined in the Federal Cable Act, being Title VI of the Federal Communications Act of 1934, 47 U.S.C. Sections 521 and following, or is otherwise required to obtain a A franchise,@ as such term is defined in such Act.

(b) The provider is an operator of an open video system, as such term is defined in Title VI of the Federal Communications Act of 1934 and implementing regulations.

(c) Any person or entity who provides multichannel video service to a resident, business or person within the city/township, where such service is transmitted in whole or in part vi wires or lines that are in or cross any public rights-of-way within the township. The preceding sentence shall apply whether the provider owns, leases or otherwise obtains the right to use such wires or lines, including wires or lines of a telecommunications provider used pursuant to tariff or otherwise for such purpose. Multichannel video channels are generally considered comparable to programming provided by a television broadcast station or by a direct to home satellite service.

Section 3. Civil Infractions; Fines. A person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$1,000.00, plus costs and other sanctions, for each infraction. Repeat offenses under this Code shall be subject to increased fines as provided by this section. As used in this section, A repeat offense@ means a second (or any subsequent) violation of the same

requirement or provision of this Code (i) committed by a person within any 90-day period and (ii) for which the person admits responsibility or is determined to be responsible. The increased fine for a repeat offense under this Code shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be not less than \$2,000.00, plus costs.

(b) The fine for any offense which is a second repeat offense, or any subsequent repeat offense, shall be not less than \$5,000.00 each, plus costs.

Each day on which any violation of this Ordinance occurs or continues constitutes a separate offense subject to separate sanctions. The Township board shall designate by resolution the official to be designated as the authorized township official to issue municipal civil infraction citations for violations of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective seven days after publication of this Ordinance in a newspaper of general circulation within the Township.

