

**ORDINANCE NO. 753**

**AN ORDINANCE CREATING STAYTON MUNICIPAL CODE TITLE 4.,  
"FRANCHISES," CHAPTER 4.04, "CABLE FRANCHISE," AND DECLARING  
AN EMERGENCY:**

WHEREAS, the City of Stayton is served by a cable communications system(s) for which an exclusive or non-exclusive cable franchise(s) is necessarily granted to a designated operator(s) in the best interest and for the protection of the public;

WHEREAS, it is to the best interest of the public and the continuity of the business of the City of Stayton, that an Ordinance be enacted, providing the general outline of authority as to granting the cable franchise(s);

WHEREAS, it is appropriate that there be established in the Stayton Municipal Code Title 4. "Franchises" within which Chapter 4.04 "Cable Franchise" is included;

WHEREAS, upon enactment of this Ordinance, but no earlier than the expiration of the resolutions and ordinances presently in effect relating to the cable franchise now in service within the City of Stayton, all resolutions, ordinances and amendments thereto, shall be declared revoked and repealed, substituted therefor by the enactment of the provisions herein; and,

WHEREAS, it is appropriate that an emergency be declared as to the enactment of this Ordinance.

NOW, THEREFORE, the Stayton City Council hereby ordains as follows:

SECTION 1. Stayton Municipal Code Section 4.04.010 is created to read:

AUTHORITY. The Stayton City Council may grant an exclusive or one or more non-exclusive franchise(s) to install, construct, operate, maintain, reconstruct, and expand a cable communication system within the public streets, ways, alleys, public utility easements, and places of the City of Stayton.

SECTION 2. Stayton Municipal Code Section 4.04.020 is created to read:

FRANCHISEE. The Stayton City Council shall select the prospective cable franchisee(s) based upon a criteria determined in its sole discretion and under terms and conditions it deems in the best interest of the public.

SECTION 3. Stayton Municipal Code Section 4.04.030 is created to read:

FRANCHISE AGREEMENT. The Stayton City Council shall approve, by resolution, the agreement with the cable franchisee(s) under terms and conditions it deems fit and appropriate and in the best interest of the public.

SECTION 4. Stayton Municipal Code Section 4.04.040 is created to read:

ACCESS CHANNELS. As a part of its agreement with the cable franchisee(s), Stayton City Council may require that access channels or public, education, or government access channels be established in conjunction with the cable service.

SECTION 5. Stayton Municipal Code Section 4.04.050 is created to read:

ACCESS COMMISSION. In the event access channels are included as a part of the cable franchise terms, the Stayton City Council shall establish and appoint an Access Commission to promulgate operational guidelines and to monitor community access issues. The extent of the Access Commission's authority and responsibility shall be determined by the Stayton City Council, federal and state law, and terms of the franchise agreement. The number of appointees to the Access Commission and their respective terms shall be, from time to time, determined by the Stayton City Council by resolution.

## SECTION 6. PREVIOUS ENACTMENTS AND RESOLUTIONS

Upon enactment of this Ordinance, but no earlier than the expiration of the resolutions and ordinances presently in effect relating to the cable franchise now in service within the City of Stayton, all resolutions, ordinances and amendments thereto, shall be declared revoked and repealed, substituted therefor by the enactment of the provisions herein.

## SECTION 7. EMERGENCY CLAUSE

It is hereby adjudged and declared that existing conditions are such that this Ordinance adopting the Cable Franchise Code is necessary to serve the public health, safety, welfare, convenience, and environmental amenities of the City of Stayton and the inhabitants

thereof, and this Ordinance shall be in full force and effect when executed by the Mayor.

Adopted by the Stayton City Council this 5<sup>th</sup> day of February, 1996.

Date: 2-7-96

By: Willmer Van Vleet  
WILLMER VAN VLEET, Mayor

Date: 2-7-96

Attest: Thomas L. Barthel  
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

Date: JAN 17 1996

David A. Rhoten  
DAVID A. RHOTEN, City Attorney