

ORDINANCE NO. VIII

AN ORDINANCE BY THE CITY OF GOSHEN AMENDING
AND DEFINING CERTAIN PROVISIONS OF GOSHEN
ORDINANCE NO. 6 TO ESTABLISH GUIDELINES
RELATING TO CABLE SERVICE EXTENSIONS
WITHIN THE CITY OF GOSHEN

WHEREAS, the City of Goshen, by Ordinance No. 6, dated March 13, 1990, entered into a Franchise Agreement with Harold D. or Laura A. Lovett, their successors and assigns; and

WHEREAS, Harold D. or Laura A. Lovett assigned the franchise to Genesis Cable Partners, L.P., a Delaware limited partnership, doing business as Genesis Cable; and

WHEREAS, the Cable Franchise Agreement set forth in Goshen Ordinance No. 6 provides in Section 11 that the franchisee shall extend its cable system 20% per year unless additional time is granted by the City of Council upon a showing of good cause; and

WHEREAS, the provisions of Section 11 do not set forth criteria for the performance of the franchisee's duties and obligations under the franchise; and

WHEREAS, it will be of mutual benefit to amend Section 11 of the Original Franchise Agreement to set forth and reflect terms and provisions for service expansion within the City that takes into consideration technical and economic feasibility and other limitations of service expansion.

NOW, THEREFORE, be it ordained by the Council of the City of Goshen, Arkansas:

Section 1: Section 11 of Goshen Ordinance No. 6 is hereby

amended to read as follows: Within one year from the date the Federal Communications Commission certifies that the Company's plans for cable television operation in and for the City comply with its rules and regulations governing cable television, the company shall accomplish significant construction of the system.

In providing access to cable service the Company shall extend service to an area within 250 feet of the existing cable plant as measured from the extremity of the trunk cable nearest the unserved area. In such a case, the newly installed subscriber shall not be assessed or apportioned the cost of installation, except for the usual and normal connection fees paid by subscribers, so long as the system expansion is technically feasible.

Where the residence, building, structure, development, or subdivision of a person requesting to be served cable television service by the Company is located more than 250 feet from the existing cable plant, the Company shall have the right to establish and collect an extension charge for erecting, constructing or extending its cable, wire, or lines to the residence, building, structure, development or subdivision desiring connection to grantee's system. Grantee's charge for and decision to extend service will be based upon the following criteria: (a) Commercial feasibility; (b) Technical practicality; (c) Current cost to construct cable plant and facilities; (d) The number of permanent homes in and/or between the area to be served; (e) The day to day operational and maintenance cost of cable plant after it is constructed.

The charge for service extensions shall be uniform and shall be applied indiscriminately to all persons desiring service from or connection to grantee's system. Grantee shall have the right to determine the commercial feasibility of any request for service extension and shall have the right to refuse to serve an area or areas which would cause financial harm to the grantee and/or be technically impractical to build.

Section 2. The provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provision shall for any reason, be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions. Further, the provisions of this Ordinance are subject to applicable governmental regulations.

Section 3. All Ordinances, Resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. There is hereby found and declared to be an immediate need for the development and maintenance of a cable system which will have a favorable impact on the residents of Goshen and will otherwise benefit the public health, safety and welfare of the City and the inhabitants thereof and the taking of the action authorized hereby is immediately necessary for accomplishing these public benefits and purposes. It is therefore declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public peace, health and safety will be in full force and effect immediately upon

and after its passage.

Passed and approved this 8 day of JUNE, 1993,
1993.

CITY OF GOSHEN, ARKANSAS

Euel E. Bowen
Mayor

Attest:

Paul A. Wain
City Clerk

ORDINANCE NO. 8

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO
THE CITY OF GOSHEN, ARKANSAS

WHEREAS, on the 26th day of April, 1995, a proper Petition was presented to the County Court of Washington County, Arkansas, asking that certain real estate adjacent and contiguous to the City of Goshen, Arkansas, be annexed to the City of Goshen, Arkansas, the real estate being described as follows, to-wit:

Part of the Fractional Northeast Quarter (Fr NE 1/4) of Section Four (4), Township Sixteen (16) North, Range Twenty Nine (29) West, Washington County, Arkansas. Being more particularly described as follows, to-wit: Beginning at the Northeast corner of said Section Four (4) and running, thence S 00°45'55"E along the Section line 1320.00 feet, thence S 89°04'45"W 1299.36 feet, thence S01°42'41"E 84.68 feet to an existing Stone Monument, thence West 390.79 feet, thence North 1397.74 feet to the Township Line, thence N89°04'26"E along the Township Line 1669.97 feet to the point of beginning. Containing 51.59 acres, more or less.

AND WHEREAS, on the 30th day of May, 1995, the County Court of Washington County, Arkansas, found that the statutory requirements with reference to annexation had been complied with in full; that the Petition and plat were in proper form and that the notices required by law had been given and on that date entered an Order annexing the said real estate to the City of Goshen, Arkansas.

AND WHEREAS, according to the statutes of the State of Arkansas, the said Order was recorded by the County Clerk, and no further action was taken for a period of thirty (30) days; and at the end of said thirty (30) days no protest of any sort by any one had been filed against the action of the County Court herein.

AND WHEREAS, on this 11 day of July, 1995, certified copies of the Order of Annexation and a Copy of the plat were filed with the City Clerk of the City of Goshen, Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOSHEN, ARKANSAS, that the above described real estate located in Washington County, Arkansas, is hereby declared annexed to and incorporated into the City of Goshen, Arkansas; that the plat of

said annexed territory attached to the certified copies of the Order of Annexation is hereby declared the plat of the annexed territory; that the said real estate is hereby declared to be in Ward 5; that the lands to be annexed shall be in _____ District, as hereinabove described; and all the inhabitants of the said annexed territory are declared to be citizens of Goshen, Arkansas, and are entitled to all the rights, privileges and benefits of the other citizens of the City of Goshen, Arkansas.

This Ordinance shall be in full force and effect from and after its approval, passage and publication according to law.

PASSED AND APPROVED this 11 day of July, 1995.

Euel E. Bowen
Euel E. Bowen, Mayor

ATTEST:

Loannie Stroud
CITY CLERK

Protim

Ward 5

CITY OF GOSHEN
GOSHEN, ARKANSAS

ORDINANCE NO. VIII

WHEREAS, the City Council deems it necessary for the purpose of promoting the health, safety, morals, and general welfare of the City of Goshen, Arkansas, to adopt the following Ordinance:


WHEREAS, the Notice of this Proposed Ordinance having been posted in five (5) public places within the City of Goshen, Arkansas, and the Council having heard from members of the public;

THEREFORE, be it ordained by the City Council of the City of Goshen, Arkansas, that it be unlawful to sell fireworks within the City Limits of said City.

Further, it shall be unlawful to discharge any fireworks in the City, except three days preceding the Fourth of July each year. During that time period, when it is lawful to discharge fireworks, no fireworks shall be discharged after Eleven P.M., or before Seven A.M. Violation of this Ordinance will be subject to a One Thousand (\$1,000.00) dollar fine.

Upon Motion made and seconded, this Ordinance was unanimously passed this 11 day of June, 1996.

Attest:


Recorder


EUEL E. BOWEN
Mayor