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Chapter 4: Revenue and Finance

Article I: Taxation

Sec. 4-101 Ad Valorem Tax

1. Rate of Levy The City Council shall set the rate of levy annually upon adoption of the budget.
2. Assessment and Fair Market Value All property subject to municipal ad valorem taxation shall be assessed at forty percent (40%) of its fair market value. The basis for fair market value will be determined by the county ad valorem tax purposes.
3. Appeal of Assessment Any taxpayer may appeal from an assessment by the County Board of Tax Assessors to the County Board of Equalization as to matters of taxability, uniformity of assessment, and value. The taxpayer or the County Board of Tax Assessors may appeal to the Superior Court of the county in which the property lies from a decision of the County Board of Equalization. All such appeals shall be made in the manner provided in Chapters 48-5-297, 48-5-306, and 48-5-311 of the Official Code of Georgia Annotated.
4. When Taxes Due and Payable Ad valorem taxes shall become due on the 20th day of December each year and shall be deemed delinquent if not paid on or before the due date. Tax bills showing the assessed valuations, amount of taxes due, tax due dates, and information as to delinquency dates and penalties shall be sent to tax payers at least sixty (60) days prior to due date, but failure to send a tax bill shall not invalidate any tax. Delinquent taxes shall bear interest at the rate of one percent (1%) per month from the date the tax is due until the date the tax is paid provided that the minimum interest will be one dollar (\$1.00). For the purposes of this code section, any period of less than one month shall be considered to be one month. The following notice shall be mailed with all tax bills:

Notice 1: Taxes are due in full by the date shown on the enclosed bill. Interest will accrue at the rate of one percent (1%) per month beginning on the day following the due date, provided that the minimum interest payment will be one dollar (\$1.00) (GA. Code Section 48-2-40 and 48-5-148). Payment must be received at Woodbine City Hall by the close of business or postmarked on the due date shown on the tax bill. Payments will first be applied to interest and penalty on any previous year tax, next to any fine's or other costs, next to the oldest tax bill, in that order for each year of past due tax, next to interest, penalty and costs on current year taxes, then to current year taxes. Paid in full receipts may not be issued until all taxes, plus interest, penalty and costs are paid in full. All taxes due must be paid in full on or before the close of

Sec. 4-101 Ad Valorem Tax (Continued)

business on the due date shown on the tax bill.

5. Failure to Pay Tax The city shall forthwith issue an execution against any person who has defaulted in the payment of any ad valorem tax to be paid. The execution thus issued shall be a lien on all the property of such person, both real and personal, and shall be placed in the hands of the City Officer responsible for collection by levy and sale. The following procedure shall be used by the tax collector in the collection of delinquent property taxes.

a. Within ten (10) days following the due date, the following notice shall be sent to all delinquent taxpayers:

Notice 2: According to our records, your (year) Woodbine City taxes became past due on _____. Interest at one percent (1%) per month or any fraction thereof began accruing on the day following the due date as provided in Section 4-101.4 of the Woodbine Code of Ordinances. The minimum interest payment is one dollar (\$1.00).

<u>Year</u>	<u>Amount</u>
_____	_____
_____	_____
Interest	_____
Total Due	_____

The total amount due above must be received in this office by the close of the business day or postmarked by (one month past first due date) to avoid additional interest charges. Any amounts remaining delinquent on the above date will be filed on the execution docket of the Camden County Superior Court and turned over to the City Marshal for collection. Additional charges including fifa coasts will be added to the total amount due.

If you feel that this amount is in error, or if you have any questions, please do not hesitate to contact this office.

Sincerely

City Tax Collector

b. Within ten (10) days following the first past due date, the following notice shall be sent to delinquent taxpayers showing record of some payment on current year taxes: this section also applies to payments made after the

Sec. 4-101 Ad Valorem Tax (Continued)

due date which show a balance due because of interest charges.

Notice 3a: Thank you for your recent payment on your city taxes. According to our records, there is a balance remaining in the amount of _____. This may be the result of interest charges which began on the day following the due date.

City ordinances require that all taxes be paid in full or be recorded on the execution docket of the Superior Court and turned over to the City Marshall for collection. The amount listed above must be received in this office by the business day or be postmarked by (two (2) months past due date) to avoid additional interest and fifa charges. All payments will first be credited to the oldest interest charges, next to fifa, and last to the oldest taxes due.

In addition to interest charges, Official Code of Georgia Annotated Section 48-2-44 makes mandatory a ten percent (10%) penalty on all non-homesteaded property and homesteaded property with taxes over five-hundred (\$500.00) if the taxes are not paid within ninety (90) days of the due date. The penalty is mandatory and must be calculated on the original tax amount due. A penalty of \$_____ must be added to your bill on (90 days past due) if there is any delinquent amount on city tax records.

If you have any questions about the taxes due or if you feel that an error has been made, please do not hesitate to contact this office.

Sincerely,

Tax Collector

- c. Within ten (10) days following the first past due date, fifa's will be filed at the Camden County Superior Court and adequate charge to cover the cost of filing and removing the fifa will be added to the tax bill; for those who have no record of payment on current year's taxes, the following notice (Notice #3b) will be sent.

Notice 3b: On (date of first notice) a past due reminder was sent regarding Woodbine City property taxes due. According to our records, the taxes still have delinquent amounts remaining as follows:

<u>Year</u>	<u>Amount</u>
_____	_____
_____	_____

Sec. 4-101 Ad Valorem Tax (Continued)

Interest _____
Fifa _____
Total Due _____

In accordance with Section 4-101.5 of the Woodbine Code of Ordinances, the taxes due have been filed on the execution docket of the Camden County Superior Court. The total amount due listed above must be received in this office by the close of the business day or be postmarked by (two months past the due date) to avoid additional interest charges. Any of the above amount remaining delinquent on (the day following the above date) will be turned over to the City Marshal's Sale as provided by law. All payments will first be credited to the oldest interest charges, next to fifa, next to oldest taxes due in that order until the tax bill is paid in full.

In addition to interest charges, Official Code of Georgia Annotated Section 48-2-44 makes mandatory a ten percent (10%) penalty on all non-homesteaded property and homesteaded property with taxes over five-hundred dollars (\$500.00) if the taxes are not paid within ninety (90) days of the due date. The penalty of \$_____ must be added to your bill on (90 days after due date) if there is any delinquent amount on the city tax records.

If you have any questions about the taxes due or if you feel that an error has been made, please do not hesitate to contact this office.

Sincerely,

Tax Collector

- d. Within ten (10) days of the second past due date, the following notice (Notice #4) will be sent to those taxpayers still remaining delinquent by the city marshal:

Notice 4: On (date of last notice) you were again informed of the amount still outstanding on your past due city taxes. The City Tax Collector has recorded the delinquent taxes on the execution docket of the Camden County Superior Court and turned them over to this is office for collection. You are hereby notified that I have this day levied upon:

(Legal Description of Property)

To satisfy a tax execution against you for the year(s) _____, plus penalty, interest, and costs totaling \$_____. This amount must be received in the

Sec. 4-101 Ad Valorem Tax (Continued)

City Hall by the close of business or be postmarked by (three months past third past due date) to avoid additional interest charges. Advertising costs will be added weekly and interest will continue to accumulate after that date. The date of the first advertisement of said property will be (four weeks prior to Marshal's Sale) in the legal organ of the county. This advertisement will be placed in the above mentioned paper for four (4) consecutive weeks. If this bill, including all subsequent advertising, interest, and other costs, has not been paid in full prior to (date of tax sale), the property will be sold to the highest bidder at twelve o'clock noon, on the steps of the Camden County Courthouse. Advertising of this property may be prevented and further costs saved by your prompt action. If you feel that an error has been made, please contact the city tax collector at (912) 576-3211/3212 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

In addition to interest charges, Official Code of Georgia Annotated Section 48-2-44 makes mandatory a ten percent (10%) penalty on all non-homesteaded property with taxes over five hundred dollars (\$500.00) if the taxes are not paid within ninety (90) days of the due date. The penalty is mandatory and must be calculated on the original tax amount due. A penalty of \$_____ must be added to your bill on (90 days after due date) if there is any delinquent amount on the city tax records.

Sincerely,

Tax Collector

- e. Marshal's Sale will be held on the front steps of the Camden County Courthouse on the earliest date provided by law after proper notice and advertising has been published.
6. Against whom Charged Taxes are to be charged against the owner of the property, if known or against the specific property itself if the owner is not known. Life tenants and those who enjoy the use of the property are chargeable with the tax thereon.
7. Exempted Property The following property shall be exempt from ad valorem taxation:
 - a. All public property;
 - b. All places of religious worship and places of burial; and
 - c. All buildings used as a college, university, or other seminary of learning.

Sec. 4-102 Malt Beverage Excise Tax

1. Rate of Levy There is hereby set and levied on the sale of malt beverages within the municipality an excise tax in the sum of five cents per 12 ounces and in similar proportion for bottles, cans, and containers of various sizes.

Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of six dollars (\$6.00) on each container sold containing not more than 15 ½ gallons send a proportionate tax at the same rate on all fractional parts of 15 ½ gallons. (O.C.G.A. 3-5-80).

2. Against Whom Levied The malt beverage excise tax is levied against and shall be paid by each licensed wholesale dealer of malt beverages in the municipality.
3. Due Date and Required Report The malt beverage excise tax shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of, and payment shall be accompanied by a report itemizing the exact quantities of malt beverages sold for the preceding calendar month by size and type of container.

Any tax remaining unpaid at the expiration of fifteen (15) days from the due date shall be delinquent.

4. Enforcement The tax levied by this section may be enforced by execution in the same manner as other taxes of the city, and in addition, any failure of payment of such tax shall be grounds for revocation of or refusal to issue the business license for the delinquent taxpayer.

Sec. 4-103 Alcoholic Beverage Excise Tax

1. Rate of Levy There is hereby set and levied on the sale of alcoholic beverages, excluding fortified wine, an excise tax in the sum of eighty cents per wine gallon (9/23/96 converts to \$.22/liter State Maximum) and in similar proportion for bottles and containers in various sizes.
2. Against Whom Levied The alcoholic beverage excise tax shall be paid by each licensed wholesale dealer of alcoholic beverages in the municipality.
3. Due Date and Required Report The alcoholic beverage excise tax shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of, and payment shall be accompanied by a report itemizing the exact quantities of alcoholic beverages sold for the preceding calendar month by size of container.

Sec. 4-103 Alcoholic Beverage Excise Tax

4. Enforcement The tax levied by this section may be enforced by execution in the same manner as other taxes of the city, and in addition, any failure of payment of such tax shall be grounds for revocation of refusal of the business license of the delinquent taxpayer.

Sec. 4-104 Insurance Businesses

1. Insurer License Fees There is hereby levied for the year 1993 and for each year thereafter an annual license fee upon each insurer with their principle place of business within the City of Woodbine in the amount of twenty-five dollars (\$25.00). For each separate principle business location in excess of one not covered by Section 2, which is operating on behalf of insurers within the City of Woodbine, there is hereby levied a license fee in the amount of twenty-five dollars (\$25.00). For the purposes of this ordinance, the term "insurer" means company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. Section 33-3-5. (Amended 9/8/92)
2. License Fee for Insurers Insuring Certain Risks at Additional Business Locations For each separate business location, not otherwise subject to a license fee hereunder, operated and maintained by a business organization which is engaged in the business organization which is engaged in the business of lending money or transacting sales involving term financing and in connection with such loans or sales, offers, solicits or takes application for insurance through a licensed agent of an insurer for insurance, said insurer shall pay an additional license fee of ten dollars (\$10.00) per location for the year 1984 and for each year thereafter.
3. Insurance Agency License Fees, Independent Insurance Agencies, Brokers, etc. not otherwise licensed There is hereby levied for the year 1984 and for each year thereafter an annual license fee upon independent agencies and brokers for each separate business location from which an insurance business is conducted and which is not subject to the company license fee imposed by Section 1 hereof, in the amount of fifteen dollars (\$15.00) for each location within the City of Woodbine.
4. Gross Premiums Tax Imposed on Life Insurers There is hereby levied for the year 1984 and for each year thereafter an annual tax based solely upon gross direct premiums upon each insurer writing life, accident and sickness insurance within the City of Woodbine in an amount equal to one percent (1%) of the gross direct premiums received during the calendar year in accordance with O.C.G.A. Section 33-8-4. The premium tax levied by this section is in addition to the license fees imposed by Section 1 of this ordinance.

Sec. 4-104 Insurance Businesses (Continued)

5. Gross Premiums Tax, all Other Insurers There is hereby levied for the year 1984 and for each year thereafter an annual tax upon each insurer, other than an insurer transacting business in the class of insurance designated in subsection 1 of O.C.G.A. Section 33-3-5, doing business within the City of Woodbine in an amount equal to two and one-half percent (2.5%) of the gross direct premiums received during the calendar year, in accordance with O.C.G.A. Section 33-8-8.2 Gross direct premiums as used in this section shall mean gross direct premiums as used in O.C.G.A. Section 33-8-8.2 (a).
6. Due Date for License Fees License fees imposed in Section 1, 2 and 3 of this ordinance shall be due and payable on the second (2nd) day of 1984 and on the first (1st) day of each subsequent year.
7. Administrative Provisions The City Clerk is hereby directed to forward a duly certified copy of this ordinance to the Insurance Commissioner of the State of Georgia.
8. Effective Date This ordinance shall become effective January 1, 1984.
9. Severability In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of Woodbine that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause, or phrase was not originally a part of the ordinance.
10. Repealer All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Sec. 4-105 Public Utility Franchise Tax

1. Rate of Levy There is hereby set and levied on each electric light and power company, and other public utility making use of the streets, alleys, or other public ways or places of the city, for the purpose of rendering utility services, a franchise tax in the amount of four percent (4%) of the annual gross revenue received from residential, commercial, and industrial sales.
2. Definitions "Recurring local service revenues" shall mean:
 - a. Monthly charge for local exchange service, including:

Sec. 4-105 Public Utility Franchise Tax

- (1) Charges for additional listings and joint users;
 - (2) The guarantee portion of the charge for semi-public pay station services;
 - (3) Charges for local message rate service, including mobile service local messages; and
 - (4) Subscriber station revenues from teletypewriter exchange service.
- b. Charge for Morse transmission, signaling, data transmission, remote metering and supervisory control, where both terminals point are within the city limits.
 - c. All charges for local private line services (except audio and video program transmission services) where both terminals of the private line are within the city limits.
 - d. Nothing in the definition shall preclude the charging of a separate franchise fee for the transmission of audio or video programs to customers by CATV companies.

Sec. 4-107 Local Option Sales Tax

It is resolved that a combination city-county local sales and use tax is hereby levied by the governing authority of the City of Woodbine, Georgia.

Sec. 4-108 Municipal Tax Sales

1. Time, Place, and Manner of Sale The time, place, and manner of the sale of property-both real and personal-for taxes due this municipality shall be the same as that provided by law for sheriff's sales for state and county taxes.
2. Sale by Parcels. When not impracticable, all property sold for municipal taxes shall be so offered for sale that the smallest amount that will bring the amount of taxes and costs shall alone be sold.
3. Redemption of Property Sold for Taxes Any person whose property is sold in obedience to an execution issued for the collection of municipal taxes shall have such rights of redemption of said property as are set forth in Chapter 91A-430-438 of the Georgia Code Annotated and any other provisions of law not inconsistent therewith.

Sec. 4-109 Hotel/Motel Tax

1. Rate of Levy There is hereby imposed an excise tax in the amount of three percent (3%) of the charge to the public for the furnishing of value to the public of any room or rooms, lodging or accommodations furnished by any person or legal entity licensed by or required to pay business or occupational taxes to, the City for operating a hotel, motel, inn, lodge, tourist camp, tourist cabin or any other place in which rooms, lodging, or accommodations are regularly furnished for value.
2. Due Date The tax herein levied shall be paid at the same time that State Sales Tax is paid.
3. Use of Funds The funds collected hereunder shall be made available to the governing authority of the City of Woodbine exclusively to promote tourism and the administrative expenses incurred therein (said expenses shall not exceed thirty percent (30%) of the amount of taxes collected hereunder during any fiscal year) and shall not go into the general funds of the City of Woodbine.
4. Repealer All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Approved by Woodbine City Council meeting in regular session on 11/7/88.)

Article II: Municipal Bonds

Sec. 4-201 Preliminary Review by Finance Committee

Prior to any issue of bonds by the city, the proposal for such issue shall be Referred to a special finance committee, which committee shall give careful Consideration to the proposal and submit a recommendation to the council for Approval or disapproval, with applicable reasons therefore.

Sec. 4-202 Bond Ordinances

1. Contents of Bond Ordinances Any bond ordinance introduced for adoption as provided in this section shall contain in substance the following:
 - a. An authorization for the issuance of obligations, stating in brief and general terms sufficient for reasonable identification to the purpose(s) for which the obligations are to be issued, a statement of the estimated maximum amount of bonds or notes to be issued, and the estimated cost of such purpose or purposes, but related improvements or properties may be treated as one improvement or property.

Sec. 4-202 Bond Ordinances

- b. A determination of the period of usefulness of the purpose according to its reasonable life computed from the date of the bonds or, if issued for several purposes, a determination of the average period of usefulness, taking into consideration the respective amounts of obligations authorized for the said several purposes.
- c. A determination that the obligations authorized by the bond ordinance will be within the debt limitations prescribed by state law.
- d. A statement of the aggregate cost of the improvement or property sought to be financed, which cost may include the following:
 - (1) Interest on obligations until the end of the fiscal year in which the obligations are issued or until six months after the completion of construction or acquisition;
 - (2) Architect's fees, accounting, engineering, and inspection costs;
 - (3) Costs of issuing and selling obligations;
 - (4) Legal expenses;
 - (5) Preliminary planning expenses;
 - (6) Test and survey expenses; and
 - (7) A reasonable proportion of the compensation and expenses of municipal employee in connection with the construction or acquisition of said improvement or property.

2. Procedure for Adoption of Bond Ordinances

- a. Introduction All bond ordinances shall be introduced in writing at a regular meeting of the Mayor and Council, and at such meeting shall receive a first reading, which may be by title.
- b. Publication, Hearing, and Adoption Any bond ordinance introduced as hereinabove provided shall be published after first reading, together with notice of the date, time, and place set for further consideration and final passage. Such publication shall be at least ten (10) days after introduction

Sec. 4-202 Bond Ordinances (Continued)

and first reading and at least seven (7) days prior to the date for further consideration. At the time and place to which such meeting or further consideration shall from time to time be adjourned, such bond ordinance may be read by its title, if:

- (1) At least one week prior to such date or further consideration, there shall have been posted, on a bulletin board or other place upon which public notices are customarily posted in the municipality,
 - (a) A copy of such bond ordinance, and
 - (b) A notice that copies of such bond ordinance will be made available during such week and up to and including the date of such meeting or further consideration to the members of the general public of the municipality who shall request such copies, naming the place at which such copied will be so made available.
 - (2) Such copies of said bond ordinance shall have been made available accordingly, but otherwise such bond ordinance shall be read in full. All persons interested shall then be given an opportunity to be heard, and the mayor and council shall proceed to amend the bond ordinance and thereupon finally adopt or reject it, with or without amendments.
- c. Final Adoption and Publication A bond ordinance shall be finally adopted by the recorded affirmative votes of at least two-thirds of the full membership of the municipal governing authority, and thereafter shall be published in full in a newspaper of general circulation in the municipality.
3. Effective Date of Bond Ordinance A bond ordinance shall take effect twenty (20) days after the publication thereof following final adoption.

Sec. 4-203 Bond Authorization

1. When Camden County desires to incur any bonded debt, as permitted by the Constitution of Georgia, the election required shall be called and held in accordance with O.C.G.A. Sections 36-82-4.
2. The commission shall give notice for not less than thirty (30) days immediately preceding the day of the election in the newspaper in which sheriff's advertisements for the county are published, notifying the qualified

voters that on the day named an election will be held to determine the question of whether bonds shall be issued by Camden County. This notice shall specify the principal amount of the bonds are issued, the purpose for which the bonds are issued, the interest rate or rates which such bonds are to bear, and the amount of principal to be paid in each year during the life of the bonds. The notice, in the discretion of the issuing body, in lieu of specifying the rate or rates of interest which the bonds are to bear may state that the bonds, when issued, will bear interest at a rate not exceeding a maximum per annum rate of interest specified in the election notice or, in the event the bonds are to bear different rates of interest of different maturity dates, that none of such rates will exceed the maximum rate specified in the election notice.

3. Nothing contained in this code section shall be construed as prohibiting or restriction the right of the issuing body to sell bonds at a discount, even if in so doing the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in the election notice.
4. It is expressly provided that any county, municipality, or other political subdivision of this state may provide for the refunding of all or any part of the outstanding bonded indebtedness of such county, municipality, or political subdivision without the necessity of a referendum therefor if the governing authority of such county, municipality, or political subdivision adopts a resolution or ordinance authorizing the issuance of general obligation refunding bonds for such purpose, providing the following condition are met:
 - a. The term of the refunding bonds shall not extend beyond the final maturity date of the bonds being refunded.
 - b. The rate of interest borne by the refunding bonds shall not exceed the rate of interest borne by the bonds being refunded.
 - c. The principal amount of the refunding bonds may only exceed the principal amount of the bonds being refunded to the extent necessary to effectuate a refund and to allow the reduction of the total principal and interest requirements over the remaining term of the bonds being refunded.
 - d. The proceeds derived from the sale of the refunding bonds, together with the earnings and increments derived therefrom, if any, will be sufficient to provide for the payment of the principal of, interest, and premium, if any, on the bonds being refunded and shall be deposited in an irrevocable trust

Sec. 4-203 Bond Authorization (Continued)

fund created for that purpose.

5. Such refunding bonds so authorized to be issued in compliance with the conditions set forth above, when issued, shall be construed and deemed to be issued in lieu of such original debt being so refunded, and the original debt upon the creation of the irrevocable trust fund and the deposit of the requisite proceeds shall not constitute a debt within the meaning of Article IX, Section V, Paragraph 1 of the Constitution of Georgia and shall county against the limitation on debt measured by the ten percent (10%) of assessed value of taxable property as expressed therein.
6. Any person who violates this code section shall be guilty of a misdemeanor; provided, however, nothing contained in this code section shall be construed so that a violation thereof shall affect the validity of any bonds issued under this code section. (GA. L. 1878-79, p. 40, Sec. 1; Code 1882, sec. 508i; Civil Code 1895, Sec. 377; Civil Code 1910, Sec. 440; Code 1933, Sec. 87-201; GA. L. 1976, p. 1091, Sec. 1, GA. L. 1981, p. 1581, Sec. 1; GA. L. 1982, p. 2107, Sec. 43; GA. L. 1984, p. 22, Sec. 36; GA. L. 1984, p. 1362, Sec. 1)

Sec. 4-204 Authorized Investments for Bond Proceeds

The proceeds of any bonds issued by Camden County shall, from time to time, be invested and reinvested by the governing authorities of said in the following securities and no others:

1. Bonds or obligations of such county, municipal corporation, school district, political subdivision, authority, or body or bonds or obligations of this state or of other counties, municipal corporations, and political subdivisions of this state;
2. Bonds or other obligations of the United States or of subsidiary corporations of the United States government which are fully guaranteed by such government;
3. Obligations of agencies of the United States government issued by the Federal Land Bank, the Federal Home Loan Bank, the Federal Intermediate Credit Bank, and the Central Bank for Cooperatives;
4. Bonds or other obligations issued by any public housing agency or municipal corporation in the United States, which such bonds or obligations are fully secured as to the payment of both principal and interest by a pledge of annual contributions under an annual contributions contract or contracts with the United States government, or project notes issued by any public housing

Sec. 4-204 Authorized Investments for Bond Proceeds(Continued)

agency, urban renewal agency, or municipal corporation in the United States which are fully secured as to payment of both principal and interest by a requisition, loan, or payment agreement with the United States Government;

5. Certificates of deposit of national or state banks located within this state which have deposits insured by the Federal Deposit Insurance Corporation and certificates of deposit of federal savings and loan associations and state building and loan associations located within this state which have deposits insured by the Federal Savings and Loan Insurance Corporation, including the certificates of deposit of any bank, savings and loan association, or building and loan association acting as depository, custodian, or trustee for any such bond proceeds. The portion of such certificates of deposit in excess of the amount insured by the Federal Deposit Insurance Corporation of the Federal Savings and Loan Insurance Corporation, if any, shall be secured by deposit, with the Federal Reserve Bank of Atlanta, Georgia, or with any of one or more of the following securities in an aggregate principal amount equal to at least the amount of such excess: direct and general obligations of this state or of any county or municipal corporation in this state, obligations of the United States or subsidiary corporations included in paragraph (2) of this code section, obligations of the agencies of the United States government included in paragraph (3) of this code section, obligations of the agencies of the united States government included in paragraph (3) of this code section, or bonds, obligations or project notes of public housing agencies, urban renewal agencies, or municipalities included in paragraph (4) of this code section. (See O.C.G.A. Section 36-82-7.) (GA. L. 1947, p. 1173, Sec. 1; GA. L. 1969, p. 961, Sec. 1; GA. L. 1976, p. 400, Sec. 1; GA. L. 1982, p. 3, Sec. 36.)

Sec. 4-205 Bond Sales

1. Private Sale-When Authorized All bonds shall be sold at public sale upon sealed proposals, except that bonds may be sold at private sale:
 - a. Without any previous public offering
 - (1) If constituting all or part of an authorized issue of twenty thousand dollars (\$20,000) or less, or
 - (2) If sold to any board, body, agency, commission, instrumentality, district, authority, or political subdivision of any local unit, or of the state, or of the federal government.
 - b. If not legally acceptable bid is received at advertised public offering, such bonds or any of them may be sold within thirty (30) days after the

Sec. 4-205 Bond Sales (Continued)

advertised date for public bidding, provided, however, that no bonds shall bear interest at any rate of interest which is higher than the rate of maximum rate specified in the notice of sale, or contain substantially different provisions from those specified in said notice.

Any purchaser of bonds at private sale, other than a public body, shall deposit a certified or cashier's or treasurer's check drawn upon a bank or trust company in an amount equal to five percent (5%) of the amount of bonds purchased and such amount shall be applied as in the case of a deposit made at public sale.

Any private sale of bonds as permitted hereunder shall be made or confirmed by resolution of the Mayor and Council and shall be adopted by not less than a two-thirds vote of the full membership thereof, which such resolution shall set forth the date, maturities, interest rate, and price of the bonds and the name of the purchaser.

2. Publication of Notice of Bond Sale A public sale of bonds shall be advertised at least seven (7) days prior thereto in a newspaper of general circulation in the municipality and in a publication carrying municipal bond notices and devoted primarily to financial news of the subject of state and municipal bonds and published in the State of Georgia.

3. Contents of Notice of Bond Sales A notice of public sale of bonds shall set forth:

- a. The principal amount, date, denomination, and maturities of the bonds offered for sale;
- b. The rate(s) of interest or maximum rate or rates of interest to be borne by the bonds;
- c. The terms and conditions of such public sale;
- d. To make any agreement or "service contract" with respect to publication of notice of sale and printing of bonds or notes, the providing of a legal opinion of for any of such services, whether or not accompanied by an offer to bid for or purchase such obligation. Any such agreement or contract shall be void, and any amount so paid may be recovered for the municipality except, however, agreements made directly with a newspaper, bond printer, or an attorney licensed to practice law in the state in which he has his office.

A municipal bond dealer, banker, or financial expert may be engaged or employed as financial advisor to provide financial services in connection with the sale of

Sec. 4-205 Bond Sales (Continued)

bond obligations including the preparation of a bidding circular or prospectus, but no such financial advisor shall purchase any such obligations at any public or private sale, but any such purchase shall not affect the validity of the obligations and the municipality shall recover any compensation and profit to such financial advisor resulting therefrom.

Sec. 4-206 Bond Records

A complete description of each bond issued by the city shall be kept by the City Clerk in a suitable book, which book shall be open to public inspection during regular business hours.

Sec. 4-207 Registration of Bonds

1. Application for Registration Any holder of a bond issued by the city may register such bond as to principal and interest or as to principal only, by making written application for such registration to the city clerk and presenting the bond desired to be registered. Each application shall state (a) the number of bonds presented, (b) the issue, (c) the date, (d) the amount, (e) the date due, and (f) to what extent the bonds are to be registered; and each application shall be signed by the applicant who, if holding the bonds in any capacity other than for himself, shall sign the application in the name of the party for whose benefit he holds the bonds, state the capacity in which he signs, and attach proof of such capacity.
2. Bond Register A bond register shall be kept on file in the office of the city clerk in which, upon written application and presentation of the bond by the holder thereof as hereinabove provided, shall be entered a description of each bond so presented. Such description shall state (a) the bond number, (b) the nature of the issue, (c) the face amount, (d) the date issued, (e) the date of maturity, (f) the rate and due dates of interest. (g) whether the bond is registered as to principal and interest or as to principal only, (h) the name and mailing address of the bond holder, (i) the name of the person registering the bond, and (j) the capacity in which such person registered the bond. All bonds registered in compliance with this section shall be non-negotiable to the extent that they are so registered.
3. Statement of Registration and Form Upon registration of any bonds as hereinabove provided, the city clerk shall stamp, print, or write upon each bond so registered a statement of the registration in the following form, inserting in the blanks the matter applicable to each transaction:

Registered by _____. Non-negotiable. Principal (and interest) to be paid only to _____ located at _____ or to his representative located at

Sec. 4-207 Registered of Bonds (Continued)

_____ or to his representative located at _____. This _____ day of _____, 20____.

City of _____
_____, City Clerk

4. Procedure for Transfer After Registration In order to transfer any bond which may have been registered under the provisions of this section, the holder thereof shall present the same to the city clerk and shall authorize such transfer in writing, giving the name of the transferee, the number of the bond, issue, and the dates of issue and maturity. Such authority shall be signed and acknowledged in the presence of a notary public or some other officer authorized by law to administer oaths, and such notary public or other officer shall certify, in writing and under seal of his office, that such authority was signed and acknowledged in his presence. In addition to giving such written authority, the holder shall enter a statement of the transfer on the face of each bond, properly dated and signed. Thereupon the City Clerk shall enter the transfer of each bond opposite the original entry of registration in the bond register, giving the name of the transferee and date of the transfer, and shall enter the same on each bond above his official signature. The transferee may thereafter, in the manner herein prescribed, also transfer such bond.

Sec. 4-208 Lost, Destroyed, or Defaced Bonds

Lost, destroyed, or defaced bonds may be reissued in the form and tenor of the original obligations upon the Mayor and Council being supplied to its satisfaction with the following:

1. Proof of ownership.
2. Proof of loss, destruction, or defacing of the obligations.
3. Adequate surety bond.
4. Payment of the cost of preparation of the new obligations.

All such new obligations shall be issued pursuant to resolution of the Mayor and Council setting forth the written request of the holder or owner- or his authorized attorney or legal representative- of the lost, destroyed, or defaced obligations and the date, maturity, interest rate, denomination, and numbers of such obligations, and the amount and time of the surety bond.

Sec. 4-209 Disposition of Bonds and Coupons

Whenever the City Clerk pays any bond or coupon of the city he shall forthwith

Sec. 4-209 Disposition of Bonds and Coupons (Continued)

stamp, print, or write upon such bond or coupon the word "Paid". Such bonds and coupons shall thereafter be destroyed by the city clerk, in the presence of at least one witness and the City Clerk, shall then make an entry to that effect, stating the date and name of witness on the bond register.

Sec. 4-210 Sinking Fund

1. Establishment All taxes collected for the payment of principal and interest on city general obligation bonds shall be kept by the city treasurer as a separate fund to be known as the "sinking fund". Under no circumstances shall such fund be paid out by the City Treasurer for any other purpose than for the payment of the interest and principal on the bonds for which it was collected or for the purpose of investment as provided by law and city ordinance.
2. Certification of Amount Prior to adoption of the annual budget, the amount to be included in the sinking fund for the prospective fiscal year shall be included in the annual budget.
3. Investment of Sinking Fund It shall be and it is hereby made the duty of the City Administrator promptly to make arrangements for the investment of the sinking fund in the manner provided by law and, upon approval of such arrangements by the city council, promptly to make such investment.

Article III: Budget

Sec. 4-301 Fiscal Year

The city shall operate on a fiscal year which shall begin on the first day of January and end on the last day of December.

Sec. 4-302 Procedure for Adoption of Budget

The municipal budget shall be introduced, approved, amended, and adopted by ordinance passed by not less than a majority of the full membership of the City Council. The procedure shall be as follows:

1. Introduction and Approval The municipal budget shall be introduced in writing by the City Administrator and initially approved no later than October 1 of the fiscal year. Upon initial approval by the City Council, the council shall fix the time and place for the holding of a public hearing.
2. Public Advertisement The municipal budget shall be advertised after

Sec. 4-302 Procedure for Adoption of Budget (Continued)

approval. The advertisement shall contain a copy of the budget and shall set forth the date, the time, and the place of the hearing. It shall be published at least ten (10) days prior to the date fixed therefore in one or more newspapers of general circulation in the municipality.

3. Public Hearing The municipal budget shall not be adopted until a public hearing has been held thereon and taxpayers and all persons having an interest therein shall have been given an opportunity to present objections. Such hearing shall be held not less than twenty-one (21) days after the initial approval of the budget, at the time and place specified in the advertisement thereof, and may be adjourned from time to time until the hearing is closed.

The budget as advertised, shall be read at the public hearing in full, or it may be read only by its title if at least one week prior to the date of the hearing a complete copy of the budget shall have been posted in the City Hall and shall have been made available to each person requesting the same during the previous week and during the public hearing.

4. Amendments

- a. The City Council may amend the budget during or after public hearing, except that no proposed amendment shall be effective without such a hearing if it shall:

- (1) Add a new item of appropriation in an amount in excess of one percent of the total amount of appropriations as stated in the initially approved budget.

- (2) Increase or decrease any item of appropriation by more than ten (10) percent.

- (3) Increase the amount needed to be raised by taxes by more than five (5) percent.

- b. Notice of hearing on any amendment shall be advertised at least ten (10) days before the date set therefore. Any such amendment must be published in full in the same manner as an original publication and must be read in full at the hearing and before adoption except as stated in Section 4-302.

5. Adoption The municipal budget shall be adopted no later than January of the fiscal year. Upon adoption, the budget shall constitute an appropriation for the purposes stated therein and an authorization of the amount to be raised by taxation for the purposes of the municipality.

Sec. 4-303 Budget Message

When introduced to the city council for approval, the municipal budget shall be accompanied by a budget message which shall explain the budget both in fiscal terms and in terms of the work programs. The budget message shall outline the proposed financial policies of the city for the ensuing fiscal year; describe the important features of the budget; indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for each change; summarize the city's debt position; and include such other material as will provide a complete synopsis of the financial condition of the city.

Sec. 4-404 Form and Content of Budget

The municipal budget shall be prefaced by a clear general summary of its contents and shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. Separate items shall be included for at least the following:

1. Administration, operation, and maintenance expenses of each department or office of the city, including a breakdown for salaries and wages for each such unit.
2. Interest and debt redemption charges.
3. Proposed capital expenditures, detailed by departments and offices when practicable.
4. Cash deficits in the preceding year.
5. Contingent expenses in an amount not more than three (3) percent of the total amount of administration, operation, and maintenance expenses.
6. Such reserves as may be deemed advisable by the city council.

The total of proposed expenditures shall not exceed the total of anticipated revenue.

Sec. 4-305 Capital Program

A five-year capital program may be submitted to the city council at the same time that the budget and budget message are introduced for approval. Such capital program shall include:

1. A clear, general summary of its contents.

Sec. 4-305 Capital Program (Continued)

2. A list of all capital improvements which are proposed to be undertaken for the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
3. Cost estimates, method of financing, and recommended time schedules for each such improvement.
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Sec. 4-306 Transfer of Appropriations

The City Administrator may at any time during the fiscal year transfer part or all of any unencumbered appropriation balance among programs within a department or office and the City Council may by ordinance transfer part of all of any unencumbered appropriation balance from one department or office to another, except that no appropriation for debt service or capital improvements may be reduced or transferred during any fiscal year, and under no circumstances may the expenditures exceed the total of the budget.

Sec. 4-307 Emergency Appropriations

Notwithstanding any other provisions of this article, the city council may make emergency appropriations after the adoption of a budget, for a purpose which was not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein. Such an appropriation shall be made only to meet a public emergency affecting life, health, safety, property, or the public peace, and shall be made only out of actual unappropriated revenues or surplus. If there is no surplus, then temporary borrowing in notes may be made, provided that the repayment of any such borrowed amounts are included as an appropriation in the next succeeding year's budget.

Sec. 4-308 Lapse of Appropriations

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the next succeeding year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

Sec. 4-309 Publication of Financial Statement

Within six (6) months after the close of the fiscal year, a statement of revenues and expenditures, that fairly represents the financial condition of the city and that shows all municipal accounts as of the close of such preceding fiscal year, shall be published in a newspaper of general circulation in the municipality.

Sec. 4-310 Budget Ordinance

The current "Budget Ordinance" for the fiscal year beginning January 1, and ending December 31, is hereby incorporated by reference and shall be of the same force and effect as if recited at length herein.

Article IV: Cable Television Franchises

Sec. 4-401 Franchise Granted and Limitations

The franchise to be granted by the City of Woodbine pursuant to this ordinance shall grant to the grantee, the right, privilege and franchise to erect, construct, operate, and maintain in, upon, along, across, above, over and under the street, alleys, public ways and public places now lay out or dedicated and all such extensions thereto and addition thereto in the city; and poles, wires, cables underground, conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation of the CATV system for the interception, sale, transmission, and distribution of television programs and other audiovisual electrical signals and the right to transmit the same to the inhabitants of the city on the terms and conditions hereinafter set forth. The City of Woodbine expressly reserves the right to grant a similar use of said streets, alleys, public ways and places to any person at any time during the period of this franchise. It is further the intention of this ordinance to limit the authorized activity of a grantee hereunder solely to the operation of cable television systems within the City of Woodbine.

Sec. 4-402 Duration of Franchise Grant

The term of the franchise to be granted by the City of Woodbine pursuant to this ordinance shall be for a period of ten (10) years from and after the grant and acceptance date of the franchise to be awarded, subject to the conditions and restrictions as hereinafter provided, and further provided that the Mayor and City Council shall have the right to review such franchise periodically at such time as the Mayor and City Council may from time to time elect to do so and as hereinafter provided. Provided, further, this franchise will be extended for an additional five (5) year period unless the city can show cause why such shall not be done.

Sec. 4-403 Franchise Right Subject to Police Powers

In accepting this franchise, the grantee acknowledges that its rights hereunder are subject to the police power of the city to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinances enacted by the city pursuant to such power.

Sec. 4-404 Franchise Required; Duration; Exclusivity

1. The city shall grant a franchise for the use of the streets within the city for the construction, operation, and maintenance of a CATV system. No system shall be allowed to occupy or use the streets of the city or be allowed to operate without a CATV franchise.
2. The franchise shall be granted for a term of ten (10) years, subject to a five (5) year extension as stated in paragraph 4-402 above. Thereafter, after full public hearings, and according to the franchise renewal procedure that follows, the franchise may be renewed for periods of reasonable duration not to exceed ten (10) years as in the opinion of the city council will serve the public interest, plus an additional five (5) years extension under provisions of paragraph 1(b) above. The franchise to operate a cable television service shall be on non-exclusive basis.

Sec. 4-405 Definitions

1. Cablecasting Programming (exclusive of broadcast signals) carried on a cable television system.
2. Origination Cablecasting Programming (exclusive of broadcast signals) carried on a cable television system over one or more channels, and subject to the exclusive control of the cable operation.
3. Access Cablecasting Services provided by a cable television system on its public, education, or leased channels.
 - a. Public Access Channel A specially designated non-commercial public access channel available on a first-come non-discriminatory basis for which the system shall maintain and have available for public use at least the minimal equipment and facilities necessary for the production of programming for such a channel.
 - b. Education Access Channel A specially designated channel for use by local education authorities.
 - c. Leased Access Channel A portion of the system's nonbroadcast

Sec. 4-405 Definitions (Continued)

bandwidth including unused portion of the specially designated channels for leased access services.

4. Cable Communication System, Cable System, CATV or System A system of of other conductors and equipment used or to be used to originate or receive television or radio signals directly or indirectly off the air and to transmit them via cable to subscribers for a fixed or variable fee, including the origination, receipt, transmission, and distribution of voices, sound signals, pictures, visual images, digital signals, telemetry, and any other type of closed circuit transmission by means of electrical impulses, whether or not directed to originating signals or receiving signals off the air.
5. Certificate Holder The person or company awarded a Certificate of Public Convenience and Necessity for the operation of a CATV system in the City of Woodbine, the certificate to be awarded in accordance with the provisions of applicable law, including this ordinance.
6. City The City of Woodbine, Georgia, and all territory within its existing and future territorial corporate limits. The City Officer or employee designated in this ordinance shall mean the person elected to or appointed to such position.
7. Converter An electronic device, which converts signals to a frequency not susceptible to interference within the television receiver of a subscriber, and by an appropriate channel selector, also permits a subscriber to view all signals delivered at designated dial locations.
8. Franchise Shall include this franchise and all rights, power, and privileges thereunder.
9. Franchise Agreement The agreement between the city and the franchises made pursuant to this ordinance. All provisions of this ordinance, as amended are party of the franchise agreement.
10. Franchisee The entity to whom the CATV franchise is awarded and shall include all persons having any rights, powers, privileges, duties, liabilities, or obligations under this franchise agreement, and also all persons having or claiming any title or interest in or to the system, whether by reason of the franchise itself or any subcontract, transfer, assignment, mortgage, pledge, hypothecations, security, agreement, management, or operating agreement, or otherwise arising or created.
11. Gross Subscriber Revenues Those revenues derived from the supplying of regular subscriber service within the city, including monthly service charges

Sec. 4-405 Definitions (Continued)

and fees for regular cable benefits including the transmission of broadcast signals and access and origination channels if any; it also includes installation fees or reconnect charges, revenues derived from per-program or per-channel charges, leased channel revenues, advertising revenues, or any other income derived from the system.

12. Pay TV An arrangement under which a charge is made to a subscriber for receiving a particular television program or series of programs.
13. Programmer Any person, firm, corporation, or entity who or which produces or otherwise provides program material for transmission by video, audio, digital, or other signals, either live or from recorded tapes, to subscribers, by means of the cable communications system.
14. Public Agency An agency which is supported wholly, or substantially, by public funds.
15. Service, Basic, and Additional Basic Subscriber Service The total of all the following:
 - (1) The transmission of all broadcast video channel signals provided for herein;
 - (2) The transmission of the public and educational access channel signals;
 - (3) The transmission of the local origination channel signals;
 - (4) The transmission of such other cable cast channel signals as are required by the FCC to match the number of broadcast channel signals being transmitted; and
 - (5) The installation and re-connection of subscriber service outlets.

Additional Services Any of the following: such video services as the transmission of all leased access channel signals not included in basic subscriber service, as well as the transmission of cablecast video advertising messages and pay television signals.

16. Streets and Highways Streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, docks, bulkheads, wharves, piers, alleys, all other public rights of way, and public rights of way, and public grounds or waters within or belonging to the city.
17. Subscriber A person or organization whose premises are physically wired to

Sec. 4-405 Definitions (Continued)

receive, and/or who is receiving by any manner, any transmission from the system.

18. Subscriber Service Drop Such extension wiring from the franchisee's distribution lines to a subscriber's building.
19. User A person utilizing a system channel as a producer, for purposes of production of or transmission of material, or as a subscriber, for purposes of receipt of material.

Sec. 4-406 Acceptance of Franchise

1. This franchise and the rights, privileges, and authority hereby granted shall take effect and be in force from and after acceptance by franchisee of a franchise offered by the City of Woodbine, subject to the terms of this ordinance and the rules and regulations of the Federal Communications Commission and/or its successor agency, for a period of ten (10) years, plus a five (5) year extension under the provisions of Section 4-402 above. Franchisee must within thirty (30) days after being offered this franchise by the City of Woodbine unconditionally accept such franchise and agree to comply with and abide by all the provisions of this ordinance, as amended. Such acceptance and agreement shall be in writing duly executed and sworn to, by or on behalf of the grantee before a Notary Public or other officer authorized by law to administer oaths. The franchise contract is made a part of this section as though fully set forth herein.
2. Should the grantee fail to comply with subsection (1) above, it shall acquire no rights, privileges, or authority under this franchise whatever.
3. Franchisee shall have the option to request a renewal of its franchise for an additional term of ten (10) years, plus the additional term of five (5) years were authorized, not more than two (2) years prior to the expiration of this franchise. Should franchisee desire to exercise this option, it shall notify the city in writing not more than two (2) years and no less than six (6) months prior to expiration of the current term of the franchise. Upon receiving a request to renew the franchise from the franchisee, the city shall, after notice to the franchisee and all parties concerned, conduct a public hearing on the request. After hearing all the evidence and securing all the information the Mayor and council deems necessary, the Mayor and council shall make a decision as to whether or not the franchise will be renewed and/or other appropriate action to take. Provided, however, the city may appoint in the manner provided for in Section 4-437 of this ordinance, a CATV Advisory Board to review the performance of the franchisee and the intent of this

Sec. 4-406 Acceptance of Franchise (Continued)

ordinance. If appointed, the board will comply with the following procedure for franchise renewal:

a. Procedure to Consider Franchise Renewal:

- (1) A least thirty (30) days public notice shall be given of a meeting of the board being held to determine whether the operator has satisfactorily performed his obligations under the franchise. To determine satisfactory performance, the board shall look at the technical developments and performance of the system, programming, other services offered, cost of service, and any other particular requirement set forth in the ordinance, such as the availability of programming equipment and personnel to aid access channel users; also, the board shall consider the franchisee's annual reports made to the city of the FCC; provisions shall be made for community comment, and industry performance on a national basis shall be considered.
- (2) The board will have four (4) months after being assigned the duty to determine the franchisee's eligibility for renewal.
- (3) The board shall prepare amendments to determine the franchise ordinance that it believes necessary.
- (4) The board shall submit to the Mayor and City Council recommendations in regard to (a) renewal of the franchise, (b) changes to the franchise, and (c) amendments to the franchise ordinance.
- (5) If the Mayor and City Council finds the franchisee's performance satisfactory, a new franchise may be granted pursuant to the ordinance as amended.
- (6) In the event the current franchisee is determined by the city council to have performed unsatisfactorily, new applicants shall be sought and evaluated by the CATV Advisory Board and a franchise awards made by the Mayor and City Council according to the CATV franchising procedures adopted by the Mayor and City Council.

Sec. 4-407 Use of Existing Poles

The poles used for the franchisee's distribution system shall be those erected and maintained by the Camden Telephone Company and Okefenokee EMC/or Georgia Power Company, or any other public utility, when and where practicable, provided mutually satisfactory rental agreements can be entered into with said companies. Where the use of poles owned by the Camden Telephone Company and Okefenokee EMC/or Georgia Power Company, or any other public utility, is

Sec. 4-407 Use of Existing Poles (Continued)

not practicable or mutually satisfactory rental agreements cannot be entered into with said companies following a good-faith effort on the part of the franchisee to obtain such agreements, the franchisee to erect and maintain its own poles (no pole will exceed thirty (30) feet), as may be necessary for the proper construction and maintenance of the television distribution system. The location and physical characteristics of the poles must be approved by the City Public Works Director and the Mayor and City Council.

Sec. 4-408 Poles and Wires not to Interfere with City Use of Streets

1. The franchisee's transmission and distribution system poles, wires and appurtenances shall be located, erected, and maintained so as not to endanger or interfere with the lives of persons or the use of city streets, or to interfere with existing and/or new improvements this city may deem proper to make, or to unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, or other public property by the City of Woodbine and its citizens. The franchisee will at the request of the City of Woodbine move and relocate, if necessary any of the franchisee's installation, including removal of poles to avoid such interference at the franchisee's expense. The City of Woodbine is the sole judge as to what constitutes interference. Approval of all construction sites and routes must be secured from the City Public Works Director and the Mayor and City Council prior to re-erection of any transmission or distribution facilities. Any change in the location of these facilities shall also be subject to prior approval by the City Public Works Director and the Mayor, and City Council. Construction and maintenance of the transmission and/or distribution system, including house connections, shall be in accordance with the provisions of the National Electric Safety Code, as amended, prepared by the National Bureau of Standards, the National Electric Code of the National Board of Fire Underwriters, as amended, and such applicable ordinances and regulations of the City of Woodbine, affecting electrical installations, which may be presently in effect, or changed by future ordinances.
2. The franchisee shall, on the request of any private party holding on appropriate permit issued by the city, temporarily raise or lower its lines to permit the moving of any building or other structure, and the actual expense of the same shall be paid by the requesting party.
3. Installation and house drop hardware shall be uniform throughout the city, except that the franchisee shall be free to change its hardware and installation procedure as the state of the art progresses. This provision will not require franchisee to modify any installation already made unless other changes in the system made by franchisee cause inferior reception in the areas already installed.

Sec. 4-408 Poles and Wires not to Interfere with City Use of Streets (Continued)

4. In those areas where telephone and electric service lines are underground, or where the franchisee is unable to make arrangements for the use of existing utility poles, the franchisee shall place its cables and service lines underground unless approval to place the cable and service lines on poles is secured from the Mayor and City Council of the City of Woodbine. Franchisee is authorized to place all cables and service lines underground in areas where poles are located.

Sec. 4-409 Repair of Damage to City Property

1. In the maintenance and operation of its television transmission and distribution system in the streets, alleys, and other public places, and in the course of any new construction or addition to its facilities, the franchisee shall proceed so as to cause the least possible inconvenience to the general public; any opening or obstruction in the streets or other public places made by the franchisee in the course of its operations shall be made only after having obtained prior written permission to do so from the City Administrator or his representative, and the proper state and/or federal official if a state and/or federal highway is involved. All such work shall be guarded and protected at all times by the placement of adequate barriers, fences, of boarding's, the bounds of which, during periods of dusk and darkness, shall be clearly designated by appropriate warning lights.
2. All work in any way necessitated by the business of the franchisee which may involve the opening, breaking up or tearing up of a portion of a street, sidewalk or other part of any city-owned or city-controlled property, shall be done and repaired in a manner approved by the City Public Works Director, and may be done by the city at the expense of the franchisee, if mutually agreed upon by the City of Woodbine and the franchisee or by the city and charged to the franchisee if the franchisee refuses to repair the streets, sidewalks or city property promptly and/or fails to repair such in a satisfactory manner.
3. Nothing in this franchise ordinance shall grant to the franchisee any right of property in city owned property, nor shall the city be compelled to maintain any of its property any longer than, or in any fashion other than in the city's judgment its own business or needs may require.

Sec. 4-410 CATV not to Interfere with Existing Reception

Installations shall be maintained so as not to interfere with TV reception already in existence.

Sec. 4-411 Description of System

1. The system authorized by the ordinance shall be capable of providing at least twenty (20) channels and four (4) designated access channels, and shall be constructed and maintained in accordance with the latest technical standards of the Federal Communications Commission. Provided, further, if the system has the capacity, additional channels must be provided when existing access channels are in use eighty percent (80%) of the time during any consecutive three hour period of six (6) consecutive weeks.
2. The franchisee shall have and maintain a sufficient supply of materials at its location office to assure proper maintenance and repair within a reasonable period of time.
3. The franchisee will maintain an office in Woodbine which will be adequately staffed and be open five (5) days a week (except holidays); unless the city later determines that more days of operation are necessary. Franchisee shall have a twenty-four (24) hour telephone answering service in Woodbine. Franchisee shall designate one person in the Woodbine office who has authority to act for the franchisee in all matters that arise during the operation of the franchise.

Sec. 4-412 Technical Standards

Installation and maintenance of equipment shall be such that standard color signals shall be transmitted to any subscriber receiver. During the terms of this franchise, the franchisee shall furnish to all person desiring the service offered (subject only to the specifications of this ordinance) and paying for the same, a wire service capable of producing as good a quality of television picture or reception as may be practicable from time to time, and essentially, of the same quality as received at the antenna site. The franchisee shall make all reasonable and practicable betterment of said services as improvements in the carrying of television signals and in the elimination of objectionable radio interferences as the state of the art shall warrant.

Sec. 4-413 Subscriber Rates

1. Rates and Charges The rates and charges made to subscribers hereunder shall be fair and reasonable and no higher than necessary to meet all costs of service (assuming efficient and economical management), including a fair return on the original cost, less depreciation, of the properties devoted to the rendering of such service (without regard to any subsequent sale or transfer price or cost of such properties). This standard shall control the city council's decisions dealing with increases and reductions in rates.
2. Fee Increases The franchisee may, no often than once every twelve (12)

Sec. 4-413 Subscriber Rates (Continued)

months, petition the city for an increase in fees, setting forth the proposed fee increase and the reasons therefore. The city shall, upon receipt of such petition, hold a full public hearing before the council on said petition, said hearing to be held not more than ninety (90) days after the petition is filed. At such hearing, all interested parties may present evidence in support of or in opposition to the proposed fee increase. The franchisee shall have the burden of proving the need for any increase in fees. The city shall then have ninety (90) days to either approve or disapprove said petition in whole or in part, and shall give their reasons therefore. The franchisee will furnish all records considered necessary by the city to reach a decision in this matter.

3. Rate Filing The franchisee will file a set of rates annually (every twelve months the franchise is in effect) for approval and/or disapproval by the City Council.
4. Rate Limitation The rates and charges shall be not more than that set forth in the franchise agreement.
5. Interruption of Service
 - a. In the event that its service to any subscriber is interrupted for twenty-four (24) consecutive hours, except for acts of God, accidents, vandalism or sabotage caused by person or persons not affiliated with the franchise, and except in circumstances for which the prior approval of the interruption is obtained from the City Council, grantee (franchisee) shall provide a ten percent (10%) rebate of the monthly fees to affected subscriber.
 - b. In the event that its service to any subscriber is interrupted for forty-eight (48) consecutive hours, except for acts of God, accidents, vandalism, or sabotage caused by person(s) not affiliated with the franchise, and except in circumstances for which the prior approval of the interruption is obtained from the City Council, grantee shall provide a twenty percent (20%) rebate of the monthly fees to affected subscriber.
 - c. In the event that its service to any subscriber is interrupted for seventy-two (72) consecutive hours, except for acts of God, accidents, vandalism or sabotage cause by person or persons not affiliated with the franchise, and except in circumstances for which the prior approval of the interruption is obtained from the City Council, grantee shall provide a fifty percent (50%) rebate of the monthly fees to affected subscriber.
6. Late Charge Franchisee may in addition to the rates set out in the franchise agreement add a late charge of five percent (5%) per month on any fee that is

Sec. 4-413 Subscriber Rates (Continued)

not paid within fifteen (15) days of receipt of bill.

7. Payment in Advance A franchise may require subscribers to pay for each month of basic service in advance at the beginning of each month. No other advance payment or deposit of any kind shall be required by franchisee for basic subscriber service. No deposit or advance payment of any kind shall be charged for the provision of any converter without prior approval of the city. Nothing in this provisions shall be construed to prohibit charges or waiver of charges for initial installation or reconnection. If deposits are authorized, the deposit(s) plus seven percent (7%) will be returned to the user at the end of the rental period, less any damage to the rented property other than fair wear and tear or any act of God.
8. Disconnection and Installment There shall be no charge for disconnection of any installation or outlet. If any subscriber fails to pay a properly due monthly subscriber fee, or any other properly due fee or charge, the franchisee may disconnect the subscriber's service outlet, provided, however, that such disconnection shall not be effected until thirty (30) days after the due date of said delinquent fee or charge and shall include ten (10) days written notice of the intent to disconnect delivered to the subscriber in question. If a subscriber pays thirty (30) days after payment is due and after notice of disconnection has been given, a franchisee shall not disconnect. After disconnection, upon payment in full of the delinquent fee or charge, the payment of reconnection charge, a franchisee shall promptly reinstate a subscriber's cable service.

Sec. 4-414 Commencement of Construction

The franchisee agrees upon acceptance of this franchise to complete the cable TV system within the corporate limits of the City of Woodbine, Georgia, as they exist on January 1, 1981, in accordance with the construction schedule filed with and accepted by the City Council. The construction schedule is made a part of this ordinance by this reference thereto. The franchisee agrees to extend service to any annexed area which does not contain at least fifty (50) potential subscribers per mile of equipment necessary to serve the area unless state or federal law requires such. If service is not provided to an area due to population scarcity, and it later achieved the necessary population density, then the franchisee shall extend service to that area within one (1) year of the determination of the required density. In the event of the failure of the franchisee to commence construction of the system within one hundred fifty (150) days after the acceptance of this ordinance, or in the event of the failure of the franchisee to render significant community cable television service (in this case, "significant community cable television service" shall mean twenty percent (20%) of the franchise geographic area is receiving cable television service on a regular basis) to the City of Woodbine and the inhabitants thereof, as contemplated and provided for by this

Sec. 4-414 Commencement of Construction (Continued)

ordinance, within a period of six months from the effective date of acceptance of this franchise, the city council may on ninety (90) days' notice to the franchisee, declare this ordinance and the right and franchise granted thereunder forfeited, or require the company to reduce monthly subscriber fees to an amount deemed appropriate by the city, and/or require the franchisee to forfeit the performance bond required by Section 4-420 of this franchise agreement ordinance. Failure to comply with these terms by reason or circumstances beyond the reasonable control of the franchisee and which circumstances could not be anticipated at the time of the acceptance of its terms by the franchisee and which circumstances could not be anticipated at the time of the acceptance of its terms by the franchisee shall not be sufficient grounds for the city to declare forfeiture.

Sec. 4-415 Construction Schedule

The franchisee shall submit a construction schedule upon the filing of its application which shall reflect the franchisee's plans for the construction of the cable television system. The schedule shall include all times required for obtaining the governmental licenses and permits. If construction is delayed through the fault of parties other than the franchisee, including but not limited to the failure of any governmental agency to issue any permit or license within the time projected on the construction schedule, then the remainder of the schedule may be modified, with the city's consent, to reflect this delay

Sec. 4-416 Sale of Transfer of Franchise

In the event the franchisee fails to renew its option at the termination of the franchise period, or in the event that the franchise is forfeited due to the failure of the franchisee to fully comply with all terms and conditions of this agreement, or upon transfer or assignment of the franchise, the distribution system of the franchise, the distribution system of the franchisee shall be placed up for sale at fair market value and the City of Woodbine shall have the first option of refusal on the purchase of the system. The fair market value shall be determined by the city in accordance with generally accepted appraisal and accounting principles. Under no circumstances shall any valuation be made for good will or any right or privilege granted by this franchise. Should a dispute arise, such shall be settled by arbitration under Georgia law. (See Section 4-442).

Sec. 4-417 Insurance

The franchisee shall indemnify, protect and save harmless the city at all times during the franchise period and any renewal thereof as a result of the grant of this franchise and from and against losses and physical damages to property, and bodily injury or death to persons, including payments made under any workmen's compensation law, which may arise out of or be caused by the erection,

Sec. 4-417 Insurance (Continued)

maintenance, presence, use or removal of said attachments on poles within the city, or by any act of the franchisee, its agents or employees arising out of the operations of the franchisee. The franchisee shall carry insurance with a company authorized to do business in Georgia to protect the parties hereto from and against all claims, demands, actions, judgments, costs, expenses, and liabilities which may arise or result, directly or indirectly from or by reason of such loss, injury or damage. The amounts of such general liability insurance against liability due to physical damage to property shall not be less than fifty thousand dollars (\$50,000.00) per occurrence for property damage and one hundred thousand (\$100,000.00) per aggregate for property damage, and not less than three hundred thousand dollars (\$300,000.00) per person for personal injury to or the death of one person and not less than five hundred thousand dollars (\$500,000.00) per occurrence. The company shall also carry such insurance on its vehicles in an amount not less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) per occurrence. Workmen's Compensation shall be maintained as required by the laws of the State of Georgia. All insurance required by this agreement shall be and remain in full force and effect for the entire life of this agreement. Said policy or policies of insurance or a certified copy or copies thereof shall be approved by the City Attorney and then deposited with and kept of file by the City Clerk. Each policy of insurance shall state therein that the City of Woodbine will be indemnified and saved harmless from and against all losses, damages, actions, court costs, and attorney's fees arising out of action by the franchisee, its officials, employees, agents and contractors in constructing, repairing or maintenance of the TV cable system, and in the operation of the franchise (inside or outside city limits). A certificate showing that such coverage has been obtained and is currently in force and effect shall be filed with the City Clerk prior to the commencement of construction by the franchisee and within thirty (30) days of the anniversary date of the policy in each and every year as long as this franchise and any extension thereof is in force. The certificate will state that the insurance carrier will give the City of Woodbine sixty (60) days advance notice of termination of any policy furnished hereunder. Further, franchisee will save harmless and defend the city against copy right and patent infringement matters which arise out of the construction, repair, maintenance, and operation of this franchise.

Sec. 4-418 Use of Poles by City

The company hereby grants to the city, free of any expense, joint use of any and all poles owned by the franchisee for any legal municipal purpose insofar as it may be done without interfering with the free use and enjoyment of the franchisee's own wires and fixtures, and the city shall hold the franchisee harmless from any and all actions, causes of action, or damage directly or indirectly caused by the placing of the city's wires or appurtenances upon the poles of the franchisee. Proper regard shall be given to all existing safety rules

Sec. 4-418 Use of Poles by City (Continued)

governing construction and maintenance in effect at the time of construction.

1. Complaints As a condition precedent for the granting of the franchise, both the city and the franchisee shall have adopted a written procedure for resolving complaints involving cable television operations. A copy of said procedure shall be filed with the City Administrator. The franchisee shall maintain a business office or agent, within the franchise area for the purpose of investigating and resolving all complaints regarding the quality of service, equipment malfunction and similar matters concerning the operation of the cable television system. A record will be made of all complaints received showing the name of the complaining party, the complaint, and the action taken to rectify the complaint. The resolutions of these complaints shall be fair and equitable and shall be subject to review by the City of Woodbine. The office of the City Administrator shall have responsibility for administration of this section, and all complaints which cannot be resolved between the user and the franchisee shall be directed to that office for decision. In the event the City Administrator determines that the complaints are in such magnitude that such is causing an undue cost to the city, the City Administrator shall inform the franchisee, and the franchisee will be charged a reasonable rate for each complaint handled. These complaint procedures shall be made known in writing to all subscribers upon subscription to the system. The City Administrator and/or his representative shall have the right to inspect the records and other facilities of the franchisee in order to determine all facts involved in complaints which are brought to his attention. All records shall be kept for five (5) years.
2. Disputes Should any dispute arise under the provisions of this ordinance the matter shall be referred by the franchisee in writing to the City Administrator. The City Administrator will make a decision on the disputes within thirty (30) days from the receipt thereof. The decision of the City Administrator is final unless such decision is appealed to the city council of the City of Woodbine within fifteen (15) days from the date of receipt thereof. The City Council will hold a hearing on the appeal within thirty (30) days after receipt thereof. The franchisee may appear before the City Council and present evidence on its behalf. Each party may cross-examine all witnesses testifying at the hearing. The City Council will make a decision on the appeal within thirty (30) days of the hearing. The decision of the City Council is final unless such is appealed to the Superior Court of Camden County. Franchisee will continue operation during the appeals and court hearing(s).

Sec. 4-420 Application Fee and Bond

An application fee of one hundred dollars (\$100.00), non-refundable, shall be provided by franchisee before consideration of a proposal.

Sec. 4-420 Application Fee and Bond (Continued)

At the time this franchise becomes effective, the franchisee shall furnish a bond to the city in the amount of one hundred thousand dollars (\$100,000.00), in such form with such sureties as shall be acceptable to the city, guaranteeing the faithful performance of all obligations of the franchisee under the terms of this franchise (except such sums as are covered by the insurance provided in Section 11), and further franchisee will furnish a payment bond to the City of Woodbine in the amount of ten thousand dollars (\$10,000.00) guaranteeing the payment of all sums which may become due from the franchisee to the City of Woodbine during the first full year of operation. At the discretion of the council, such payment bond will not be required after the first full year of operation. City Council may reinstate requirement for a payment bond at any time they deem it to be necessary. All bonds must be furnished before the franchising contract is signed, and must be approved by the City Attorney.

Sec. 4-421 Free Service to Public Buildings

In consideration of the granting of franchise to the franchisee as aforesaid, the franchisee will furnish without installation charge or monthly service fee, a single outlet to all public, private and parochial elementary, high schools and secondary schools as well as public buildings and facilities of the city. Major trunk and distribution cables will be routed near these installations, where possible, or where the cable system is in the area, feeder lines will be extended where required to a service point outside the school or public buildings. All attachments and outlets to schools and municipal buildings and facilities shall be at the expense of the franchisee but distribution of the system within these buildings shall be at the expense of the schools or responsible public agencies. It is further understood that service to schools and public building and facilities will be supplied in a logical extension of the system into each area rather than construction specifically serving a school, public building, or similar facility because of the cost and extended time required to build a complete system.

Sec. 4-422 Franchise Fee

In further consideration of the granting of this franchise to the franchisee, the franchisee shall pay to the city annually, no later than the twentieth (20th) day of February and amount equal to three percent (3%) of gross of all cable subscriber Revenues, including, but not limited to, subscriber revenues, advertising, pay cable, and leased channel revenues of the franchisee derived from cable television operations within the city limits of Woodbine during the previous twelve (12) months. Provided further, if the percentage rate is increased by the Federal Communications Commission or its successor, then the fee authorized hereunder may be amended by the City Council to the highest fee authorized by the Federal Communications Commission or its successor to regulatory matters, effective as of the date such higher fee is approved by such regulatory agency. In the event the

Sec. 4-422 Franchise Fee (Continued)

City Council shall have the right to inspect the records of the franchisee at any reasonable time for the purpose of ascertaining accurately what the actual gross receipts of the franchisee may have been for cable television service for past month, months, year and/or for the present year. The City Administrator will approve forms on which this report will be made. Such forms are hereby made part of this ordinance. Franchisee will be subject to the same deficiency determination, interest and penalties set forth in the excise tax on alcoholic beverages (Section 4-103) for failure to file the required form and pay the fee, or for not paying or for underpayment of the fee due.

Sec. 4-423 Annual Report

All installations by the franchisee shall be made in good, substantial, and safe condition and shall be maintained in such condition at all times. The franchisee shall, during each year of this agreement, have prepared by an engineer or an engineering firm qualified in cable communications and approved by the City of Woodbine an annual performance report which shall be sufficient to ascertain the franchisee's compliance with FCC technical standards and the quality of the franchisee's overall performance. Such report shall summarize all subscribers complaints and their resolutions, and said report shall be submitted to the City Council on or before June 1st of each year. In the event that such report indicates that the franchisee is not providing a quality service consistent with FCC rules or that subscriber complaints are so numerous or unresolved as to indicate a poor quality service, the City Council may, upon ninety (90) days written notice to the franchisee, declare this ordinance and the rights and franchise granted thereunder forfeited.

Sec. 4-424 Annual Audit

The franchisee shall, during each year of this agreement, have prepared, by a certified public accountant, an annual financial audit which shall be sufficient to ascertain the financial condition of the franchisee. Such audit report shall be submitted to the City Council within ninety (90) days after the end of the franchisee's fiscal year.

Sec. 4-425 Compliance with State, Federal, and Local Regulations

The franchisee shall, at all times, be in full compliance with all FCC regulations, as amended, pertaining to cable television systems. The franchisee shall furthermore, at all times, be in full compliance with all existing federal, state, and local laws, ordinances and statutes as are applicable to the operation of a cable television system. No part of this ordinance shall be construed as a waiver of any local, state, or federal law, or as a limit of liability.

Sec. 4-426 Certificate of Compliance

The franchisee shall file with the Federal Communications Commission an application for a Certificate of Compliance and/or any and all reports required by said agency and its successors.

Sec. 4-427 Compliance with FCC Regulations

1. To the extent required by the present Rules of the Federal Communications Commission or any other rules or regulations or amendments thereto and until such time as that rule is changed or specific relief therefrom is granted by the FCC, the franchisee shall provide services, system performance, channel capacity, one or two-way communications, operational policies, etc., in strict conformance of said rules.
2. In any case, where the proposal shall provide for, or promise services, system performance, etc., which exceed the minimum requirements of the Federal Communications Commission, the proposal, of the applicant shall be binding and shall be made a part hereof. Under no circumstances, however, shall the proposal of the franchisee contain provision for services, performance, operation, etc., which are prohibited by the Rules of the Federal Communications Commission.
3. Section 76.31 of the Rules of the Federal Communications Commission, and any amendments thereto, set out certain requirements and provisions that must be contained in this agreement in order for the franchisee to obtain a Certificate of Compliance from the FCC. It is the knowledge and belief of the city and the franchisee that all the present requirements of those rules are contained herein. Any changes in said rules that may be authorized and ordered by the FCC from time to time shall be incorporated into this agreement within the time period stipulated by the FCC.

Sec. 4-428 Enforcement

Failure to enforce or insist upon compliance with any of the terms of this franchise shall not operate as or constitute a general waiver or relinquishment of any of such terms or conditions but the same shall be and remain at all times in full force and effect.

Sec. 4-429 Subsequent Regulation

The right is hereby reserved in the city, by ordinance, to adopt in addition to the provisions herein contained and in addition to other existing applicable ordinances, such regulations as it shall find necessary in the exercise of its police power. In the event the Federal Communications Commission elects not to regulate cable television or partially or totally abandons regulation of cable

Sec. 4-429 Subsequent Regulation (Continued)

television, all of the rules and regulations set forth by the Federal Communications Commission at the time this ordinance was first read shall remain in effect until changed by another regulatory agency, state or federal, and/or changed by action of the Mayor and City Council of the City of Woodbine.

Sec. 4-430 Standby Power

The cable system operator shall maintain equipment capable of providing standby powering for head end transportation and trunk amplifiers for a minimum of two hours. All utility safety regulations must be followed to prevent a standby generator from powering the “dead” utility line, with possible injury to an unwitting lineman.

Sec. 4-431 Privacy

1. Use of Data from Subscriber A franchisee shall not initiate or use any form, procedure, or device for procuring information or data from cable subscribers' premises by use of the cable system without prior valid written authorization from each subscriber so affected. Valid authorization shall mean written approval from the subscriber for a period of time not to exceed one (1) year, and said authorization shall not have been obtained from the subscriber as a condition of service. Further, it shall be unlawful for a grantee, without such authorization, to activate and/or utilize any “Class IV Cable Television Channel” in any manner from the subscriber's premises. In any case, the subscriber shall have the right and opportunity to deactivate the return path from his or her premises.
2. Identifying Subscribers The city of a franchisee shall not, without prior valid written authorization from each subscriber so affected, provide any data identifying subscriber's names or address to any other party.
3. Procurement of Information It shall be unlawful for any firm, person, group, company, corporation, governmental body, or agency to procure information or data from cable subscribers' premises by use of the cable system without prior written authorization from each subscriber so affected, valid authorization shall mean written approval from subscriber for a period of time not to exceed one (1) year and shall not have been obtained as a condition of the grantee providing cable service to the subscriber.
4. Specific Authorization No authorization for procurement or dissemination of subscriber identifiable information or data shall be valid unless it (1) specifies the type(s) of information or data covered, and (2) the parties authorized to collect, receive, store, record, transmit, or otherwise convey this information

Sec. 4-431 Privacy (Continued)

or data. Further all authorizations shall specify the maximum period of time that any subscriber identifiable information or data shall be preserved in any manner or form.

Sec. 4-432 Tower Construction Standards

Any tower constructed for use in the city's cable television system shall comply with the standards contained in Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, EIA Standards RS-222-A as published by the Engineering Department of the Electronic Industries Association, 2001 Eye Street, N.W., Washington, D.C. 20006.

Any antenna structure used in the city's cable television system shall comply with Construction Marking, and Lighting of Antenna Structure, 47 C.F.R. 17.1 et seq., September 1967.

Sec. 4-433 Compliance with OSHA Regulations

All working facilities and conditions used during construction, installation, and maintenance of the city's cable television system shall comply with the standards of the Occupational Safety and Health Administration.

Sec. 4-434 Establishment of a Regulatory Entity

1. Continuing Regulatory Jurisdiction The city shall have continuing regulatory jurisdiction and supervision over the operation of any franchise granted hereunder and may from time to time adopt such reasonable rules and regulations as they may deem necessary for the conduct of the business contemplated thereunder.
2. Authority to Establish CATV Advisory Board The continuing regulatory jurisdiction of the city shall be exercised by the Mayor and City Council of Woodbine. The Mayor, with the approval of the City Council, shall have the authority to establish and appoint a CATV Advisory Board consisting of five (5) members who shall serve for three (3) year terms with such terms to be staggered. Such board's duration shall be at the pleasure of the Mayor and council and should such board be established, it shall advise the Mayor and City Council of its regulatory jurisdiction and may have the following responsibilities and duties at the direction of the City Council.
3. CATV Advisory Board's Duties
 - a. Resolving disputes or disagreements between subscribers and the

Sec. 4-434 Establishment of a Regulatory Entity

grantee after an investigation, should the subscriber and the grantee not first be able to resolve their view or disagreements. Said decision or findings may be appealed to the mayor and city council.

- b. Reviewing and auditing all reports and findings submitted to the city as required hereunder and such other correspondence as may be submitted to the city concerning the operation of the cable television network, and reviewing the rules and regulations set by the franchisee company.
- c. Assuring that all tariffs, rates, and rules pertinent to the operation of the CATV system in the City of Woodbine are made available for inspection by the public at reasonable hours and upon reasonable requests.
- d. Reviewing rates and recommending any rate changes to the Mayor and City Council.

Sec. 4-435 Protection Against Radiation Leakage

Stray radiation (RF Leakage) shall be checked at reception locations for emergency radio services to prove no interference signal combinations are possible. Stray radiation shall be measured adjacent to any proposed aeronautical navigation radio sites to prove no interference to airborne navigational reception in the normal flight patterns.

Sec. 4-436 Re-evaluation

1. The city and the franchisee shall hold scheduled re-evaluation sessions within sixty (60) days of the fifth anniversary date of the franchisee's obtaining certification for the system from a Federal Communications Commission. All such re-evaluation sessions shall be open to the public and announced in a newspaper of general circulation at least five (5) days before each session.
2. Special Re-evaluation Sessions Special re-evaluation sessions may be held at any time during the term of the franchise. All such re-evaluation sessions shall be open to the public and announced in a newspaper of general circulation at least five (5) days before each session.
3. Topics to be Re-evaluated
 1. The city and the franchisee shall hold scheduled re-evaluation

Sec. 4-436 Re-evaluation (Continued)

sessions within sixty (60) days of the fifth anniversary date of the franchisee's obtaining certification for the system from a Federal Communications Commission. All such re-evaluation sessions shall be open to the public and announced in a newspaper of general circulation at least five (5) days before each session.

2. Special Re-evaluation Sessions Special re-evaluation sessions may be held at any time during the term of the franchise. All such re-evaluation sessions shall be open to the public and announced in a newspaper of general circulation at least five (5) days before each session.
3. Topics to be Re-evaluated The following topics will be discussed at every scheduled re-evaluation session: service rate structures; free or discounted services; application of new technology; system performances; services provided; programming offered; customer complaint; amendments to this ordinance; undergrounding progress; and judicial and FCC rulings.
4. Additional Topics Topics in addition to those listed may be added if agreed upon by the parties. Members of the general public may add topics either by working through the negotiating parties or by presenting a petition. If such a petition bears the valid signatures of fifty (50) or more residents of the city, the proposed topic or topics shall be added to the list of topics to be discussed at the re-evaluation session.
5. Re-evaluation The re-evaluation may be referred to the CATY Advisory Board for its recommendation prior to the hearing for a report in thirty (30) days if the Mayor and City Council consider in the interest of the City of Woodbine.

Sec. 4-437 Forfeiture of Franchise

1. In addition to all other rights and powers pertaining to the city by virtue of this franchise or otherwise, the city reserves the right to terminate and cancel this franchise and all the rights and privileges of the grantee hereunder, in the event that the grantee:
 - a. Violates any provision of this ordinance, as it may be amended from time to time or any rule, order, or determination of the city or city council made pursuant to this franchise, except where such violation is made without fault, or through excusable neglect.

Sec. 4-437 Forfeiture of Franchise (Continued)

- b. Becomes insolvent, unable or unwilling to pay its debt, or is adjudged a bankrupt.
 - c. Attempts to evade any of the provisions of this ordinance or the franchise, or practices any fraud or deceit upon the city.
 - d. Fails to secure a Certificate of Compliance from the Federal Communications Commission or any other necessary license or permit within four (4) months of the acceptance of this franchise.
 - e. Fails to exhibit substantial program toward the completion of the construction of the system for a period three (3) consecutive calendar months.
 - f. Fails to complete instruction schedule approved by the city under this franchise within the time set forth in the construction schedule approved by the city.
 - g. Franchisee leases, subleases, sells or transfers the franchise within written consent of the Mayor and City Council. A sale of more than ten percent (10%) of the stock of the corporation to any entity or entities and/or person or persons, and/or more than ten percent (10%) of the working control of the franchisee is considered a transfer under this section of the ordinance.
2. Such termination and cancellation shall be by action of the Mayor and City Council, adopted after thirty (30) days' notice to the grantee and shall in no way affect the city's rights under the franchise agreement or any provision of law. In the event that such termination and such cancellation depend upon a finding of fact as made by the City Council and/or its representatives, such findings of fact shall be conclusive on all parties. Provided, however, that before this franchise may be terminated and cancelled under this section, the grantee must be provided with an opportunity to be heard before the City Council.
 3. In the event that the city terminates and cancels the franchise with any grantee hereunder, then in that event, the performance bond of grantee is forfeited to the city, irrevocable and without recourse.

Sec. 4-438 Damaging, Interfering with Property of Franchise

It shall be unlawful for any person intentionally and without authority to injure or destroy cables, pipes, conduit, wire, line, posts, lamps or other apparatus belonging to the franchisee or intentionally and without authority

Sec. 4-438 Damaging, Interfering with Property of Franchise (Continued)

to secure television cable service or in any manner to interfere with the operations of the franchisee in providing television cable service to other subscribers on the television cable system owned by the franchisee. Where there is no evidence to the contrary, the person performing any of the illegal acts set forth herein and/or the person, who without knowledge of such violation receives the benefit of such improper action shall be presumed to be responsible for such acts of tampering or diversion. Any person violating, concealing a violation, or harboring, assisting or protecting a person charged with or convicted of a violation of this section shall be fined not to exceed two hundred fifty dollars (\$250.00) by sentence of imprisonment not to exceed ninety (90) days, either or both such fine and imprisonment or work on the streets or public works of the city for each violation, in the discretion of the Recorder Court Judge.

Sec. 4-439 Further Agreement and Waiver by Franchisee

The franchisee agrees to abide by all provisions of this ordinance and the franchise agreement, and further agrees that it will not at any future time set up as against the city or city council the claim the provisions of this ordinance and/or franchise are unreasonable, arbitrary, or void.

Sec. 4-440 Severability Clause

Should nay sentence, clause, or provision of this ordinance be declare invalid, illegal, or unconstitutional by a court of record, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared invalid, illegal, or unconstitutional.

Sec. 4-441 Effective Date

This ordinance shall take effect and be in force from and after its passage by the City Council. The above ordinance was read and approved by the Mayor and City Council of the City of Woodbine, this 6th day of April 1981.

Sec. 4-442 Security Agreement

The provisions of Section 4-416 shall not apply to the act by the grantee of any franchise under this ordinance of granting a security interest in, or assigning the franchise as collateral security to any lender providing financing to such grantee, provided such financing shall have been approved by the Mayor and City Council of the City of Woodbine, which approval shall not be unreasonably withheld. Neither the granting of such security interest or assignment to such lender, nor the sale or re-sale of such franchise and the distribution system or either of them by such lender in its liquidation of its collateral, shall entitle the City of Woodbine to have any first option of refusal to purchase for not less than

Sec. 4-442 Security Agreement (Continued)

the balance, less unaccrued interest, owing at the time of such subsequent purchase by the city.

Sec. 4-443 Lender and Successors in Interest

Subject to the provisions of 4-442 hereof, the grantee of any franchise granted under the provisions of this ordinance shall be authorized, in his discretion, to grant a security interest in, or assigns as collateral security, the franchise to any lender providing financing to such grantee. No action shall be taken pursuant to Section 4-437 which shall in any way impair the rights of such lender, or its successor in interest, unless and until the City of Woodbine shall have given written notice of any defaults or violation to such lender or its successor in interest, and allowed a reasonable time, not less than thirty (30) days, for correction of such default violation unless and until such lender, or its successor in interest, shall have had an opportunity for a hearing before the City Council.

Article V

Gas Works and Gas Distribution System Ordinance

AN ORDINANCE GRANTING TO ATLANA GAS LIGHT COMPANY, A GEORGIA CORPORATION, HEREINAFTER DESIGNATED AS "GRANTEE", ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO USE AND OCCUPY THE STREETS, AVENUES, ROADS, PUBLIC HIGHWAYS, ALLEYS, LANES, WAYS, PARKS AND OTHER PUBLIC PLACES OF THE CITY OF WOODBINE, GEORGIA, FOR CONSTRUCTING, MAINTAINING, RENEWING, REPAIRING, AND OPERATING A GAS WORKS AND GAS DISTRIBUTION SYSTEM AND OTHER NECESSARY MEANS FOR MANUFACTURED, NATURAL OR COMMINGLED GAS WITHIN AND THROUGH THE CITY OF WOODBINE, GEORGIA; AND FIXING THE TERMS AND CONDITIONS OF SUCH GRANT.

Whereas, the City of Woodbine, Georgia, hereinafter referred to as City, and the undersigned warrant and represent that, there is no franchise granted by the City and in force and effect, to any other person, firm or corporation and that the City is under no contract obligation to any other person, firm or corporation in anywise relating to the installation of gas service in the City of Woodbine, Georgia; now, therefore:

BE IT ORDAINED by the Mayor and Council of the City of Woodbine, Georgia, as follows:

Sec. 4-501 Definitions

1. Base Year The fiscal year ending September 30, 1998.
2. Base Year Franchise Fee Factor The total franchise fees paid during the Base Year divided by the Design Day Capacity as recorded by the Grantee on the last day of the Base Year.
3. Design Day Capacity The sum of the individual capacity in dekatherms (Dt) attributable to all firm customers located within the City Limits of the City, as of the last day of the previous fiscal year.
4. Firm Customers All residential and business customers who purchase gas service that ordinarily are not subject to interruption or curtailment.
5. Fiscal Year The 12 months ending September 30 of each year.
6. Inflation Index The percentage change in the Consumer Price Index for all Urban Consumers as published by the Bureau of Labor Statistics, or any successor index, for the period from September 30, 1997 to the beginning of the then current fiscal year. The percentage shall be reduced by any productivity factor adjustment for the same time period determined by the Georgia Public Service Commission for the Grantee.

Sec. 4-502 Franchise Granted and Limitations

The right is hereby granted to the Grantee, its successors and assigns, to lie, construct, extend maintain, renew, replace and repair gas pipes, valves, manholes, service boxes, posts, lamps, structures, appliances, and all appurtenances and appendages under, along, through and across any streets avenues, roads, public highways, alleys, lanes, ways, parks, and other public places in the City, and to use and occupy the said streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public p[laces for the purpose of therein lying, constructing extending, maintain, renewing replacing and repairing minds, pipes, valves, manholes, service boxes, posts, lamps, structures, appliances, and all appurtenances and appendages thereto, used and useful for the manufacture, transmission, distribution and sale of gas within and through the present or future territorial limits of the City, such right, when exercised as herein provided, to continuer for forty (40) years after date of approval of this ordinance.

Sec. 4-503 Commencement of Construction

The City reserves the right, upon ninety (90) days written notice to Grantee, to cancel this franchise if Grantee shall not commence construction of its distribution system for the City within three (3) years from the state of this ordinance.

Sec. 4-504 Subscriber Rates

Grantee shall be entitled to charge for gas fun rinsed by it at such rates as are prescribed by the Public Service Commission or other lawful regulatory body of the State of Georgia.

Sec. 4-505 Franchise Fee

The total dollar amount of franchise fees paid by the Grantee by the City shall be calculated as follows:

The current fiscal year total franchise fee shall equal the product to the Design Day Capacity and the current franchise fee factor. The current franchising fee Factory shall be equal to the product of the Base Year Franchise Fee Factor and one plus the Inflation Index expressed as a decimal to their significant digits.

The following formula quantified this payment:

$$FFc = FFFbyx (CPI-PFA) \times DDCC$$

Sec. 4-505 Franchise Fee (Continued)

Where FF_c = the total franchise fees due the city for the current fiscal year.

FFF_{by} = total franchise fees due the city for the current fiscal year.

$CPI-PFA$ = the Inflation Index based on the cumulative change in the Consumer Price Index less the productivity factor adjustment determined by the Georgia Public Service Commission.

DDC_c - The Design Day Capacity as of the last day of the previous fiscal year.

$FFF_{by} = FF_{by} / DDC_{by}$ where

FF_{by} = the total franchise fees paid in the Base Year

And DDC_{by} = the Design Day Capacity of the Base Year

Section 4-506 Responsibility for Payment of Franchise Fee

1. The Grantee as the holder of the franchise privilege hereunder is responsible for the payment of all franchise fees payable hereunder, and shall file such reports and returns as required by the franchiser ordinance as modified by this amendment. In addition, the Grantee is transporting natural gas on the distribution system within the City.
2. The franchise fee payments required hereunder shall be in lieu of any franchise fee license fee, occupational tax, or other payment for use of the rights of way by the Granter for the provision of gas service, but shall not prohibit imposition of a license fee or any occupation tax on gas marketers.
3. Quietly Payments. Effective for fiscal year 1999, and for each fiscal thereafter during the term of the franchises ordinance, the Grantee shall remit to the City quarterly franchise fee installments. The installments shall equal to one-fourth (1/4) of the total annual franchise fee calculated in accordance with this ordinance.

Sec. 4-507 Annual Return

The Company shall file a return with its first quarterly installment in each fiscal year showing the details of the calculation for the annual franchise fee.

Sec. 4-508 Delay of Inflation Adjustment

Notwithstanding any other provision in this ordinance, any inflation adjustments shall be made to the franchise fee only when the company changes its rates.

Sec. 4-509 Franchise Rights Subject to Police Powers

All rights herein granted and authorizes shall be subject to and governed only by this ordinance; provided, however, that the City expressly reserves unto itself all of its police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights hereby granted not inconsistent with the provisions of this ordinance.

Sec. 4-510 Damaging, Interfering with City Property

Grantee upon making an opening upon any of the streets, avenues, roads, public highways, alleys, lanes, ways, parks and other public places in the City, for the purpose of laying, repairing or maintaining gas mains, shall use due care and caution to prevent injury to persons, and shall replace and restore all public ways to their former condition as nearly as practicable, and within a reasonable time, and shall not unnecessarily obstruct or impede traffic upon the streets, avenues, roads, public highways, alleys, lanes, ways, parks, and other public places of said City.

Sec. 4-511 Hold Harmless Clause

Grantee shall save and keep harmless the said City from any and all liability by reason of damage or injury to any person or persons whomsoever, on account of negligence of the Grantee in the installation, maintenance, and repair of its mains and pipelines along said streets, avenues, roads, public highways, alleys, lanes, ways, parks, and other public places in the City provided the grantee shall have been notified in writing of any claim against the City on account thereof and shall have been given ample opportunity to defend the same.

Sec. 4-512 Franchise Renewal

Unless 120 days written notice is given by one party to the other prior to the expiration date of this agreement, this franchise shall be considered as renewed and binding in all its provisions for ten (10) years after such expiration and this franchise shall so continue in operation and effect for further terms of ten (10) years each until such notice be given by either party prior to the expiration of one such renewed term.

Sec. 4-513 Conflicts

In the event of a conflict between this ordinance and the original franchise dated March 3, 1986, this ordinance shall control. All terms, conditions, and stipulations contained in such franchise ordinance shall remain in full force and effect to the extent that they do not conflict with this ordinance.

Sec. 4-514 Existing Ordinances

All ordinances and parts of ordinances in conflict with this ordinance are repealed.

Sec. 4-515 Effective Date

This ordinance shall become effective on the first day of the month following its approval by the Mayor and Council and its acceptance by Atlanta Gas Light Company.

Date of Ordinance: 4/4/88

Term of Ordinance: 25 Years

Franchise Fee: Review Every 5 Years

Renewal Terms: Expires April 4, 2033

Article VI

Operation, Distribution and/or Sale of Electric Energy Okefenokee Rural Electric Membership Corporation

AN ORDINANCE GRANTING A FRANCHISE TO THE OKEFENOKEE RURAL ELECTIRC MEMBERSHIP CORPORATION OF NAHUNTA, BRANTLEY COUNTY, GEORGIA, ITS SUCCESSORS AND ASSIGNS, IN AND FOR THE CITY OF WOODBINE, FOR A PERIOD OF TWENTY-FIVE YEARS FOR THE OPERATION AND DISTRIBUTION AND/OR SALE OF ELECTRIC ENERGY AND FIXING THE TERMS, CONDITIONS AND LIMITATIONS RELATIVE TO THE OPERATION AND MAINTENANCE OF ELECTRIC UTILITIES; PROVIDING FOR INDEMNITY AGAINST DAMAGE; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY; PROVIDING AN EFFECTIVE DATE.

Sec. 4-601: The City of Woodbine (hereinafter called the Grantor) hereby grants to the Okefenokee Rural Electric Membership Corporation of Nahunta, Brantley County, Georgia (hereinafter called the Grantee), its successors and assigns for the term of twenty-five (25) years beginning from the date of acceptance hereof by Grantee the right, privilege, and authority of franchise to construct or otherwise acquire and to own, maintain, equip and operate plants and works and all necessary or desirable appurtenances thereto according to the latest edition of the National Electric Safety Code as prescribed by the Bureau of Standards, for the manufacture, generation, purchase, transmission, distribution, supply and sale of electric energy and to use and occupy the present and future streets and other public places including avenues, roads, alleys, lanes, bridges, parks and ways within the present and any future corporate limits of Grantor or its successors, for erecting, constructing, installing, maintaining, renewing, replacing, repairing, owning and operating all necessary facilities including poles, pole lines, and appendages thereto, used or useful for the purpose of transmitting electric energy and for distributing, supplying, and selling electric energy to Grantor and its successors and to persons and corporations inhabiting Grantor, as well as to persons and corporations beyond the present or future corporate limits of Grantor.

Sec. 4-602: At all times during the term of this franchise Grantee shall promptly and without discrimination furnish an adequate supply of electric energy at standard voltage within approved limits to Grantor and its successors, and to persons and corporations inhabiting Grantor who request the same and agree to abide by Grantee's reasonable regulations and rules. Grantee shall use due care to construct and maintain its facilities in a manner that will not unreasonably interfere with the proper use by the public of the streets and other public places of Grantor and shall

Sec. 4-602 (Continued)

use care and caution in making any opening in any of the streets and other public places of Grantor for the purpose of erecting, repairing and/or maintaining its facilities to prevent injury to person and property and Grantee shall, at its expense, replace and restore all streets and other public places so opened to their former condition as nearly as practicable and within a reasonable time.

- Sec. 4-603: At all times during the term of this franchise, Grantee shall make promptly such extensions to existing facilities as may be required by one or more customers or for prospective customers, provided that, if the revenues to be derived from any extension shall not afford a fair and reasonable return on the cost of providing and rendering the required service, Grantee is hereby permitted and authorized, as a condition precedent to making such extensions, to exact from such customer or customers, to be served thereby, such cash advance, minimum guarantees, service guarantee or other arrangements, as shall enable Grantee to earn a fair and reasonable return on the cost of providing and rendering the required service. Grantee shall not be liable for any interruption of service or failure of supply of negligence on the part of Grantee, its agent or assigns, or to causes beyond reasonable control of Grantee and such interruptions shall not constitute a breach of this franchise, provided Grantee shall use due diligence to restore service within a reasonable time.
- Sec. 4-604: All rates and rules and regulations established by Grantee from time to time shall at all times be reasonable and Grantee's rates for electricity shall at all times be subject to such regulation as may be provided by law.
- Sec. 4-605: As a further consideration of this franchise, the Grantor agrees not to engage in the business of distributing and selling electricity during the life of this franchise or any extension thereof in competition with the Grantee, its successors and assigns.
- Sec. 4-606: All rights herein granted and authorized shall be subject to and governed by this ordinance, the laws of the State of Georgia and applicable regulations and rulings of the Georgia Public Service Commission or its successors, provided the Grantor expressly reserves unto itself all its police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights hereby granted.
- Sec. 4-607: Grantee shall save and keep Grantor harmless from any and all liability by reason of damage or injury to any person or property whatsoever on account of the negligence of Grantee in the installation, maintenance and operation of its facilities; provided Grantee shall have been notified by Grantor, in writing, of any claim against Grantor on account thereof, and shall have been given ample opportunity to defend the same.

- Sec. 4-608: Grantee shall install and maintain meters for measuring electric current, and shall have the right to ingress to and egress from the premises of each consumer, from time to time, for the purpose of reading, repairing, testing, and maintaining Grantee's meters and appurtenances. Such meters and appurtenances shall at all times remain the property of Grantee and shall be removable at any time. Grantee shall not extend new service without the prior approval of the building official of the Grantor and certification of compliance with the Zoning Ordinance and applicable building permitting requirements as enacted by the Grantor.
- Sec. 4-609: In consideration of the rights granted to Grantee by this franchise, the Grantee shall within thirty (30) days after the first anniversary date of this franchise and within thirty (30) days after each succeeding anniversary date of this franchise, pay to the Grantor, its successors and assigns, an amount which, when added to the amount of all taxes, licenses, and other impositions levied or imposed by the Grantor upon the Grantee's electric property, business, or operations and those of Grantee's electric subsidiaries except ad valorem taxes on property and license taxes on the sale of home appliances, for the preceding tax year, will equal four per cent (4%) of Grantee's revenue from the sale of electrical energy to residential and commercial customers and industrial customers; within the corporate limits of the Grantor for the twelve fiscal months preceding the applicable anniversary date.
- Sec. 4-610: Payments of the amounts to be paid to Grantor by Grantee under the terms of Section 4-609 shall be made by the 15th of the month following the month in which the franchise fee is collected. The final installment for each fiscal year of this franchise shall be adjusted to reflect any underpayment of or overpayment resulting from estimated monthly installments made for the fiscal year.
- Sec. 4-611: Grantee, by its acceptance hereof, agrees to observe, perform, and keep all of the agreements, undertakings and conditions hereof to be observed, performed and kept by Grantee.
- Sec. 4-612: Grantee, by the acceptance hereof, further agrees to erect and maintain, or cause to be erected and maintained, such street lights as the Grantor shall from time to time consider necessary and proper to meet the reasonable needs of the Grantor for lighting streets and other public ways according to the established rates of the Grantee. It is expressly understood, however, that in the event the Grantor shall reimburse the Grantee for its expense in the erection and removing of the discontinued light. The intention is that the Grantee will make any just and reasonable extension of its electric light systems which may be requested by the Grantor commensurate with a fair and compensatory return on the fair value of the property used and useful in furnishing such extensions.
- Sec. 4-613: The consideration features of Section 4-609 herein shall be subject to review once each five years at the instance of either party and in the event an increase or decrease is mutually agreed upon by the parties, then in that event, the new consideration shall become effective and payable as then mutually agreed.

- Sec. 4-614: All of the terms, provisions and conditions of this ordinance shall apply to the present and any future corporate limits of Grantor or its successors.
- Sec. 4-615: The franchise hereby granted shall not be exclusive; and is subject to any franchise that may be construed as now being in existence.
- Sec. 4-616: The franchise hereby granted shall not be assignable without the express written consent of the Grantor.
- Sec. 4-617: The said Grantee, its successors and assigns shall, within thirty (30) days after this ordinance shall have been recorded in the Ordinance Book as required by the Charter of the City of Woodbine, file its written acceptance of the same with the City Clerk of the City of Woodbine, Camden County, Georgia.
- Sec. 4-618: This ordinance shall effect immediately upon the approval of the Woodbine City Council, signing thereof by the Mayor, attestation by the City Clerk and recording as provided by law.

Passed by the Woodbine City Council meeting in regular session on April 4, 1988.

Donald Mitchell

Mayor

Attest: _____

George L. Hannaford

City Clerk

Date of Ordinance: 12/1/75

Term of Ordinance: 35 Years

Date of Expiration: December 1, 2110

ORDINANCE GRANTING PERMISSION AND CONSENT to Georgia Power Company, its successors, lessees and assigns, to occupy the streets and public places of the City of Woodbine in constructing, maintaining, operating and extending poles, lines, cables, equipment, and other apparatus for transmitting and distributing electricity, and for other purposes.

Sec. 4-701: Be it ordained by the governing authority of the City of Woodbine (hereafter referred to as the "City"), that the authority, right, permission and consent are hereby granted to Georgia Power Company, its successors, lessees and assigns (hereafter referred to as the "Company"), for a period of 35 years, to occupy and use the streets, alleys and public places of the City within the present and future limits of the said City as from time to time the Company may deem proper or necessary for the overhead or underground construction, maintenance, operation, and extension of poles, towers, lines, wires, cables, conduits, insulators, transformers, appliances, equipment, connections and other apparatus for the business and purpose of transmitting, conveying, conducting, using, supplying and distributing electricity for light, heat, power and other purposes for which electric current may be or become useful or practicable for public or private use, and to re-enter upon such streets, alleys, and public places from time to time as it may deem proper or necessary to perform these functions, and to cut and trim trees and shrubbery when and where necessary, in the judgment of the Company, to insure safe and efficient service.

Sec. 4-702: Be it further ordained that the rights, permission and consents herein contained are made for the following considerations and upon the following terms and conditions, to-wit:

1. The Company shall pay into the treasury of the City (a) on or before the first day of March 1976 a sum of money equal to four percent (4%) of the gross sales of electric energy to customers served under residential and commercial rate schedules (as prescribed by the Georgia Public Service Commission) within the corporate limits of the City during the year 1975 and four percent (4%) of the gross sales of electric energy to customers served under industrial rate schedules (as so prescribed) within the corporate limits of the City during the preceding calendar year, on condition that, in the event the City shall grant to any other entity the right to use and occupy its streets for like purposes, such use and occupancy shall be upon the same terms and conditions as those herein contained, including the payment provisions hereof.
2. The amount, if any, of any tax, fee, charge or imposition of any kind required, demanded or exacted by the City on any account, other than ad valorem taxes

Sec. 4-702: (Continued)

on property and license taxes on the sale of home appliances, shall operate to reduce to that extent the amount due from the percentage of gross sales above provided for.

3. The Company shall fully protect, indemnify, and save harmless the City from all damages to person or property caused by the construction, maintenance, operation or extension of poles, wires or other apparatus, or conditions of streets, alleys, or public places resulting therefrom, for which the said City would otherwise be liable.
4. The Company shall, in constructing, maintaining, operating and extending its poles, wires, and other apparatus, submit and be subject to all reasonable exercises of the police power of the City. Nothing contained herein, however, shall require the Company to surrender or limit its property rights created hereby without due process of law, including adequate compensation, for any other purpose at the instance of the City or for any purpose at the instance of any other entity, private, or governmental.

Sec. 4-703: Be it further ordained that the Company shall, within ninety days from the approval of this ordinance, file its written acceptance of the same with the Clerk of said City, so as to form a contract between the parties.

Sec. 4-704: Be it further ordained that upon such acceptance all laws and ordinances, and all agreements between the parties, in conflict herewith be and the same shall thereupon stand repealed and terminated, respectively.

