

ORDINANCE 10-07

AN ORDINANCE TO SUPPLEMENT AND AMEND ORDINANCE 07-13

WHEREAS, The City of Westfield, (“City”) is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council (“Council”); and,

WHEREAS, Ordinance 07-13 was adopted on or about July 9, 2010 to assist those video franchise providers (“Providers”) within the City limits in the payment of the appropriate franchise fees as enabled and directed by Indiana Code; and,

WHEREAS, the Council has become aware that the Providers are not applying the fees correctly, the City now finds it necessary to supplement and amend Ordinance 07-13 by adding a definition.

NOW, THEREFORE, BE IT ORDAINED by the Westfield City Council meeting in session as follows:

Section 1. Ordinance 07-13 sets the franchise fee at 5% on all gross revenues.

Section 2. “Gross Revenues” shall be determined as all fees and charges charged to subscribers for video service provided by the Provider. Fees and charges under this subdivision include the following:

- (a) Recurring monthly charges for video service.
- (b) Event based charges for video service, including pay per view and video on demand charges.
- (c) Charges for the rental of set top boxes and other equipment.
- (d) Service charges related to the provision of video service, including activation, installation, repair, and maintenance charges.

(e) Administrative charges related to the provision of video service, including service order and service termination charges.

Section 3. This Ordinance shall be in full force and effect in accordance with Indiana law, upon the passage of any applicable waiting periods, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed. All acts taken in furtherance of this Ordinance are hereby ratified.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALL OF WHICH IS ORDAINED THIS _____ DAY OF _____ 2010.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

John Dippel

John Dippel

John Dippel

Steven Hoover

Steven Hoover

Steven Hoover

Bob Horkay

Bob Horkay

Bob Horkay

Ken Kingshill

Ken Kingshill

Ken Kingshill

Bob Smith

Bob Smith

Bob Smith

Thomas Smith

Thomas Smith

Thomas Smith

Rob Stokes

Rob Stokes

Rob Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 10-07 was delivered to the Mayor of Westfield

on the _____ day of _____, 2010, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 10-07

this _____ day of _____, 2010.

J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 10-07

this _____ day of _____, 2010.

J. Andrew Cook, Mayor

This document prepared by
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