

ORDINANCE NO. 28A

AN ORDINANCE ADOPTING AND APPROVING RATES AND SERVICE CHARGES TO BE MADE BY CUSTOM CABLE SYSTEMS, INC., A COLORADO CORPORATION, ITS SUCCESSORS AND ASSIGNS TO CONSUMERS WITH FACILITIES TO BE SERVICED LOCATED WITHIN THE INCORPORATED LIMITS OF THE TOWN OF STRATTON, COLORADO OR ANY LEGAL ANNEXATIONS THERETO.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO:

SECTION 1. Definitions: For the purposes of this Ordinance the following terms shall have the meaning set forth in this Section.

- (a) "Town" - The Town of Stratton, Colorado.
- (b) Custom Cable Systems, Inc., a Colorado Corporation, being the Grantee under Ordinance No. 26A of the Town of Stratton.
- (c) Consumer, being any individual, firm, partnership, association, corporation, company or organization of any kind who has contracted with Custom Cable Systems, Inc., a Colorado Corporation, to receive over their cable T. V. systems located in teh Town of Stratton, a cable T. V. signal.
- (d) Basic service use fee, will be that fee charged for the basic channels provided by the franchise to be provided to consumers.
- (e) Premium channels will be all channels furnished over and in addition to the basic channels for which an additional month per premium channel will be charged.
- (f) Franchise refers to Ordinance 26A of the Town of Stratton.
- (g) Exhibit "A" is the schedule of Consumer Rates and Service charges to be made by Custom Cable Systems, Inc., which is adopted and approved as provided in "Section 10, Rates", as contained in Ordinance No. 26A of the Town of Stratton.
- (h) Town Board is the Board of Trustees of the Town of Stratton, Colorado.

SECTION 2. Adoption of consumer rates and Service Charges (Exhibit "A" attached hereto): The Town Board does, by these presents, adopt, accept and approve the "Consumer Rates and Service Charges" which are set forth and contained on Exhibit "A", which is attached hereto and which is incorporated into and made a specific part of this Ordinance.

SECTION 3. Grant of Authority to Make, Charge, and Collect Rates and Service Charges: The Town Board does, by these presents, grant to Custom Cable Systems, Inc., A Colorado Corporation, its successors and assigns, the authority to make, charge and collect such rates and service charges from their consumers located within the limits of the Town of Stratton, or within any legal annexations thereto; such authority shall remain in full force and effect so long as Ordinance No. 26A of the Town of Stratton shall remain in full force and effect and no longer.

ORDINANCE NO. 28A - continued

During the term of Ordinance no. 26A (Franchise), Custom Cable would have the right, without board approval, to pass through rate increases to the subscribers if such were due to increased charges imposed on the company by program suppliers or due to other charges made to CCS in connections with supplying the service over which the cable company had no control.

SECTION 4. Hearings and Appeal: The Board of Trustees of the Town shall upon receipt of a petition signed by at least ten consumers, showing the address of each, each signature to be acknowledged by a notary public, or upon a petition duly signed by Custom Cable Systems, Inc., a Corporation, containing their current address, such signature to be before a notary public, requesting a review of, and change of rates and charges of any position thereof, then in effect and set forth in Exhibit "A" as attached hereto, hold a public hearing upon such petition.

The public hearing shall be held no later than forty-five (45) days after the petition is filed with the Town Clerk and no sooner than ten (10) days after a notice of the filing of the petition has been published in a newspaper of general circulation within the Town. Such publication shall be one time only and shall contain a general statement describing the request contained in the petition. The date, time, and place for the hearing and inviting all residents of the Town to appear at the hearing. All parties signing the petition shall receive by ordinary mail, a written copy of the notice of the hearing, the notice to the parties signing the petition shall be complete upon the date of the mailing of the notice.

The Board of Trustees of the Town shall within fifteen (15) days after the hearing under a written decision, granting or denying the request set forth in the petition. The Clerk of the Town shall forthwith post a copy of the written decision in a conspicuous place in the Town Hall located in the Town and shall forthwith mail a copy of the decision to each party who signed the petition.

Any person effected by the decision of the Board of Trustees shall have the right to appeal the decision to the District court of Kit Carson County, Colorado, such appeals shall be a trial de novo. The appeal must be filed within twenty (20) days from the date of mailing and posting of a written decision of the Board of Trustees, of the Board's decision becomes final and binding. The decision of the District court shall be final and absolute and shall not be appealable.

In no event shall any additional petition for a review or change of rate under this Ordinance be allowed or filed as provided for herein within two (2) years after any decision of the Board of Trustees or the District Court regarding a previous petition has become final.

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SECTION 5. Severability: If any section, subsection, sentence or clause or phrase or other portion of this Ordinance is for any reason held illegal, invalid, unconstitutional or void by any Court of agency of competent jurisdiction, such holding shall not affect the validity of all other portions of this Ordinance.

Passed, adopted and approved this First day of March, A. D., 1984.

(Seal)

ATTEST:

MAYOR s/ Ezra Yoder

CLERK s/ Jackie L. Garrett

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ORDINANCE No 29A

AN ORDINANCE PROVIDING FOR THE CUTTING AND REMOVAL OF WEEDS, BRUSH AND RUBBISH FROM LOTS IN THE TOWN OF STRATTON, AND PROVIDING FOR THE DOING OF SUCH WORK BY THE TOWN IN CASE OF THE FAILURE OF THE OWNER TO PERFORM, AND FOR THE ASSESSMENT OF THE CHARGES THEREFORE AGAINST LOTS AND FOR THE COLLECTION OF SUCH ASSESSMENTS AS TAXES, AND FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO:

Section 1 Ordinance No. 14-A of the Town of Stratton is, by these presents, repealed in its entirety.

Section 2. Definitions: For the purpose of this Ordinance, the following items shall have the meanings set forth in this Section.

A. "Town" - The Town of Stratton, Colorado, a municipal corporation created and existing under the laws of the State of Colorado, and being located in Kit Carson County, Colorado.

B. "Owner" - an owner is any person or persons who hold any right, title or interest in any real property located within the established and legal boundaries of the Town. No person shall be deemed an owner of any right, title or interest in any real property located within the established and legal boundaries of the Town unless this interest is shown of record in the office of the Clerk and Recorder of Kit Carson County, Colorado, at the time of any alleged violation of the conditions of this Ordinance.

C. "Person" - a person is any natural person, Corporation, Partnership, Association, or other legal entity created by law or otherwise who holds any recorded right, title, or interest in real property located within the established and legal boundaries of the Town, except a person who holds a legal or equitable interest in the real property by virtue of and under the terms and conditions of any mortgage, Deed of Trust, or Judgment Lien.

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