

ORDINANCE NO. 396.93

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA; ESTABLISHING THE REGULATIONS BY WHICH THE TOWN SHALL REGULATE BASIC TIER CABLE RATES; AUTHORIZING THE FILING OF COMPLAINTS WITH THE FEDERAL COMMUNICATIONS COMMISSION FOR OTHER TIERS OF SERVICE; AUTHORIZING ENFORCEMENT OF FEDERAL CABLE TELEVISION CUSTOMER SERVICE OBLIGATION RULES WITHIN THE TOWN; ESTABLISHING RECOGNITION OF AND COMPLIANCE WITH ALL REGULATIONS CURRENTLY OR HEREAFTER ESTABLISHED BY THE FEDERAL COMMUNICATIONS COMMISSION; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

WHEREAS, the Cable Television Consumer Protection and Competition Act (the "Act") was enacted in October 1992 and sets forth basic minimum requirements with respect to cable television

currently be in effect within the Town by virtue of existing franchises or state or local law; and

WHEREAS, the Act permits local franchising authorities to file complaints with the FCC with respect to other tiers of cable television service; and

WHEREAS, the Town Council desires to regulate basic cable television rates; and

WHEREAS, the Town Council desires to authorize the filing of complaints with the FCC for other tiers of cable television service;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AS FOLLOWS:

Section 1. The Town Manager is hereby authorized to file complaints with the FCC with respect to other tiers of cable television service that may exceed the FCC's cable rate benchmarks.

Section 2. The Town Council shall implement enforcement of FCC cable television customer service obligations as set for in the Act and accompanying federal regulations.

Section 3. Enforcement of FCC cable television customer service obligations shall not relieve any cable television system operator of any obligation or duty imposed by state or local law or ordinance or imposed in any cable television franchise, agreement or license.

Section 4. The Town Council may impose, by subsequent ordinance, specific enforcement mechanisms and penalties for violation of the FCC cable television customer service obligations.

Section 5. Except as provided herein or otherwise permitted by law, the Town Council recognizes and agrees to follow any regulations promulgated by the FCC in connection with the Act.

Section 6. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Golden Beach; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; that the word "Ordinance" may be changed to "Section" or other appropriate word; and all ordinances, resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance will become effective immediately upon adoption on second reading.

PASSED and ADOPTED on first reading this 21st day of September, 1993.

PASSED and ADOPTED on second reading this 30th day of November, 1993.

Barry K. Nelson
BARRY K. NELSON, MAYOR

ATTEST:

Trudi Berglin
TOWN CLERK (Deputy)

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

D. Mena
TOWN ATTORNEY

The Motion to adopt the foregoing Ordinance was offered by Councilman Reynolds Mena, seconded by Councilman Kerry Rosenthal and on roll call the following vote ensued:

Mayor Nelson	<u>Aye</u>
Vice Mayor Addicot	<u>Aye</u>
Councilman Duffner	<u>Aye</u>
Councilman Mena	<u>Aye</u>
Councilman Rosenthal	<u>Aye</u>