

VILLAGE OF MAPLE PARK

ORDINANCE NO. 2018-05

**AN ORDINANCE ADDRESSING THE PAYMENT OF
CABLE TELEVISION FRANCHISE FEES IN THE
VILLAGE OF MAPLE PARK, ILLINOIS**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF MAPLE PARK**

ORDINANCE 2018-05

AN ORDINANCE ADDRESSING THE PAYMENT OF CABLE TELEVISION FRANCHISE FEES IN THE VILLAGE OF MAPLE PARK, ILLINOIS

WHEREAS, Mediacom Illinois LLC operates a cable television system providing cable television services to households in the Village of Maple Park, Illinois (“Village,”) authorized under an Authorization to Offer Cable or Video Services granted by the Illinois Commerce Commission; and,

WHEREAS, 220 ILL.COMP. STAT. 5/21-801 permits the Village to collect service provider fees from a cable operator operating within the Village pursuant to a state authorization; and,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAPLE PARK, ILLINOIS, as follows:

SECTION 1. Mediacom Illinois LLC shall pay an annual service fee to the Village in an amount equal to 3% of annual gross revenues derived from the provision of cable or video service to households located within the Village. The twelve (12) month period for the computation of the service provider fee shall be a calendar year.

SECTION 2. The service provider fee payment shall be due quarterly and payable within 45 days after the close of the quarter. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation. If mailed, fee shall be considered paid on the date it is postmarked.

SECTION 3. For the purposes of the calculation of the service provider fee, “gross revenues” shall mean consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by Mediacom Illinois LLC for the operation of its to provide cable or video service within the Village, including the following: (i) recurring charges for cable service or video service; (ii) event-based charges for cable service or video service, including but not limited to, pay-per-view and video-on-demand charges; (iii) rental of set-top boxes and other cable service or video service, including but not limited to, activation, installation, and repair charges; (v) administrative charges related to the provision of cable or video service, including but not limited to service order and termination charges; and (vi) late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

SECTION 4. For purposes of the calculation of the service provider fee, “gross revenues” shall not include: (i) revenues not actually received, even if billed, such as bad debt; (ii) the service provider fee or any or any tax, fee or assessment of general applicability; (iii) any revenues received from services not classified as cable service or video service, including without limitation, revenue received from telecommunications services, voice over internet protocol (VoIP) services, information services, the provision of director or internet advertising, or any other revenues attributed by the holder to noncable service or nonvideo services in accordance with the holder’s books and records and records kept in the regular course of business and applicable laws, rules, regulations, standards, or orders; (vi) security deposits collected from subscribers, or (vii) any amounts paid by subscribers to “home shopping” or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

SECTION 5. If any section, paragraph, subdivision, clause, sentence, or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. This ordinance shall be in full force and effect upon its passage and approval, and publication in pamphlet form as provided by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MAPLE PARK, ILLINOIS, THIS 6th DAY OF MARCH, 2019.

AYES: Dalton, Higgins, Shaver, Dries, Goucher, Harris

NAYS: None

ABSENT: None

APPROVED BY THE PRESIDENT OF THE VILLAGE OF MAPLE PARK, ILLINOIS, THIS 7th DAY OF MARCH, 2018.



ATTEST

Elizabeth Peerboom
Elizabeth Peerboom, Village Clerk

Kathleen Curtis 3/20/18
Kathleen Curtis, Village President

MEDIACOM ILLINOIS LLC _____

SIGNATURE: _____

PRINTED NAME: _____

TITLE: _____

