

**ARTICLE IV. DESIGN, CONSTRUCTION REQUIREMENTS;
TECHNICAL STANDARDS; ABANDONMENT**

Sec. 7.5-50. Design and construction requirements

(a) Grantee shall not construct any cable system facilities until Grantee has secured the necessary permits from Grantor and all other public agencies with permit authority.

(b) In those areas of the county where transmission or distribution facilities of the public utilities providing telephone and electric power service are underground, the Grantee likewise shall construct, operate and maintain its transmission and distribution facilities herein underground.

(c) In those areas of the county where grantee's cables are located on the above-ground transmission or distribution facilities of the public utility providing telephone or electric power service, and in the event that the facilities of both such public utilities subsequently are placed underground, then the Grantee likewise shall reconstruct, operate and maintain its transmission and distribution facilities underground, at Grantee's cost. Certain of Grantee's equipment, such as pedestals, amplifiers and power supplies, which normally are placed above ground, may continue to remain in above-ground enclosures, unless otherwise provided in the Franchise.

(Ord. No. 1408, §1)

Sec. 7.5-51. Technical standards

(a) The Grantee shall construct, install, operate and maintain its system in a manner consistent with all applicable laws, ordinances, construction standards, governmental requirements, FCC technical standards, and any detailed standards set forth in its franchise agreement. In addition, the Grantee shall provide to the Grantor, upon request, a written report of the results of any periodic proof of performance tests conducted by Grantee pursuant to FCC, franchise or any other standards and guidelines.

(b) Material failure to maintain specified technical standards shall constitute a material breach of the franchise.

(Ord. No. 1408, §1)

Sec. 7.5-52. Abandonment or removal of franchise property

(a) In the event that Grantee discontinues the use of any franchise property or a portion thereof for a continuous period of twelve (12) months, Grantee shall be deemed to have abandoned that cable system facility or equipment or that portion thereof.

(b) Grantor, upon such terms as Grantor may impose, may give Grantee permission to abandon, without removing, any system facility or equipment laid, directly constructed, operated or maintained under the franchise. Unless such permission is granted or unless otherwise provided in this Chapter, the Grantee shall remove all

abandoned above-ground facilities and equipment upon receipt of written notice from Grantor and shall restore any affected street to its former state at the time such facilities and equipment were installed, so as not to impair its usefulness. In removing its facilities and equipment, Grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles, or attachments. Grantor shall have the right to inspect and approve the condition of the public ways, public places, cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this Chapter and the security fund as provided herein shall continue in full force and effect during the period of removal and until full compliance by Grantee with the terms and conditions of this Section.

(c) A Grantee reserves and shall retain ownership of all facilities, equipment and property installed by it pursuant to any franchise under authority granted by this Chapter, except in the event such property is abandoned. Upon abandonment of any franchise property in place, the Grantee, if required by the Grantor, shall submit to the Grantor an instrument, satisfactory in form to the Grantor, transferring to the Grantor the ownership of the franchise facilities and equipment abandoned.

(d) At the expiration of the term for which the franchise is granted, or upon its earlier revocation as provided for herein, in any such case without renewal, extension or transfer, the Grantor shall have the right to require Grantee to remove, at its own expense, all above-ground portions of the cable television system from all streets and public ways within the county within a reasonable period of time, which shall not be less than one hundred eighty (180) days.

(e) Notwithstanding anything to the contrary set forth in this Chapter, with prior permission of Grantor, the grantee may abandon any underground franchise property in place so long as it does not materially interfere with the use of the street or public rights-of-way in which such property is located, or with the use thereof by any public utility or other cable Grantee.

(Ord. No. 1408, §1)