

AN ORDINANCE OF THE TOWN OF COOSADA, ALABAMA, REQUIRING A FRANCHISE AGREEMENT FOR FIBER OPTIC AND BROADBAND COMPANIES OPERATING WITHIN CORPORATE LIMITS

WHEREAS, the Town of Coosada is authorized under state law to regulate and permit the operation and maintenance of facilities in Town rights-of-way for the provision of telecommunications services; and

WHEREAS, the Town of Coosada desires to ensure that all fiber optic and broadband companies operating within corporate limits are subject to the same requirements and regulations; and

WHEREAS, the Town of Coosada has determined that it is in the best interest of the Town and its residents to require a franchise agreement for all fiber optic and broadband companies operating within corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COOSADA, ALABAMA:

Section 1. Definitions.

The following definitions apply:

1.1 "Broadband Company" means any entity that provides broadband internet access services to the public.

1.2 "Town" means the Town of Coosada, Alabama.

1.3 "Corporate Limits" means the boundaries of the Town of Coosada, Alabama.

1.4 "Fiber Optic Company" means any entity that provides fiber optic telecommunications services to the public.

1.5 "Franchise" means a non-exclusive right granted by the Town to a Fiber Optic Company or Broadband Company to use the Town's rights-of-way to provide telecommunications services to the public.

1.6 "Franchise Agreement" means a written agreement between the Town and a Fiber Optic Company or Broadband Company that sets forth the terms and conditions of the Franchise.

Section 2. Franchise Required.

No Fiber Optic Company or Broadband Company shall operate within the Corporate Limits of the Town without first obtaining a Franchise from the Town pursuant to the terms of this Ordinance.

Section 3. Application for Franchise.

Any Fiber Optic Company or Broadband Company seeking a Franchise shall submit an application to the Town in accordance with the procedures established by the Town.

Section 4. Grant of Franchise.

The Town may grant a Franchise to a Fiber Optic Company or Broadband Company upon such terms and conditions as the Town deems appropriate.

Section 5. Franchise Agreement.

The Town shall enter into a Franchise Agreement with any Fiber Optic Company or Broadband Company that is granted a Franchise pursuant to this Ordinance. The Franchise Agreement shall set forth the terms and conditions of the Franchise, including but not limited to the following:

5.1 The term of the Franchise.

5.2 The rights and obligations of the Fiber Optic Company or Broadband Company.

5.3 The compensation to be paid by the Fiber Optic Company or Broadband Company to the Town.

5.4 The insurance requirements for the Fiber Optic Company or Broadband Company.

5.5 The indemnification requirements for the Fiber Optic Company or Broadband Company.

5.6 The performance bond requirements for the Fiber Optic Company or Broadband Company.

5.7 The reporting requirements for the Fiber Optic Company or Broadband Company.

5.8 The termination provisions of the Franchise Agreement.

Section 6. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 7. Effective Date.

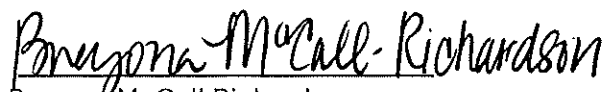
This Ordinance shall take effect immediately upon its passage and publication as required by law.

APPROVED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF COOSADA, ALABAMA, THIS THE 1ST DAY OF FEBRUARY 2024.



Mayor James P. Houston

Attest:



Breyona McCall Richardson

Town Clerk