

**SMITHS GROVE CITY COMMISSION  
ORDINANCE NUMBER 17-005 630.00**

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**AN ORDINANCE RELATING TO THE GRANTING OF A FRANCHISE TO  
CONSTRUCT, ERECT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS  
SYSTEM WITHIN THE CITY OF SMITHS GROVE, KENTUCKY**

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**WHEREAS**, THE City of Smiths Grove, Kentucky has awarded South Central Rural Telecommunications, Inc. a non-exclusive franchise to construct, erect, operate, maintain, dismantle, test, repair, and use a cable communications system in, upon, along, across, above, over, under or in any manner connected with streets, public ways or public places within the City of Smiths Grove, Kentucky as now or in the future may exist, pursuant to Section 164 of the Constitution and applicable statutes of the Commonwealth of Kentucky and

**WHEREAS**, in compliance with the above cited law and the publication requirements of KRS 424, the City of Smiths Grove, Kentucky, has publicly advertised for and received bids for the operation of the said telecommunications system franchise pursuant to the terms, restrictions and obligations established by the above cited franchise legislation; and

**WHEREAS**, the City of Smiths Grove Kentucky has carefully examined and considered all applications for such a franchise and has heard and reviewed the said applications at a regular monthly meeting; and

**WHEREAS**, the City of Smiths Grove, Kentucky, has found that South Central Rural Telecommunications, Inc. presents legal, character, financial, technical and other obligations; and

**WHEREAS**, the City of Smiths Grove has determined that the bid of South Central Rural Telecommunications, Inc. provided the best bid obtained at the time of publication.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SMITHS GROVE,  
KENTUCKY, AS FOLLOWS:**

*Section 1:* The City of Smiths Grove, Kentucky hereby grants and awards a non-exclusive franchise for the period extending to and including the 11<sup>th</sup> day of September 2017, to erect, construct, reconstruct, operate and maintain a telecommunications system within the City of Smiths Grove, Kentucky, as now or in the future may exist, pursuant to the authority and provisions of this Ordinance, to South Central Rural Telecommunications, Inc.

*Section 2:* The grant and award of the franchise set forth in Section 1 of this Ordinance is conditioned upon full compliance by South Central Rural Telecommunications, Inc. with all provisions of this Ordinance, and will all other applicable provisions of law, and is further based upon the terms, restrictions and obligations set forth in the Franchise Agreement made to the City of Smiths Grove, Kentucky by South Central Rural Telecommunications, Inc.

*Section 3:* The statements and conclusions set forth in the preamble of this Ordinance are hereby incorporated by reference as if fully set forth. Such statements and conclusions are hereby found and declared to be true, accurate and correct.

*Section 4:* If any section, sentence, clause or phrase of this Ordinance is held unconstitutional or otherwise invalid, such section shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance and franchise.

*Section 5:* This Ordinance shall become effective upon its passage and publication according to law

Passed on First Reading by roll call vote on the 24<sup>TH</sup> day of July 2017.

Passed on Second Reading by roll call vote of on the 11<sup>TH</sup> day of Sept. 2017.

APPROVED: \_\_\_\_\_

David L. Stiffey  
DAVID L. STIFFEY, MAYOR

ATTEST: \_\_\_\_\_

Debbie Joyner  
DEBBIE JOYNER, ASSISTANT CITY CLERK

DATE: \_\_\_\_\_

9-11-2017