

CHAPTER 8

FRANCHISES

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Section 8.1 Franchise required

A. No person shall use and occupy the streets, alleys, and public places within the town, or obstruct the same or any part thereof, by constructing, maintaining, and operating (1) poles, wires, and appurtenances for a telephone, telegraph, telecommunication, or electric transmission and distribution system or (3) pipelines or mains for a water or gas transportation and distribution system unless granted a franchise by the town.

B. Any franchise granted by the town for a purpose provided in Subsection A shall not be exclusive, nor be for longer period than sixty (60) years and shall be subject to any terms, conditions, and stipulations prescribed by the governing authority of the town.

C.(1) Pursuant to the provisions of the Consumer Choice for Television Act of 2008, codified at LSA-RS. 45:1361 et seq, any person or entity desiring to provide cable or video services within the Town of Livonia may do so by obtaining a state-issued certificate of franchise authority; and

(2) Pursuant to the provisions of LSA-R.S. 45:1366, the holder of a state-issued certificate of franchise authority for cable or video service is required to pay a franchise fee to a municipality in which it operates upon the passage of an ordinance by municipality setting such a fee; and

(3) There are persons or entities which operate or desire to operate cable or video services within the Town's municipal limits.

(4) All persons or entities providing cable or video services to the citizens of the Town of Livonia pursuant to a state-issued certificate of franchise authority as provided in LSA-R.S. 45:1361 et seq shall, pursuant to the provision of LSA-R.S. 45:1366, pay the Town of Livonia a franchise fee equal to five (5%) per cent of the cable or video service provider's gross revenue, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the Town's municipal limits.

(Ordinance 2010-192, adopted 4/12/10)

Section 8.2 Franchise granted to Star Telephone Company, Inc.

The ordinance adopted by the mayor and council on May 12, 2014, which grants to Star Telephone Company, Inc. the non-exclusive right to construct, maintain, and operate a telephone system within the corporate limits of the town, including all necessary poles, conduits, cables, fixtures, and incidental construction connected with telephone business through, over, across, and under the streets, roads, alleys, highways, and public grounds of the town, as the business of the telephone company may from time to time require for a period of ten (10) years from July 1, 2014 to June 30, 2024, is continued and is hereby incorporated as though fully set forth herein. (Ordinance 39 adopted 1/18/68; Ordinance 81 adopted 12/14/93; Ordinance 103 adopted 5/13/97; Ordinance 2008-181 adopted May 12, 2008; Ordinance 2014-217 adopted 5/12/14)

Section 8.3 Franchise granted to Gulf States Utilities Company

The ordinance adopted by the mayor and council on October 3, 1972, which granted to Gulf States Utilities Company, its successors and assigns the right to erect, maintain, extend, and operate a system of works, poles, wires, underground conduits, cables, and all necessary apparatus and appurtenances on, below, and over all areas, ways, and servitudes of and within the limits of this town for the purpose of conducting an electric power business and the generation, transmission, and distribution of electricity to and through the town and to the public generally for a period of sixty (60) years is continued and is hereby incorporated as though fully set forth herein. (Ordinance 13 adopted 3/1/60; Ordinance adopted 10/3/72)

Section 8.4 Franchise granted to Spillway Cablevision, Inc.

The ordinance adopted by the mayor and council on February 14, 1995, which authorizes Spillway Cablevision, Inc. to use the public streets and public rights of way of this town for the purpose of building, constructing, operating, and maintaining a cable television system for a period of fifteen (15) years is hereby incorporated as though fully set forth herein. (Ordinance 41 adopted 10/13/81; Ordinance 91 adopted 2/14/95; Ordinance 2010-192, adopted 4/12/10)

Section 8.5 Franchise granted to Pointe Coupee Electric Membership Corporation

The ordinance adopted by the mayor and council in July 2012 (Ordinance 2012-209), which grants Pointe Coupee Electric Membership Corporation, a Louisiana nonprofit membership corporation, its successors and assigns, a franchise, right and privilege, from date of the adoption hereof, until and including a primary term of ten (10) years, to supply electric energy to the town, and the inhabitants thereof, or any person, firm or corporation, and to acquire or construct, operate and maintain such plants, structures, distribution and/or transmission lines and equipment as may be useful or necessary for the manufacture, transportation, distribution, transmission and/or sale of electric energy in and through the town, and the right to erect, operate and maintain poles, masts,

supports, wires, cables, distribution and/or transmission lines, conduits, conductors, substations, and all other appliances useful or necessary for the transportation and/or distribution and/or sale of electric energy on, over, under, along, upon and across all of the present and/or future streets, roads, highways, alleys and public places of the town, and the right to repair, replace or remove the same, or any portion thereof and the right to connect any such transmission or distribution systems to any other transmission or distribution system for the purpose of transporting electric energy into, through or beyond the boundaries of the town, and included an option to extend the franchise for an additional ten (10) years from the end of the primary term of the franchise, is hereby incorporated as through fully set forth herein.

(Ordinance 134 adopted 1/14/02; Ordinance 2012-209, adopted 7/12)