

**MARSHALL COUNTY ORDINANCE**  
**No. 2007 - 08**

**AN ORDINANCE RELATING TO THE CREATION OF A  
NON-EXCLUSIVE FRANCHISE TO USE THE PUBLIC  
RIGHTS-OF-WAY OF THE COUNTY OF MARSHALL  
FOR THE OPERATION AND MAINTENANCE OF A  
COMMUNICATIONS AND/OR MULTICHANNEL  
VIDEO PROGRAMMING SYSTEM(S).**

**WHEREAS**, the County of Marshall recognizes the public benefits of a communications and/or multi-channel video programming system(s); and,

**WHEREAS**, the County is required to publicly bid any franchise that it awards.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE  
COUNTY OF MARSHALL, COMMONWEALTH OF KENTUCKY as follows:**

1. A non-exclusive franchise to use the public rights-of-way of the County of Marshall is hereby created;
2. The Franchise Agreement which shall be executed with respect to the non-exclusive franchise to use the public rights-of-way of the County shall provide substantially as the Agreement attached to this Ordinance and made a part hereof as if copied in full herein.
3. The franchise created by this Ordinance shall be bid in accordance with the requirements of the Constitution of the Commonwealth of Kentucky, KRS Chapter 424 and applicable County ordinances. The specifications for this bid shall be as set forth in the attached Franchise Agreement. All bidders must agree to comply with these specifications.
4. The franchise created by this Ordinance shall be awarded to the best bidder as shall be determined by and within the sole discretion of the County. In awarding the franchise, the County shall consider the technical, managerial and financial qualifications of the bidder to perform its

obligations under the Franchise Agreement. Any applicant bidding for this franchise shall submit a non-refundable application fee in the amount of \$2,500.00.

5. All prior County Ordinances or parts thereof in conflict herewith are hereby repealed, excluding any Ordinances related to an existing MVPS Franchise.

6. This Ordinance is adopted by the Fiscal Court of the County of Marshall pursuant to KRS 67.075; 67.076; 67.077, et seq., in that it was introduced on October 23, 2007, and given a final reading on November 20, 2007, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

The foregoing Ordinance shall be published in *The Tribune Courier* on

November 7, 2007.

1st reading on **October 23, 2007.**

2<sup>nd</sup> reading on nov 20, 07.

Passed by the Fiscal Court of Marshall County on November 20, 2007, on

the motion of Commissioner Bob Gold and seconded by

Commissioner Terry Anderson.

Mike Miller  
**MIKE MILLER**  
**MARSHALL COUNTY JUDGE EXECUTIVE**

**ATTEST:**

Dan Duke  
**DAN DUKE, MARSHALL COUNTY CLERK**

Fiscal2007(as)