

**CITY OF DAYTON, KENTUCKY
ORDINANCE NO. 2010-#9**

**AN ORDINANCE ACCEPTING THE BID OF
MCIMETRO FOR A TWENTY YEAR NON-
EXCLUSIVE FRANCHISE FOR THE USE OF
THE PUBLIC STREETS, ALLEYS AND
OTHER PUBLIC GROUNDS OF THE CITY
FOR THE TRANSMISSION AND
DISTRIBUTION OF COMMUNICATION
SERVICES THROUGH AND FOR
CONSUMPTION WITHIN THE CITY.**

WHEREAS, MCImetro is a public utility providing communications services in Kentucky subject to the provisions of Sections 163 and 164 of the Kentucky Constitution and K.R.S. 96.010 through 96.045; and

WHEREAS, Section 163 of the Kentucky Constitution prohibits public utilities from using the streets, alleys and other public grounds within a city without a franchise for that use; and

WHEREAS, MCImetro and the City desire to enter into a franchise agreement under which MCImetro may access and use the streets, alleys, and public grounds of the City for the provision of communications services within the City; and

WHEREAS, the City enacted Ordinance 2018-# 3 to establish a franchise for the provision of communications services within the City (the “**Ordinance**”) and has published notice of said Ordinance in accordance with Kentucky law; and

WHEREAS, MCImetro submitted a bid for the provision of communications services within the City; and

WHEREAS, the City has determined that MCImetro’s bid satisfied the requirements of the Ordinance and accepted said bid by an affirmative vote that also authorized and directed the Mayor to enter into this Agreement with MCImetro.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF DAYTON,
CAMPBELL COUNTY, KENTUCKY AS FOLLOWS:**

Section I – Acceptance of Bid

The attached bid or franchise agreement from MCImetro satisfies the requirements of Ordinance 2018# 3 and hereby accepted as tendered.

Section II – Grant of Franchise

Pursuant to City of Dayton Ordinance 2018# 3, MCImetro is hereby granted a non-exclusive twenty (20) year franchise for the use of the City streets, alleys and public grounds for the transmission and distribution of communication services through and for consumption within the City.

Section III – Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section IV – Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section V – Effective Date and Publication

This Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, and shall be in effect at the earliest time provided by law after publication in summary pursuant to KRS 83A.060(9).

PASSED by City Council of the City of Dayton, Campbell County, Kentucky assembled in regular session.

First Reading: 4.16.19
Second Reading: 5.7.19



MAYOR BEN BAKER

ATTEST: 

DONNA LEGER
CITY CLERK/TREASURER