

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
) GRANTING CONSENT TO APPLICATION FOR FRANCHISE
COUNTY OF Horry) FOR CABLE OR VIDEO SERVICE AND SETTING FRANCHISE
) FEE FOR FRONTIER COMMUNICATIONS OF THE CAROLINAS,
TOWN OF SURFSIDE BEACH) LLC

WHEREAS, Article 8, Section 15 of the Constitution of the State of South Carolina provides, among other things, that no law shall be passed by the General Assembly granting the right to a utility to construct and operate lines and facilities in a public street or on public property "without first obtaining the consent of the governing body of the municipality in control of the streets or public places proposed to be occupied for any such or like purpose;" and

WHEREAS, the General Assembly by 2006 Act 288 (known as the "South Carolina Competitive Cable Services Act") has imposed a system of a State-issued Certificate of Franchise Authority ("COFA"), under which a cable or video service provider may designate by application to the Secretary of State those municipalities which the provider wishes to operate, and the municipality so designated, within the period of time after notice from the Secretary of State as set out in SC Code Section 58-12-310 is to advise the Secretary of State whether the municipality consents to the COFA or denies consent; and

WHEREAS, the Surfside Beach Town Council has determined in the exercise of its lawful discretion and authority to grant its consent to a franchise and to the application for a COFA for the applicant,

NOW, THEREFORE, BE IT ORDAINED by the Surfside Beach Town Council in Council duly assembled, as follows:

1. The Surfside Beach Town Council, as the governing body of the Town of Surfside Beach, hereby consents to the application of Frontier Communications of the Carolinas, LLC, (copy attached) to operate cable or video service within the municipality.
2. The maximum franchise fee rate allowed by controlling law shall apply to the applicant's provision of cable or video service within the municipality. The municipality reserves all rights to impose on the applicant ad valorem taxes, service fees, sales tax, or other taxes and fees lawfully imposed or to be imposed on other businesses within the municipality.
3. All rights of the municipality under Article 8, Section 15 of the Constitution of the State of South Carolina, under State law (including the South Carolina Competitive Cable Services Act,) and under any superseding Federal law are specifically reserved.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held

invalid, that invalidity shall not affect the other provisions of this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the several sections hereof shall be solely for convenience or reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 27th day of September 2016.

Robert F. Childs, III, Mayor

Ron Ott, Mayor Pro Tempore

Timothy T. Courtney, Town Council

Mark L. Johnson, Town Council

David L. Pellegrino, Town Council

Julie M. Samples, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk