

VILLAGE OF CHATHAM, ILLINOIS

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ORDINANCE NO. 97- 63

AN ORDINANCE IMPOSING A MUNICIPAL TELECOMMUNICATIONS  
INFRASTRUCTURE MAINTENANCE FEE

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF CHATHAM, ILLINOIS  
THIS 28th DAY OF October, 1997

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Published in pamphlet form by the authority of the President and  
Board of Trustees of the Village of Chatham, Sangamon County,  
Illinois, this 28th day of October, 1997.

**ORDINANCE NO. 63**

**AN ORDINANCE IMPOSING A MUNICIPAL TELECOMMUNICATIONS  
INFRASTRUCTURE MAINTENANCE FEE**

**WHEREAS**, this Ordinance is adopted pursuant to the provisions of the Illinois Telecommunications Municipal Infrastructure Maintenance Fee Act, Public Act 90-154 (the "Act"); and

**WHEREAS**, the fees imposed under this Ordinance will replace the Village's existing municipal franchise fees with respect to telecommunications retailers, which are currently paid by the telecommunications consumer, with a different fee under the Act; and

**WHEREAS**, this Ordinance is intended to create a uniform system for the collection of fees associated with the privilege of using Village rights-of-way and other public rights-of-way for telecommunications activity within the municipal boundaries of the Village, including the recovery of reasonable costs for regulating the use of all public rights-of-way within its municipal boundaries for telecommunications activity.

*NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:*

**SECTION 1: RECITALS.**

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2: DEFINITIONS.**

As used in this Ordinance the following terms shall have the following meanings:

(a) "Gross Charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the Village and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within the Village, charges for the channel mileage between each channel point within the Village, and charges for that portion of the interstate inter-office channel provided within the Village.

However, "gross charges" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;

(2) charges for a sent collect telecommunication received outside the Village;

(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Village;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that

has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(8) charges paid by inserting coins in coin-operated telecommunications devices; or

(9) charges for telecommunications and all services and equipment provided to the Village.

(b) "Public Right-of-Way" means any municipal street, alley, water electric or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the Village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public Right-of-Way" shall not include any real or personal Village property that is not specifically described in the previous sentence and shall not include Village buildings, towers and other structures or improvements, regardless of whether they are situated in the public right-of-way.

(c) "Retailer maintaining a place of business in this State" means and includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such

retailer or subsidiary is licensed to do business in this State.

(d) "Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(e) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

(f) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which

computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 CFR. 76.1550 and following) as now or hereafter amended.

(g) "Telecommunications provider" means (1) any telecommunications retailer; and (2) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

(h) "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Village may, in its discretion, upon application, authorize the

collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the Village.

(i) "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. §332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

**SECTION 3: REGISTRATION OF TELECOMMUNICATIONS PROVIDERS.**

(a) Every telecommunications provider as defined by this Ordinance shall register with the Village on or before January 15, 1998 or upon becoming a telecommunications provider, whichever is later, on a form set forth in Exhibit A to this Ordinance.

(b) Every telecommunications provider who has registered with the Village pursuant to Section 3(a) has an affirmative duty to submit an amended registration form to the Village within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form.

**SECTION 4: MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.**

(a) A Village telecommunications infrastructure maintenance fee is hereby



imposed upon all telecommunications retailers in the amount of one percent (1%) all gross charges charged by the telecommunications retailer to service addresses within the Village for telecommunications originating or received in the Village on and after February 1, 1998.

(b) On and after February 1, 1998, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Ordinance does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(c) The Village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 5 of this Ordinance.

**SECTION 5: COLLECTION AND ENFORCEMENT**

(a) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the Village infrastructure maintenance fee attributable to that customer's service address.

(b) Unless otherwise approved by the Village Administrator the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the Village not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the Village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(c) Remittance of the municipal infrastructure fee to the Village shall be accompanied by a return, in a form exemplified by Exhibit "B" hereto.

(d) Any infrastructure maintenance fee required to be collected pursuant to this Ordinance and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the Village. The charge imposed under Section 5(a) by the telecommunications retailer pursuant to this Ordinance shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(e) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Ordinance, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this Ordinance, from the telecommunications retailer who made the erroneous payment; provided, however, the Village Administrator may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless, (1) the credit is used only to offset a claim of underpayment made by the Village within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(f) Amounts paid under this Ordinance by telecommunications retailers shall not

be included in the tax base under any of the following acts as described immediately below:

(1) "gross charges" for purposes of the Telecommunications Excise Tax Act;

(2) "gross receipts" for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;

(3) "gross charges" for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;

(4) "gross revenue" for purposes of the tax on annual gross revenue of public utilities prescribed in Section 2-202 of the Public Utilities Act.

(g) The Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Ordinance to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus five (5%) percent of the total amount of the underpayment determined in an audit, plus any costs incurred by the Village in conducting the audit, in an amount not to exceed five (5%) percent of the total amount of the underpayment determined in an audit. Said sum shall be paid to the Village within twenty-one (21) days after the date of issuance of an invoice for same.

(h) The Village Administrator, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this Ordinance,

consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to this Ordinance of such regulations.

**SECTION 6: COMPLIANCE WITH OTHER LAWS.**

Nothing in this Ordinance shall excuse any person or entity from obligations imposed under any law, including but not limited to:

- (a) generally applicable taxes; and
- (b) standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided; and
- (c) any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and
- (d) compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

**SECTION 7: EXISTING FRANCHISES AND LICENSES.**

Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this Ordinance regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

**SECTION 8: PENALTIES.**

Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be subject to fine of \$500. Each month a return is not filed shall constitute a separate offense.

**SECTION 9: OTHER REMEDIES**

Nothing in this Ordinance shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Ordinance. In addition to any penalty, the Village may seek all other remedies available at law or in equity, including collection of taxes due together with interest at the general rate of prejudgment interest allowed by law, and injunctions to restrain further violations of this Ordinance.

**SECTION 10: SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 11: CONFLICT.**

This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.

**SECTION 12: WAIVER AND FEE IMPLEMENTATION.**

(a) The Village hereby waives all fees, charges, and other compensation that may accrue, after the effective date of the waiver, to the Village by a telecommunications retailer pursuant to any existing Village franchise, license, or similar agreement with a telecommuni-

cations retailer during the time the Village imposes the Telecommunications Infrastructure Maintenance Fee. This waiver shall only be effective during the time the Infrastructure Maintenance Fee provided for in this Ordinance is subject to being lawfully imposed on the telecommunications retailer and collected by the telecommunications retailer from the customer.

(b) On or before October 31, 1997, the Village Clerk shall send a notice of the waiver in the form exemplified by Exhibit C hereto by certified mail/return receipt requested to each telecommunications retailer with whom the Village has a franchise.

(c) The Village infrastructure maintenance fee provided for in this Ordinance shall become effective and imposed on February 1, 1998, so long as the Village has, by October 31, 1997, mailed to each telecommunications retailer with whom the Village has an existing franchise, license, or similar agreement that the Village waives all compensation under such existing franchise, license, or similar agreement during such time as the fee is subject to being lawfully imposed and collected by the retailer and remitted to the Village . The infrastructure maintenance fee shall apply to gross charges billed on or after the effective date as established in the preceding sentence.

**SECTION 13: NOTICE TO TELECOMMUNICATIONS PROVIDERS  
WHICH DO NOT HAVE FRANCHISE AGREEMENTS**

As soon as practicable, the Village Clerk shall mail to all telecommunications providers known to be operating within the Village and which do not have franchise agreements, a notice of imposition of the telecommunications infrastructure maintenance fee,

in substantially the form exemplified by Exhibit "D" hereto. Whenever the Clerk becomes aware of an additional telecommunications provider operating within the Village, he or she shall send such a notice. Failure to send such a notice, however, shall not effect the validity of the fee to be assessed against the telecommunications provider.

**SECTION 14: EFFECTIVE DATE; PUBLICATION; CODIFICATION**

This ordinance is effective upon its passage and publication. The Clerk shall publish this Ordinance in pamphlet form. This Ordinance shall be added to and codified in the Village Code of Ordinances upon the next annual update thereof.

PASSED this 28th day of October, 1997.

Linda Kester  
VILLAGE PRESIDENT

ATTEST:

Ralph A. Krueger  
Village Clerk



AYES: Franke, Gray, Miller, Baliva, Williamsen  
NAYS: \_\_\_\_\_

PASSED: 10/28/97  
APPROVED: 10/28/97  
ABSENT: oblinger

**Village of Chatham, Illinois  
Telecommunications Provider Registration Form**

Pursuant to Section 3 of Ordinance No.\_\_\_\_\_, "An Ordinance Imposing a Municipal Telecommunications Infrastructure Maintenance Fee", all telecommunications providers are required by January 1, 1998 or upon becoming a telecommunications provider, whichever is later, to register with the Village. In addition to completing this form, applicants must comply with all Village codes and ordinances including but not limited to generally applicable standards regarding the use of the public right-of-way and zoning regulations. *All information must be provided. If any question does not apply, please indicate "NA"*

**I. GENERAL REGISTRANT INFORMATION**

1. Full legal name  
of telecommunications provider: \_\_\_\_\_
2. Business Address: \_\_\_\_\_
3. City \_\_\_\_\_
4. State, ZIP \_\_\_\_\_
5. Name and title of contact person: \_\_\_\_\_
6. Phone Number of general business office: \_\_\_\_\_
7. Fax Number of general business office: \_\_\_\_\_

**II. REQUIRED BUSINESS INFORMATION**

Federal Tax ID No. : \_\_\_\_\_ Illinois Business Tax No.: \_\_\_\_\_

Further information:

1. If a corporation or limited liability company, identify state of incorporation or formation and the name and address of your registered agent.
2. If a partnership, state the name and address of all general partners (use separate sheet if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the registrant have an office within the Village of Chatham? If so, please indicate its address and phone :

\_\_\_\_\_



**III. INFORMATION ABOUT THE PROVIDER'S SERVICE**  
(attach additional sheet if necessary)

1. Describe the registrant provider's existing or proposed facilities, including the location within the Village:

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2. Describe the registrant provider's service:

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3. If you own, operate, or control telecommunications equipment located in the right-of-way and lease this equipment to another telecommunications retailer or provider, please list all parties to whom you currently lease telecommunications equipment; provide, for each such party, its name and the address of its principal office; its phone number and its fax number. Use separate sheet if necessary.

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**IV. PLEASE SEND THE COMPLETED FORM, WITH ANY ATTACHMENTS, TO:**

Village Administrator  
Village of Chatham  
116. E. Mulberry  
Chatham, Illinois 62629

**V. I HEREBY CERTIFY THE ABOVE INFORMATION IS COMPLETE, TRUE  
AND CORRECT**

**Signature:** \_\_\_\_\_

**Print Name and Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Village of Chatham, Illinois**  
**Municipal Telecommunications Infrastructure Maintenance Fee Return**

Month and Year of Return: \_\_\_\_\_

**1. General Information about Telecommunications Provider**

Name of Telecommunications  
Provider: \_\_\_\_\_

Business Address: \_\_\_\_\_

City \_\_\_\_\_

State, Zip \_\_\_\_\_

Federal Employer ID No: \_\_\_\_\_

Illinois Business Tax No: \_\_\_\_\_

**2. Calculation of Telecommunications Infrastructure Maintenance Fee**

- |   |          |
|---|----------|
| 1. "Gross Charges" for reporting period<br>(see definitions and instructions) | \$ _____ |
| 2. Gross fee: (line 1 multiplied by .01)                                      | \$ _____ |
| 3. Less processing fee (line 2 multiplied by .02)                             | \$ _____ |
| 4. Net Fee (line 2 less line 3)   | \$ _____ |

**3. I certify that the foregoing information is complete, true and correct.**

Signature: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT B**

## Definitions and Instructions:

1. Please make your check payable to the Village of Chatham, Illinois, and mail return with check to:

Village Administrator  
Village of Chatham  
116. E. Mulberry  
Chatham, Illinois 62629

2. All returns must be signed by a responsible officer of the Telecommunications Provider.
3. "Gross Charges" is defined in the applicable ordinance as follows:

As used in this Ordinance the following terms shall have the following meanings:

(a) "Gross Charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the Village and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within the Village, charges for the channel mileage between each channel point within the Village, and charges for that portion of the interstate inter-office channel provided within the Village. However, "gross charges" shall not include:

- (1) any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;
- (2) charges for a sent collect telecommunication received outside the Village;
- (3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
- (4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;
- (5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Village;
- (6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;
- (7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
- (8) charges paid by inserting coins in coin-operated telecommunications devices; or
- (9) charges for telecommunications and all services and equipment provided to the Village.

**Insert Date**

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

**(insert name and address of franchisee)**

Re: Notice of Implementation of Municipal Infrastructure Maintenance Fee and Waiver of All Fees, Charges and Other Compensation Pursuant to Existing Franchise Agreement

Dear \_\_\_\_\_:

On \_\_\_\_\_, 1997 the Village of Chatham passed and approved Ordinance No. \_\_\_\_\_ implementing a Municipal Telecommunications Infrastructure Maintenance Fee which will be effective on **February 1, 1998** and thereafter. The Infrastructure Maintenance Fee is 1% of Gross Charges as defined in Public Act 90-154 and the Village's Ordinance. A copy of the Village ordinance is enclosed.

Under the Ordinance, all telecommunications providers are required to register with the Village using the registration form attached to the Ordinance as Exhibit "A". Registration must be accomplished by **January 15, 1997**. Thereafter, all registrants must pay the fee monthly and to provide a monthly return to the Village. You may use the Village's return form (Exhibit "B" to the ordinance) or such other form as you desire, so long as your form contains the same information as the Village's form. The returns and the funds are due not less than 60 days after the end of the month to which the fees apply; you are entitled to keep 2% of the funds as a processing fee.

In addition, you are hereby notified that effective February 1, 1998 and for such time as the Village imposes the Municipal Telecommunications Infrastructure Maintenance Fee, the Village has waived all fees, charges and other compensation that may accrue after the effective date of the waiver pursuant to its Franchise Agreement with you dated \_\_\_\_\_. All other terms of the Franchise Agreement will remain in effect until its expiration. This waiver shall only be effective during the time the Telecommunications Infrastructure Maintenance Fee is subject to being lawfully imposed and collected.

If you have any questions regarding this notice or the Municipal Telecommunications Infrastructure Maintenance Fee, please contact \_\_\_\_\_.

Very truly yours,

Village of Chatham, Illinois

By: \_\_\_\_\_  
Village Clerk

**EXHIBIT C**

**Insert Date**

**Insert Name and Address of Telecommunications Provider**

Re: Notice of Imposition of Municipal Infrastructure Maintenance Fee

Dear \_\_\_\_\_:

On \_\_\_\_\_, 1997 the Village of Chatham passed and approved Ordinance No. \_\_\_\_\_ implementing a Municipal Telecommunications Infrastructure Maintenance Fee which will be effective February 1, 1998 and during the time the Village imposes a municipal telecommunications infrastructure maintenance fee. The Infrastructure Maintenance Fee is 1% of Gross Charges as defined in Public Act 90-154 and the Village's Ordinance. Under the Ordinance, all telecommunications providers are required to register by **January 15, 1998**, using the form provided as Exhibit A to the Ordinance. Effective **February 1, 1998**, all telecommunications providers are required to pay the Infrastructure Maintenance Fee monthly and to provide a monthly return to the Village. You may use the Village's return form, or such other form as you desire, so long as your form contains the same information as the Village's form. A copy of the Village ordinance is enclosed; the return form is Exhibit "B" thereto. The returns and the funds are due not less than 60 days after the end of the month to which the fee applies; you are entitled to keep 2% of the funds as a processing fee.

In addition, you are hereby notified that effective February 1, 1998 and during the time Village imposes the Telecommunication Infrastructure Maintenance Fee, the Village has waived all fees, charges and other compensation to be paid to the Village pursuant to existing franchise agreements, licenses, or similar agreements that may become due after the effective date of the waiver.

If you have any questions regarding this notice or the infrastructure maintenance fee, please contact \_\_\_\_\_.

Very truly yours,

VILLAGE OF CHATHAM

By: \_\_\_\_\_  
Village Clerk

**EXHIBIT D**

**ORDINANCE CERTIFICATE**

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF SANGAMON )

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 97-63 adopted by the President and Board of Trustees of said Village on the 28th day of October, 1997, said Ordinance being entitled:

**AN ORDINANCE IMPOSING A MUNICIPAL TELECOMMUNICATIONS INFRA-STRUCTURE MAINTENANCE FEE**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 28 day of October, 1997.



Richard A. Knepper  
Village Clerk

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF SANGAMON )

**CERTIFICATE**

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on 10/28/97, 1997, the corporate authorities of such Village passed and approved Ordinance No. 97-63 entitled:

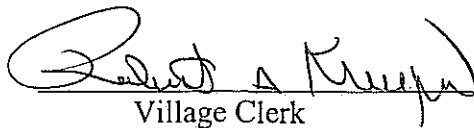
**AN ORDINANCE IMPOSING A MUNICIPAL TELECOMMUNICATIONS INFRA-  
STRUCTURE MAINTENANCE FEE**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 97-63 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on 10/29, 1997, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 28 day of October, 1997.



  
Village Clerk