



City of Maricopa

Legislation Text

File #: ORD 19-14, **Version:** 1

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting “Chapter 20 Cable Television Code” by reference as Chapter 20 of the Maricopa City Code and repealing the previously adopted Cable Television Code and providing for severability and the effective date thereof. Discussion and Action.

In 2018, the Arizona State Legislature approved and the Governor signed into law Senate Bill 1140, which amended Title 9 of the Arizona Revised Statutes by adding Chapter 13 relating to video and cable services. The new statute declares the regulation of video service is a matter of state-wide concern and requires local governments adopt uniform licensing language and change any applicable code to comply with State law concerning the licensing and regulation of video services.

On June 18, 2019, City Council approved Resolution 19-29, which adopted the Uniform Video Service License Agreement and Application.

The City has adapted a model uniform Cable Television Code to bring City Code into compliance with State law, while establishing standards in those areas where State law continues to leave some discretion to local governments, including indemnification, right-of-way management, and undergrounding of facilities. Additionally, the new statute allows local governments to charge a license fee up to 5% of gross revenues. The proposed code will set the City’s fee at this statutory maximum.

Key points include:

- Local governments may require not more than two channels of public, educational or governmental access programming in the basic service tier of the video service network and not more than two channels of noncommercial governmental programming, at least one of which may be programmed by the Federal Government.
- Cable license enforcement is now handled at the State level by the Office of Administrative Hearings. Local governments no longer have the authority to resolve subscriber and service complaints. A subscriber may submit complaints about video service to the Attorney General or Federal Communications Commission (FCC).
- Local governments may only audit the three years prior to the date the notice of audit is received.
- Local governments may not levy a tax, rent, fee, or charge for use of the City’s rights-of-way to provide video service.

This item will be presented by City Engineer Joshua Plumb.

Staff recommends approval of the Mayor and City Council of the City of Maricopa, Arizona adopt Chapter 20 Cable Television Code, which was adopted as a public record by Resolution 19-59.