

1 BILL NO. 79-85

2 ORDINANCE NO. 2055

3  
4 AN ORDINANCE RELATING TO THE REGULATION OF COMMUNITY ANTENNA  
5 TELEVISION SYSTEMS PROVIDING FOR CHANGES IN DEFINITION OF TERMS  
6 UTILIZED IN TITLE 5, CHAPTER 33 OF THE MUNICIPAL CODE FOR THE  
7 CITY OF LAS VEGAS; AUTHORIZING THE INSTALLATION OF NEW POLES;  
8 IMPOSING TIME LIMIT FOR THE CORRECTION BREACHES OF THE TERMS  
9 AND CONDITIONS OF THE FRANCHISE; REDUCING THE FRANCHISE PAYMENT  
10 TO THE CITY OF LAS VEGAS, NEVADA; PROVIDING FOR THE STATUS OF  
11 ALL FRANCHISES FOR COMMUNITY ANTENNA TELEVISION SYSTEMS IN  
12 RELATION TO OTHER FRANCHISES GRANTED BY THE CITY OF LAS VEGAS,  
13 NEVADA; PROVIDING FOR THE ADOPTION OF THE TIMETABLE IMPOSED BY  
14 THE PUBLIC SERVICE COMMISSION OF THE STATE OF NEVADA UPON THE  
15 GRANTEE; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO;  
16 AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT  
17 HEREWITH.

11 Sponsored By:

Summary: Amendments to Title 5,  
Chapter 33, entitled CATV SYSTEMS  
by deleting and adding various  
provisions regulating the granting  
of Community Antenna Television  
System franchises within the City  
of Las Vegas, Nevada.

16 THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS,  
17 NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

18 SECTION 1: Title 5, Chapter 33, Section 1 of the  
19 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
20 is hereby amended as follows:

21 5-33-1: DEFINITIONS: For the purposes of this Chapter,  
22 the following terms, phrases, words, abbreviations,  
23 and their derivations shall have the meaning given  
24 herein. When not inconsistent with the context, words  
25 used in the present tense include the future tense,  
26 words in the plural number include the singular  
27 number, and words in the singular number include the  
28 plural number.

29 CITY: The term "City" shall mean the City of  
30 Las Vegas, a municipal corporation of the State of  
31 Nevada, in its present incorporated form or in any  
32 later reorganized, consolidated, enlarged or

1 re-incorporated form.

2 COMMISSION: The word "Commission" shall mean the  
3 present governing body of the City or any future board  
4 constituting the legislative body of the City.

5 FRANCHISE: The word "Franchise" shall mean and  
6 include any authorization granted hereunder in terms  
7 of a franchise, privilege, permit, license or other-  
8 wise to construct, operate and maintain a CATV system  
9 in the City.

10 GRANTEE: The word "Grantee" shall mean the person,  
11 firm or corporation to whom or which a franchise,  
12 as hereinabove defined, is granted by the Commission  
13 under this Chapter, and the lawful successor, trans-  
14 feree or assignee of said person, firm or corporation.

15 STREET: The word "Street" shall mean the surface  
16 of and the space above and below any public street,  
17 road, highway, freeway, lane, path, alley, court,  
18 sidewalk, parkway, or drive, now or hereafter existing  
19 as such within the City.

20 PROPERTY OF GRANTEE: The term "property of  
21 grantee" shall mean all property owned, installed or  
22 used by a grantee in the conduct of a CATV business  
23 in the City under the authority of a franchise granted  
24 pursuant to this Chapter.

25 CATV: The term "CATV" shall mean a community  
26 antenna television system as hereinafter defined.

27 COMMUNITY ANTENNA TELEVISION SYSTEM: The term  
28 "community antenna television system" shall mean a  
29 system of antenna, coaxial cables, wires, wave guides,  
30 or other conductors, equipment or facilities designed,  
31 constructed or used for the purpose of providing  
32 television or FM radio service by cable or through

1 its facilities as herein contemplated. [CATV shall  
2 not mean or include the transmission of any special  
3 program or event for which a separate and distinct  
4 charge is made to the subscriber in the manner commonly  
5 known and referred to as "pay television."]

6 SUBSCRIBER: The word "subscriber" shall mean  
7 any person or entity receiving for any purpose the  
8 CATV service of a grantee.

9 GROSS ANNUAL RECEIPTS: The term "gross annual  
10 receipts" shall mean any and all compensation and other  
11 consideration in any form whatever and any contributing  
12 grant or subsidy received directly or indirectly by a  
13 grantee from subscribers or users in payment for  
14 television or FM radio signals or service received  
15 [within the City.] or for the transmission of any  
16 special program or event for which a separate and  
17 distinct charge is made to the subscriber, in the  
18 manner commonly known as and referred to as "pay  
19 television", or for any other service received within  
20 the City.

21 Gross Annual Receipts shall not include any taxes  
22 on services furnished by the grantee imposed directly  
23 on any subscriber or user by any City, State or other  
24 governmental unit and collected by the grantee for  
25 such governmental unit.

26 SECTION 2: Title 5, Chapter 33, Section 3 of the  
27 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
28 is hereby amended as follows:

29 5-33-3: USES PERMITTED BY GRANTEE: Any franchise granted  
30 shall authorize and permit the grantee to engage in  
31 the business of operating and providing a CATV system  
32 in the City, and for that purpose to erect, install,

1 construct, repair, replace, reconstruct, maintain and  
2 retain in, on, over, under, upon, across and along  
3 any public street, such wires, [cable,] cables,  
4 conductors, ducts, [conduit,] conduits, vaults, manholes,  
5 amplifiers, appliances, attachments, and other property  
6 as may be necessary and appurtenant to the CATV system;  
7 provided, however, [no new poles shall be installed and  
8 grantee shall be limited to use of existing poles and  
9 shall be responsible for acquiring authority to  
10 utilize such poles.] that the Grantee shall be limited  
11 to use existing poles and underground transmission  
12 equipment and shall be responsible for acquiring  
13 authority to utilize such poles and underground  
14 equipment. If there are no existing poles or under-  
15 ground transmission equipment in any area proposed  
16 to be served by the grantee, the grantee may, with  
17 the approval of the city as to the type and quality  
18 of pole and the number and location thereof, install  
19 its own poles in such area; provided, however, that  
20 the use of such poles shall be discontinued and the  
21 poles removed, at the grantee's expense, at any time  
22 an electrical distribution company or a telephone  
23 company installs its poles or underground equipment  
24 in such area.

25 [No franchise granted hereunder shall be construed  
26 as a franchise, permit or license to transmit any  
27 special program or event for which a separate and dis-  
28 tinct charge is made to the subscriber in the manner  
29 commonly known and referred to as "pay television", and  
30 no grantee shall directly or indirectly install, main-  
31 tain or operate on any television set a coin box or any  
32 other device or means for collection of money for

1 individual programs.]

2 The grantee may make a charge to subscribers for  
3 installation or connection to its CATV system and a  
4 fixed monthly charge as filed and approved by the  
5 Public Service Commission of the State of Nevada.

6 SECTION 3: Title 5, Chapter 33, Section 4 of the  
7 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
8 is hereby amended as follows:

9 5-33-4: DURATION OF FRANCHISE: No franchise granted by  
10 the Commission shall be for a term longer than twenty  
11 (20) years following the date of acceptance of such  
12 franchise by the grantee or the renewal thereof.

13 Any such franchise granted hereunder may be  
14 terminated prior to its date of expiration, by the  
15 Commission in the event that said Commission shall  
16 have found, after thirty (30) days' notice of any  
17 proposed termination and public hearing, that:

18 (A) The grantee has failed to comply with any pro-  
19 vision of this Chapter, or has, by act or  
20 omission, violated any term or condition of any  
21 franchise or permit issued hereunder[; or] pro-  
22 vided that grantee has had sixty (60) days within  
23 which to correct said breach and has failed to  
24 do so; or

25 (B) Any provision of this Chapter has become invalid  
26 or unenforceable and the Commission further finds  
27 that such provision constitutes a consideration  
28 material to the grant of said franchise; or

29 (C) The City acquires the CATV system property of the  
30 grantee.

31 SECTION 4: Title 5, Chapter 33, Section 5 of the Municipal  
32 Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby

1 amended as follows:

2 5-33-5: FRANCHISE PAYMENTS: Any grantee granted a  
3 franchise shall pay to the City, during the life of  
4 such franchise, a sum equal to [five percent (5%)]  
5 three percent (3%) of the gross annual receipts of the  
6 grantee. Said [five percent (5%)] three percent (3%)  
7 shall not be made a separate charge by the franchise  
8 holder to the subscriber unless order to be so shown by  
9 the Nevada Public Service Commission. Such payment by  
10 the grantee to the City shall be made annually, or as  
11 otherwise provided in the grantee's franchise, by deliv-  
12 ery of the same to the Director of License and Revenue.

13 The grantee shall file with the City, within  
14 thirty (30) days after the expiration of any calendar  
15 year or portion thereof during which such franchise  
16 is in force[,] if less than a calendar year, a finan-  
17 cial statement prepared by a certified public  
18 accountant, or person otherwise satisfactory to the  
19 Commission, showing in detail the gross annual receipts,  
20 as defined herein, [of] derived from service within  
21 the City by the grantee during the preceding calendar  
22 year or portion thereof. It shall be the duty of the  
23 grantee to pay to the City, [within fifteen (15) days  
24 after the time for filing such statements,] on or  
25 before the 15th day of March of each year, the sum  
26 hereinabove prescribed or any unpaid balance thereof  
27 for the calendar year or portion thereof covered by  
28 such [statements] statement.

29 The City shall have the right to inspect the  
30 grantee's records showing the gross receipts from  
31 which its franchise payments are computed and the  
32 right of audit and recomputation of any and all amounts.

1           paid under this Chapter. No acceptance of any  
2           payment shall be construed as a release or as an  
3           accord and satisfaction of any claim the City may have  
4           for further or additional sums payable under this  
5           Chapter or for the performance of any other obligation  
6           hereunder.

7           SECTION 5: Title 5, Chapter 33, Section 6 of the Municipal  
8           Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby  
9           amended as follows:

10          5-33-6:           LIMITATIONS OF FRANCHISE:

- 11           (A) Any privilege claimed under any such franchise  
12           by the grantee in any street or other public  
13           property shall be equal to the privilege of any  
14           other public utility and subordinate to any  
15           prior lawful occupancy of the streets or other  
16           public property.
- 17           (B) Any such franchise shall be a privilege to be held  
18           in personal trust by the original grantee. It  
19           cannot in any event be sold, transferred, leased,  
20           assigned or disposed of, in whole or in part,  
21           either by forced or involuntary sale, or by  
22           voluntary sale, merger, consolidation or otherwise,  
23           without the prior consent of the Commission  
24           expressed by resolution[, and then only under such  
25           conditions as may therein be prescribed.] and  
26           upon such conditions as may in said resolution  
27           be prescribed. Any such transfer or assignment  
28           shall be made only by an instrument in writing, a  
29           duly executed copy of which shall be filed in the  
30           office of the City Clerk within thirty (30) days  
31           after any such transfer or assignment. The said  
32           consent of the Commission may not be arbitrarily

1 refused; provided, however, the proposed assignee  
2 must show financial responsibility and must agree  
3 to comply with all provisions of this Chapter;  
4 and provided[,] further, that no such consent  
5 shall be required for a transfer in trust,  
6 mortgage or other hypothecation as a whole, to  
7 secure an indebtedness.

8 (C) Time shall be of the essence of any such franchise  
9 granted hereunder. The grantee shall not be  
10 relieved of his obligation to comply promptly  
11 with any of the provisions of this Chapter or by  
12 any failure of the City to enforce prompt  
13 compliance.

14 (D) Any right or power in, or duty impressed upon,  
15 any officer, employee, department, or board of  
16 the City by virtue of such franchise shall be  
17 subject to transfer by the City to any other  
18 officer, employee, department or board of the City.

19 (E) The grantee shall have no recourse whatsoever  
20 against the City for any loss, cost, expense[,]  
21 or damage arising out of any provision or require-  
22 ment of this Chapter or of any franchise issued  
23 hereunder or because of its enforcement.

24 (F) The grantee shall be subject to all requirements  
25 of City ordinances, rules, regulations and  
26 specifications heretofore or hereafter enacted  
27 or established.

28 (G) Any such franchise granted shall not relieve the  
29 grantee of any obligation involved in obtaining  
30 pole space from any department of the City,  
31 utility company, or from others maintaining poles  
32 in streets.

1 (H) Any franchise granted hereunder shall be in lieu  
2 of any and all other rights, privileges, powers,  
3 immunities, and authorities owned, possessed,  
4 controlled, or exercisable by grantee, or any  
5 successor to any interest of grantee, of or  
6 pertaining to the construction, operation[,] or  
7 maintenance of any CATV system in the City; and  
8 the acceptance of any franchise hereunder shall  
9 operate, as between grantee and the City, as an  
10 abandonment of any and all of such rights,  
11 privileges, powers, immunities[,] and authorities  
12 within the City, to the effect that, as between  
13 grantee and the City, any and all construction,  
14 operation and maintenance by any grantee of any  
15 CATV system in the City shall be, and shall be  
16 deemed and construed in all instances and  
17 respects to be, under and pursuant to said  
18 franchise, and not under or pursuant to any other  
19 right, privilege, power, immunity[,] or authority  
20 whatsoever.

21 SECTION 6: Title 5, Chapter 33, Section 7 of the Municipal  
22 Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby  
23 amended as follows:

24 5-33-7: RIGHTS RESERVED TO THE CITY:

25 (A) Nothing herein shall be deemed or construed to  
26 impair or affect, in any way, to any extent, the  
27 right of the City to acquire property of the  
28 grantee, either by purchase or through the  
29 exercise of the right of eminent domain, at a fair  
30 and just value, which shall not include any amount  
31 for the franchise itself or for any of the rights  
32 or privileges granted, and nothing herein contained

1 shall be construed to contract away or to modify  
2 or abridge, either for a term of years or in  
3 perpetuity, the City's right of eminent domain.

4 (B) There is hereby reserved to the City every right  
5 and power which is required to be herein reserved  
6 or provided by any Chapter of the City Code and  
7 the grantee, by its acceptance of any franchise,  
8 agrees to be bound thereby and to comply with any  
9 action or requirements of the City in its exercise  
10 of such rights or power, heretofore or hereafter  
11 enacted or established.

12 (C) There is hereby reserved to the City the power to  
13 amend any Section or part of this Chapter [so as]  
14 in order to require additional or greater  
15 standards of construction, operation, maintenance  
16 or otherwise, on the part of the grantee.

17 (D) Neither the granting of any franchise nor any  
18 provision hereof shall constitute a waiver or bar  
19 to the exercise of any governmental right or power  
20 of the City.

21 (E) The Commission may do all things which are  
22 necessary and convenient in the exercise of its  
23 jurisdiction under this Chapter and may, subject  
24 to judicial review, determine any question of  
25 fact which may arise during the existence of any  
26 franchise granted hereunder. The City Manager  
27 is hereby authorized and empowered to adjust,  
28 settle, or compromise any controversy or charge  
29 arising from the operations of the grantee under  
30 this Chapter on behalf of the City.

31 SECTION 7: Title 5, Chapter 33, Section 8 of the Municipal  
32 Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby

1 amended as follows:

2 5-33-8: PERMITS, INSTALLATION AND SERVICE:

3 (A) Within thirty (30) days after acceptance of any  
4 franchise the grantee shall proceed with due  
5 diligence to obtain all necessary permits and  
6 authorizations which are required in the conduct  
7 of its business, including, but not limited to,  
8 any utility joint use attachment agreements,  
9 microwave carrier licenses, and any other permits,  
10 licenses and authorizations to be granted by duly  
11 constituted regulatory agencies having jurisdic-  
12 tion over the operation of CATV systems, or [their  
13 associated microwave transmission facilities.]  
14 related facilities.

15 (B) [Within ninety (90) days] Within a reasonable  
16 time after obtaining all necessary permits,  
17 licenses and authorizations, grantee shall  
18 commence construction and installation of the CATV  
19 system[.], proceed to render services to sub-  
20 scribers and complete the construction and  
21 installation of the system in accordance with the  
22 timetable imposed by the Public Service Commis-  
23 sion of the State of Nevada.

24 [(C) Within ninety (90) days after the commencement  
25 of construction and installation of the system,  
26 grantee shall proceed to render services to  
27 subscribers, and the completion of the construc-  
28 tion and installation shall be pursued with  
29 reasonable diligence thereafter, so that service  
30 to all areas designated on the map accompanying  
31 the application for franchise, as provided in  
32 Section 18 hereof, shall be provided within one

1 year from the date that service was first  
2 provided.]

3 [(D)] (C) Failure on the part of the grantee to [com-  
4 mence and diligently pursue each of the foregoing  
5 requirements and to complete each of the matters  
6 set forth herein,] conform to said timetable shall  
7 be grounds for termination of such franchise,  
8 under and pursuant to the terms of Section 4  
9 hereof; provided, however, that the Commission  
10 in its discretion [may] must extend the time  
11 for the commencement and completion of construc-  
12 tion and installation [for additional periods in  
13 the event the grantee, acting in good faith,  
14 experiences delays by reason of circumstances  
15 beyond his control.] to conform to the latest  
16 revised timetable approved by the Public Service  
17 Commission of the State of Nevada.

18 SECTION 8: Title 5, Chapter 33, Section 9 of the Municipal  
19 Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby  
20 amended as follows:

21 5-33-9: LOCATION OF PROPERTY OF GRANTEE:

22 (A) Any wires, cable lines, conduits or other  
23 properties of the grantee to be constructed or  
24 installed in new subdivisions, or in new commer-  
25 cial or industrial developments shall be installed  
26 underground or in such other manner as shall be  
27 approved by the Director of Public [Works]  
28 Services acting in the exercise of reasonable  
29 discretion.

30 (B) The grantee shall not install or erect any  
31 facilities or apparatus in or on other public  
32 property, places or [rights of way,] rights-of-

1           way, or within any privately owned area within  
2           the City which has not yet become a public street  
3           but is designated or delineated as a proposed  
4           public street on any tentative subdivision map  
5           approved by the City, except those installed or  
6           erected upon public utility facilities now  
7           existing.

8           (C) For the purpose of this subsection, "underground"  
9           shall include a partial underground system,  
10           e.g., streamlining. Amplifiers in the grantee's  
11           transmission and distribution lines may be in  
12           appropriate housings upon the surface of the  
13           ground as approved by the Director of Public  
14           [Works.] Services.

15       SECTION 9: Title 5, Chapter 33, Section 10 of the Municipal  
16       Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby  
17       amended as follows:

18       5-33-10:           REMOVAL AND ABANDONMENT OF PROPERTY OF GRANTEE:

19           (A) In the event that the use of any part of the CATV  
20           system is discontinued for any reason for a  
21           continuous period of twelve (12) months, or in the  
22           event such system or property has been installed  
23           in any street or public place without complying  
24           with the requirements of grantee's franchise, or  
25           the franchise has been terminated[,] or  
26           cancelled, or has expired, the grantee shall  
27           promptly, upon being given [ten (10) days']  
28           notice[,] by the City, commence to remove from  
29           the streets or public places of all such property  
30           of such system other than [any] that which the  
31           Director of Public [Works.] Services may permit to  
32           be abandoned in place[.], and shall complete such

1 removal with a reasonable diligence thereafter.

2 In the event of such removal, the grantee shall  
3 promptly restore the street or other area from  
4 which such property has been removed to a condi-  
5 tion satisfactory to the Director of Public  
6 [Works.] Services.

7 (B) Any property of the grantee remaining in place  
8 [thirty (30)] ninety (90) days after the  
9 termination or expiration of the franchise shall be  
10 considered permanently abandoned. The Director  
11 of Public [Works] Services may, however, extend  
12 such time as may reasonably be by the grantee  
13 to remove said equipment, not to exceed an  
14 additional [thirty (30)] ninety (90) days[.]  
15 without the approval of the Commission.

16 (C) Any property of the grantee to be abandoned in  
17 place shall be abandoned in such manner as  
18 prescribed by the Director of Public [Works shall  
19 prescribe.] Services. Upon the permanent  
20 abandonment of the property [of] by the grantee  
21 in place, the property shall become [that] the  
22 property of the City, and the grantee shall sub-  
23 mit to the Director of Public [Works] Services  
24 an instrument in writing, to be approved by the  
25 City Attorney, transferring to the City the  
26 ownership of such property.

27 SECTION 10: Title 5, Chapter 33, Section 11 of the Munici-  
28 pal Code of the City of Las Vegas, Nevada, 1960 Edition, is  
29 hereby amended as follows:

30 5-33-11: CHANGES REQUIRED BY PUBLIC IMPROVEMENTS: [The  
31 grantee shall, at its expense, protect, support,  
32 temporarily disconnect, relocate in the same street or

1 other public place, or remove from the street or other  
2 public place, any property of the grantee when re-  
3 quired by the Director of Public Works by reason of  
4 traffic conditions, public safety, street vacation,  
5 freeway and street construction, change or establish-  
6 ment of street grade, installation of sewers, drains,  
7 water pipes, power lines, signal lines, and tracks  
8 or any other type of structures or improvements by  
9 public agencies; provided, however, that the grantee  
10 shall in all such cases have the privilege and be  
11 subject to the obligations to abandon any property of  
12 the grantee in place, as provided in Section 10 hereof.]  
13 The City reserves the right to lay, construct, erect,  
14 install, use, operate, repair, reconstruct, replace,  
15 remove, relocate, regrade, widen, realign, change the  
16 elevation of, expand or maintain any public street  
17 or any public surface or subsurface improvement, including, l  
18 drains, sanitary or storm sewers, power lines, signal  
19 lines, subways, viaducts, bridges, underpasses or  
20 overpasses owned, operated or maintained by the City,  
21 and the grantee shall, upon request by the Director  
22 of Public Services and at its expense, protect,  
23 support, temporarily or permanently disconnect,  
24 remove, relocate or reconstruct any portion of the  
25 grantee's CATV system; provided, however, that the  
26 grantee shall, in all such events, have the privilege  
27 of, and be subject to the obligations associated with  
28 the abandonment of any property of the grantee in  
29 place, as provided in this Chapter.

30 SECTION 11: Title 5, Chapter 33, Section 12 of the  
31 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
32 is hereby amended as follows:

1 5-33-12: FAILURE TO PERFORM STREET WORK: Upon the failure  
2 of the grantee to commence, pursue[,] or complete any  
3 work required by law or by the provisions of this  
4 Chapter or by its franchise to be done in any street  
5 or other public place, within the time prescribed, and  
6 to the satisfaction of the Director of Public [Works]  
7 Services, the Director of Public [Works] Services  
8 may, at his option, cause such work to be done [and],  
9 in which event the grantee shall pay to the City the  
10 cost thereof in the itemized amounts reported by the  
11 Director of Public [Works] Services to the grantee  
12 within thirty (30) days after receipt by the grantee  
13 of such itemized report.

14 SECTION 12: Title 5, Chapter 33, Section 13 of the  
15 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
16 is hereby amended as follows:

17 5-33-13: FAITHFUL PERFORMANCE BOND:

18 (A) The grantee shall, concurrently with the filing  
19 of and acceptance of award of any franchise  
20 granted under this Chapter, file with the City  
21 Clerk, and at all times thereafter maintain in  
22 full force and effect for the term of such  
23 franchise or any renewal or extension thereof,  
24 at the grantee's sole expense, a corporate surety  
25 bond in a company and in a form approved by the  
26 City Attorney, in the amount of fifteen thousand  
27 dollars (\$15,000.00), renewable annually, and  
28 conditioned upon the faithful performance of the  
29 grantee, and upon further condition that in the  
30 event the grantee shall fail to comply with any  
31 one or more of the provisions of this Chapter, or  
32 of any franchise issued to the grantee hereunder,

1 there shall be recoverable, jointly and severally,  
2 from the principal and surety of such bond any  
3 damages or loss suffered by the City as a result  
4 thereof, including the full amount of any compen-  
5 sation, indemnification[,] or cost of removal or  
6 abandonment of any property of the grantee as  
7 prescribed hereby which may be in default, plus  
8 a reasonable allowance for attorneys' fees and  
9 costs, up to the full amount of the bond; said  
10 condition to be a continuing obligation for the  
11 duration of such franchise and any renewal or  
12 extension thereof and thereafter until the  
13 grantee has liquidated all of its obligations  
14 with the City that may have arisen from the  
15 acceptance of said franchise or renewal or  
16 extension by the grantee or from its exercise  
17 of any privilege therein granted. The bond shall  
18 provide that thirty (30) days' prior written  
19 notice of intention not to renew, cancellation[,]  
20 or material change[,] be given to the City.

21 (B) Neither the provisions of this Section nor any  
22 bond accepted by the City pursuant hereto, nor  
23 any damages recovered by the City thereunder,  
24 shall be construed to excuse faithful performance  
25 by the grantee or limit the liability of the  
26 grantee under any franchise issued hereunder or  
27 for damages, either to the full amount of the  
28 bond or otherwise.

29 SECTION 13: Title 5, Chapter 33, Section 14 of the  
30 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
31 is hereby amended as follows:

32 5-33-14: INDEMNIFICATION OF CITY:

1 (A) The grantee shall, concurrently with the filing  
2 of an acceptance of award of any franchise granted  
3 under this Chapter, furnish to the City and file  
4 with the City Clerk, and at all times during the  
5 existence of any franchise granted hereunder,  
6 maintain in full force and effect, at its own cost  
7 and expense, a liability insurance policy in the  
8 amount of three hundred thousand dollars.

9 (\$300,000.00) in a company approved by the City  
10 Manager and in a form satisfactory to the City  
11 Attorney, indemnifying and saving harmless the  
12 City, its officers and employees, from and  
13 against any and all claims, demands, actions,  
14 suits[,] and proceedings by others[,] against all  
15 liability to others, including but not limited to  
16 any liability for damages by reason of or arising  
17 out of any failure by the grantee to secure  
18 consents from the owners, authorized distributors  
19 or licensees of programs to be delivered by the  
20 grantee's CATV system[,] and against any loss,  
21 cost, expense and damages resulting therefrom,  
22 including reasonable attorneys' fees, arising out  
23 of the exercise or enjoyment of its franchise,  
24 irrespective of the amount of the comprehensive  
25 liability insurance policy required hereunder.

26 This indemnification does not apply to any claim  
27 arising out of the active, willful or intentional  
28 misconduct of the City, its agents, employees,  
29 officers, boards or commissions.

30 (B) The grantee shall, concurrently with the filing of  
31 an acceptance of award of any franchise granted  
32 under this Chapter, furnish to the City and file

1 with the City Clerk[,] and, at all times during the  
2 existence of any franchise granted hereunder,  
3 maintain in full force and effect, at its own  
4 cost and expense, a general comprehensive  
5 liability insurance policy[, in] for the  
6 protection of the City, its officers, boards,  
7 commissions, agents and employees, in a company  
8 approved by the City Manager and in a form satis-  
9 factory to the City Attorney, protecting the  
10 City and all persons against liability for loss  
11 or damage for personal injury, death and property  
12 damage[,] occasioned by the operations of grantee  
13 under such franchise, with minimum liability  
14 limits of three hundred thousand dollars  
15 (\$300,000.00) for personal injury or death of  
16 any one person and five hundred thousand dollars  
17 (\$500,000.00) for personal injury or death of  
18 two or more persons in any one occurrence[,] and  
19 fifty thousand dollars (\$50,000.00) for damage to  
20 property resulting from any one occurrence. The  
21 grantee is not liable for any loss caused by,  
22 and no policy provided hereunder shall apply to,  
23 the active, willful or intentional misconduct of  
24 the City, its agents, employees, officers, boards  
25 or commissions.

26 (C) The policies mentioned in the foregoing paragraph  
27 shall name the City, its officers, boards,  
28 commissions, agents and employees[,] as additional  
29 insured and shall contain a provision that a  
30 written notice of cancellation of or reduction in  
31 coverage [of] under each said policy shall be  
32 delivered to the City at least ten (10) days in

1 advance of the effective date thereof; if any  
2 such insurance is provided by a policy which also  
3 covers the grantee or any other entity or person  
4 other than those above named, then such policy  
5 shall contain the standard cross-liability  
6 endorsement.

7 SECTION 14: Title 5, Chapter 33, Section 15 of the  
8 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
9 is hereby amended as follows:

10 5-33-15: INSPECTION OF PROPERTY AND RECORDS:

11 (A) At all reasonable times, the grantee shall permit  
12 any duly authorized representative of the City to  
13 examine all property of the grantee, together with  
14 any appurtenant property of the grantee situated  
15 within or without the City, and to examine and  
16 transcribe any and all maps and other records kept  
17 or maintained by the grantee or under its control  
18 which deal with the operations, affairs, trans-  
19 actions or property of the grantee with respect  
20 to its franchise. If any such maps or records  
21 are not kept [in] within the City, or upon  
22 reasonable request made available [in] within  
23 the City, and if the Commission [shall determine]  
24 determines that an examination thereof is  
25 necessary or appropriate, then all travel and  
26 maintenance expense necessarily incurred in making  
27 such examination shall be paid by the grantee.

28 (B) The grantee shall prepare and furnish to the  
29 Director of Public [Works] Services and the  
30 Director of [Finance] Financial Management at the  
31 times and in the form prescribed by either of  
32 said officers, such reports with respect to its

1 operations, affairs, transactions or property,  
2 as may be [reasonably] necessary or appropriate  
3 to the performance of any of the rights, functions  
4 or duties of the City or any of its officers in  
5 connection with the franchise.

6 (C) The grantee shall at all times make and [keep in]  
7 retain within the City full and complete plans  
8 and records showing the exact location of all  
9 CATV system equipment installed or in use in  
10 streets and other public places in the City.

11 (D) The grantee shall file with the Director of  
12 Public [Works] Services, on or before the [last]  
13 30th day in June of each year, a current map or  
14 set of maps drawn to scale, showing all CATV  
15 [systems] system equipment installed and in  
16 place in streets and other public places [of]  
17 within the City.

18 SECTION 15: Title 5, Chapter 33, Section 18 of the  
19 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
20 is hereby amended as follows:

21 5-33-18: FRANCHISE RENEWAL: Any franchise granted under  
22 this Chapter is renewable at the application of the  
23 grantee, in the same manner and upon the same terms  
24 and conditions as required herein for obtaining the  
25 original franchise, except those which are by their  
26 terms expressly inapplicable[.] for a period of two (2)  
27 years and is further renewable for such additional  
28 length of time, and upon such terms and conditions,  
29 as the City and grantee of said franchise may agree  
30 upon during such two (2) year period. In order to  
31 effectively exercise its option to renew the franchise,  
32 the grantee must provide written notice to the City

1           of its intention to do so at least ninety (90) days  
2           prior to the expiration of the initial term of the  
3           franchise.

4           SECTION 16: Title 5, Chapter 33, Section 19 of the  
5 Municipal Code of the City of Las Vegas, Nevada, 1960 Edition,  
6 is hereby amended as follows:

7 5-33-19:           ACCEPTANCE AND EFFECTIVE DATE OF FRANCHISE:

8           (A) No franchise granted pursuant to the provisions of  
9 this Chapter shall become effective unless and  
10 until the [Chapter] ordinance granting same has  
11 become effective and, in addition, unless and  
12 until all things required in this Section and  
13 Sections 13, 14(A) and 14(B) hereof are done and  
14 completed, all of such things being hereby  
15 declared to be conditions precedent to the  
16 effectiveness of any such franchise granted  
17 hereunder. In the event any of such things are  
18 not done and completed in the time and manner  
19 required, the Commission may declare the franchise  
20 null and void.

21           (B) Within thirty (30) days after the effective date  
22 of the ordinance awarding a franchise, or within  
23 such extended period of time as the Commission in  
24 its discretion may authorize, the grantee shall  
25 file with the City Clerk [his] its written  
26 acceptance in form satisfactory to the City  
27 Attorney, of the franchise, together with the bond  
28 and insurance policies required by Sections 13,  
29 14(A) and 14(B) hereof, respectively, and [his] its  
30 agreement to be bound by and to comply with and  
31 to do all things required of [him] the grantee  
32 by the provisions of this Chapter and the franchise.



1 The above and foregoing ordinance was first proposed and  
2 read by title to the Board of Commissioners on the 5th day of  
3 December, 1979, and referred to the following committee  
4 composed of Commissioners Woofter and  
5 Levy for recommendation; thereafter the  
6 said committee reported favorably on said ordinance on the 19th  
7 day of December, 1979, which was a regular meeting  
8 of said Board; that at said regular meeting, the proposed  
9 ordinance was read by title to the Board of Commissioners as  
10 amended and adopted by the following vote:

11  
12 VOTING "AYE" Commissioners: Christensen; Levy, Lurie, Woofter & Mayor Briare

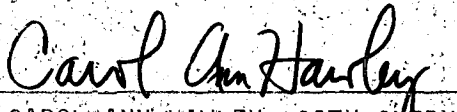
13 VOTING "NAY" Commissioners: None

14 ABSENT: None

15  
16  
17 APPROVED:

18   
19 WILLIAM H. BRIARE, MAYOR

20  
21 ATTEST:

22  
23   
24 CAROL ANN HAWLEY, CITY CLERK  
25  
26  
27  
28  
29  
30  
31  
32

RECEIVED  
DEC 11 10 41 AM '79  
CLERK

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.  
COUNTY OF CLARK

REX TAYLOR, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FORMAN of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of ONE TIME

from DECEMBER \* 8 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

That said newspaper was regularly issued and circulated on each of the dates above named.

Signed Rex Taylor

Subscribed and sworn to before me this 10th day of December, 1979  
Ruth V. Deskin

Notary Public in and for Clark County, Nevada

My Commission Expires



RUTHE V. DESKIN

Notary Public—State of Nevada  
COUNTY OF CLARK

My Commission Expires Aug 14, 1981

BILL NO. 79-85  
AN ORDINANCE RELATING TO THE REGULATION OF COMMUNITY ANTENNA TELEVISION SYSTEMS PROVIDING FOR CHANGES IN DEFINITION OF TERMS UTILIZED IN TITLE 5, CHAPTER 33 OF THE MUNICIPAL CODE FOR THE CITY OF LAS VEGAS; AUTHORIZING THE INSTALLATION OF NEW POLES; IMPOSING TIME LIMIT FOR THE CORRECTION BREACHES OF THE TERMS AND CONDITIONS OF THE FRANCHISE; REDUCING THE FRANCHISE PAYMENT TO THE CITY OF LAS VEGAS, NEVADA; PROVIDING FOR THE STATUS OF ALL FRANCHISES FOR COMMUNITY ANTENNA TELEVISION SYSTEMS IN LAS VEGAS, NEVADA; PROVIDING FOR THE ADOPTION OF THE TIMETABLE IMPOSED BY THE PUBLIC SERVICE COMMISSION OF THE STATE OF NEVADA UPON THE GRANTEE PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.  
Summary: Amendments to Title 5, Chapter 33, entitled CATV SYSTEMS, by deleting and adding various provisions regulating the granting of Community Antenna Television System franchises within the City of Las Vegas, Nevada.  
Also Commission Meeting on December 5, 1979  
BILL NO. 79-85 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE:  
COMMISSIONERS Woolfer and Lowry  
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CIVIL HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: December 8, 1979

BILL NO. 77-85  
 ORDINANCE NO. 2055  
 AN ORDINANCE RELATING TO THE  
 REGULATION OF COMMUNITY AN-  
 TENNA TELEVISION SYSTEMS, PRO-  
 VIDING FOR CHANGES IN DEFINI-  
 TION OF TERMS UTILIZED IN TITLE  
 5, CHAPTER 33 OF THE MUNICIPAL  
 CODE FOR THE CITY OF LAS  
 VEGAS, AUTHORIZING THE IN-  
 STALLATION OF NEW POLES IM-  
 POSING TIME LIMIT FOR THE COR-  
 RECTION BREACHES OF THE TERMS  
 AND CONDITIONS OF THE  
 FRANCHISE, REDUCING THE  
 FRANCHISE PAYMENT TO THE CITY  
 OF LAS VEGAS, NEVADA, PROVID-  
 ING FOR THE STATUS OF "ALL  
 FRANCHISES" FOR COMMUNITY  
 ANTENNA TELEVISION SYSTEMS  
 IN RELATION TO OTHER  
 FRANCHISES GRANTED BY THE  
 CITY OF LAS VEGAS, NEVADA,  
 PROVIDING FOR THE ADOPTION  
 OF THE TIMETABLE IMPOSED BY  
 THE PUBLIC SERVICE COMMISSION  
 OF THE STATE OF NEVADA UPON  
 THE GRANTEE, PROVIDING FOR  
 OTHER MATTERS PROPERLY RELAT-  
 ING THERETO, AND TO REPEAL ALL  
 ORDINANCES OR PARTS OF OR-  
 DINANCES IN CONFLICT HERE-  
 WITH.

Sponsored by:  
 Summary: Amendments to Title 5,  
 Chapter 33, entitled, CATV SYSTEMS  
 by deleting and adding various  
 provisions regulating the granting of  
 Community Antenna Television Sys-  
 tem franchises within the City of Las  
 Vegas, Nevada.

The above and foregoing ordinance  
 was first proposed and read by title  
 to the Board of Commissioners on  
 the 10th day of Dec. 1979, and  
 referred to the following committee  
 composed of Commissioners Levy  
 and Wood for their recommendation;  
 thereon said committee re-  
 ported favorably on said ordinance  
 on the 17th day of Dec. 1979, which  
 was a regular meeting of said  
 Board; that at said regular meeting  
 the proposed ordinance was read by  
 title to the Board of Commissioners.

As first introduced and adopted by  
 the following vote:  
 VOTING: AYE: Commissioners:  
 Christensen, Levy, Lurie, Wooler and  
 Mayor Briare  
 NAY: None  
 ABSENT: Commissioner: None  
 COPIES OF THE COMPLETE OR-  
 DINANCE ARE AVAILABLE FOR  
 PUBLIC INFORMATION IN THE OF-  
 FICE OF THE CITY CLERK, 10TH  
 FLOOR, CITY HALL, 400 EAST  
 STEWART AVENUE, LAS VEGAS,  
 NEVADA.  
 PUB. DEC. 22, 1979.

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, }  
 COUNTY OF CLARK } ss.

REX TAYLOR, being first duly sworn,

deposes and says: That he is COMPOSING ROOM FOREMAN of the  
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published  
 at Las Vegas, in the County of Clark, State of Nevada, and that the attached was  
 continuously published in said newspaper for a period of ONE TIME

from DEC. 22, 1979 to

inclusive, being the issues of said newspaper for the following dates, to-wit:

per was regularly issued and circulated on each of the dates

Rex Taylor

born to before me this 26th  
 day of 1979

Ruth V. Deskin

Notary Public in and for Clark County, Nevada  
 RUTH V. DESKIN



Notary Public—State of Nevada  
 COUNTY OF CLARK  
 My Commission Expires Apr. 14, 1981

My Commission Expires

RECEIVED  
 DEC 27 10 34 AM '79  
 CITY CLERK