



Legislation Text

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**File #: 981235, Version: 2**

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981235  
SUBSTITUTE 2

THE CHAIR

A substitute ordinance relating to open video systems regulation.

96 cr

- Analysis -

This ordinance authorizes the city to regulate open video systems to the maximum extent permitted by law, and specifically provides that regulations for cable television, street construction and work on public ways (chapters 99 and 115 of the code of ordinances) shall apply to open video systems.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Chapter 96 of the code is created to read:

CHAPTER 96 OPEN VIDEO SYSTEMS

Table

96-1	Definition 96-2	Applicability of Chapter 99 96-3	Rights-of-Way Usage
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96-1. Definition. In this chapter, FCC means the federal communications commission, its designee, and any legally appointed or elected successor.

96-2. Applicability of Chapters 99 and 115. To the maximum extent permitted by state and federal law, chs. 99 and 115 shall apply to open video systems that comply with 47 U.S.C.573 and are designed to provide "cable service" as defined under state and federal law.

96-3. Rights-of-Way Usage. An open video system operator shall be subject to all requirements of state and local law regarding authorization to use or occupy the public rights-of-way except to the extent specifically prohibited by federal law. FCC approval of an open video system operator's certification pursuant to 47 U.S.C.573 shall not be taken to confer upon such operator any authority to use or occupy the public rights-of-way that such operator would not otherwise possess.

APPROVED AS TO FORM

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Legislative Reference Bureau

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

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

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

Department of Administration

99031-2

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11/30/99