



Legislation Details (With Text)

File #: 080429 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 7/1/2008 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 7/30/2008

Effective date:

Title: A substitute ordinance relating to updating provisions of the city code regulating cable television and video service providers.

Sponsors: THE CHAIR

Indexes: CABLE TELEVISION, COMMUNICATIONS SYSTEMS

Attachments: 1. City Clerk Letter, 2. Hearing notice list, 3. Fiscal note, 4. Notice Published on 8-15-08

Date	Ver.	Action By	Action	Result	Tally
7/1/2008	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/10/2008	1	CITY CLERK	DRAFT SUBMITTED		
7/16/2008	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	4:0
7/30/2008	1	COMMON COUNCIL	PASSED	Pass	12:0
8/6/2008	1	MAYOR	SIGNED		
8/15/2008	1	CITY CLERK	PUBLISHED		

080429
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to updating provisions of the city code regulating cable television and video service providers.

81-16 rp
96 rp
98-1-3 rc
98-1-8 am
98-1-21 cr
98-1-22 cr
98-3 am
98-9-6 am
98-13-1-0 am
98-15-1 am
99-0 am
99-1 rp
99-2 rp
99-3 rp
99-4 rp
99-5 rp

99-6 rp
99-7 rp
99-8 rp
99-9 rp
99-10 rp
99-11-2-a am
99-11-2-d rc
99-11-3-e am
99-12 rp
99-13 rp
99-14 rp
99-15 rp
99-16 rp
99-17 rp

..Analysis

The state of Wisconsin has enacted legislation to regulate cable television systems and other video service providers. This legislation supersedes local regulation. This ordinance repeals code provisions for the franchising and regulation of cable television systems. It retains provisions for contracting with an access manager to oversee public and educational access channels and permits commercial advertising on such channels, as allowed under state law.

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

Part 1. Section 81-16 of the code is repealed.

Part 2. Chapter 96 of the code is repealed.

Part 3. Section 98-1-3 of the code is repealed and recreated to read:

98-1. Definitions.

3. CABLE SERVICE has the meaning given in 47 USC 522 (5).

Part 4. Section 98-1-8 of the code is amended to read:

8. FRANCHISE or LICENSE means an initial authorization or renewal thereof, issued by the ~~[[city]]~~ ~~>>state<<~~, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a ~~[[cable system or an open]]~~ video ~~>>services<<~~ system.

Part 5. Section 98-1-21 and 22 of the code is created to read:

21. VIDEO SERVICE has meaning given in s. 66.0402(2)(y), Wis. Stats.

22. VIDEO SERVICE PROVIDER has the meaning given in s. 66.0402(2)(zg), Wis. Stats.

Part 6. Section 98-3 of the code is amended to read:

98-3. Applicability. This chapter applies to all transmission facilities used by any person who provides cable services ~~>>~~, video services ~~<<~~ or telecommunications services, including but not

limited to alternative telecommunications utilities; public utilities; telecommunications utilities; telecommunications carriers and telecommunications providers; public service corporations; cable television telecommunications service providers; cable television service providers; >>video service providers<< and [[,]] open video system service providers.

Part 7. Section 98-9-6 of the code is amended to read:

98-9. Registration Information.

6. Evidence of authorization from the federal communications commission or the Wisconsin public service commission to operate a telecommunication service, or evidence of authorization from the [[city of Milwaukee]] >>state of Wisconsin<< to operate a cable service >>, video service<< or an open video system.

Part 8. Section 98-13-1-0 of the code is amended to read:

98-13. Conduit System Occupancy Fees.

1. CLASS ONE: The minimum fee for conduit system occupancy for transmission facilities used for the delivery of cable services >>or video services<<, pursuant to a franchise or license agreement and subject to payment of a franchise or license fee, shall be:

Part 9. Section 98-15-1 of the code is amended to read:

98-15. Grant of Right; Payment of Occupancy Fee.

1. Any person required to register under s. 98-7, who furnishes telecommunications >>, video services<< or cable services or who occupies or uses the city's conduit system is granted a right to do if and only so long as authorized to do so by the city, and the person pays the occupancy fee as provided in s. 98-11 and complies with all other requirements of law, including the execution of a written agreement and receipt of a registration certificate and permit to occupy the conduit system.

Part 10. Chapter 99-0 of the code is amended to read:

CHAPTER 99

[[CABLE]]>>VIDEO SERVICES << SYSTEMS

Part 11. Sections 99-1 to 99-10 of the code are repealed.

Part 12. Section 99-11-2-a of the code is amended to read:

99-11. PEG Access Managers; Public and Educational Access Channels.

2. FUNCTIONS.

a. Responsibility for administration of program production for and management of the public and educational access channels ~~[[and all other channels as designated in the franchise agreement]]~~.

Part 13. Section 99-11-2-d of the code is repealed and recreated to read:

d. Assure that no censorship or control over program content of the channels exist, except as necessary to comply with legal, statutory and regulatory prohibitions on transmission of material that is obscene or conducts a lottery.

Part 14. Section 99-11-3-e of the code is amended to read:

3. ACCESS RULES.

e. Use of reasonable amounts of channel time, ~~[[cable-casting]]~~ facilities and technical support in accordance with an agreement between the access manager and the city.

Part 15. Sections 99-12 to 99-17 of the code are repealed.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFOCEABLE

Office of the City Attorney

Date: _____

City Clerk's Office

LRB08373-2

BZJ:mbh

7/10/2008