



**CITY OF SOUTH TUCSON ORDINANCE NO. 19-03**

**ORDINANCE NO. 19-03 OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, AUTHORIZING AND APPROVING A UNIFORM VIDEO SERVICE LICENSE AGREEMENT AND STANDARD FORM OF APPLICATION AND AFFIDAVIT FOR UNIFORM LICENSE AGREEMENT PURSUANT TO A.R.S. SECTION 9-1411(B); AUTHORIZING THE CITY CLERK TO EXECUTE SUCH LICENSE AGREEMENTS TO COMPLY WITH STATE LAW; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY TO EXIST**

**WHEREAS**, the City of South Tucson ("City") is authorized to grant, renew, deny and terminate licenses and agreements for operation and maintenance of cable communications within the City boundaries pursuant to the South Tucson City Code, and by virtue of federal and state statutes, by the City's police powers, by its authority over its public rights-of-way and highways, and by other City powers and authority; and

**WHEREAS**, on May 16, 2018, the Arizona State Legislature signed Senate Bill 1140 (SB1140) into law (A.R.S. Sections 9-1401 *et seq.*, collectively, the "Legislation" or "State Law") preempting local cable agreements and requiring local jurisdictions such as the City to adopt by July 1, 2019 a Standard Form of the Model Uniform Video Service License Agreement ("License Agreement") and a Standard Form of the Application and Affidavit for Uniform Video Service License ("Application" consistent with the Legislation; and

**WHEREAS**, on April 11, 2019, the Arizona State Legislature signed House Bill 2229 (HB2229) which amended A.R.S. Section 9-1415 and removing language relating to operating and maintaining facilities installed in highways in local service areas; and

**WHEREAS**, companies which are current cable operators ("Video Service Providers") will desire to operate in City and to increase capacity in high demand areas; and

**WHEREAS**, the City desires to streamline the process for approval of Video Service Provider licenses consistent with State Law by authorizing the City to accept Applications and execute certain License Agreements utilizing the Applications (attached hereto as Exhibits A and B, respectively) which are appropriate for City service areas; and

**WHEREAS**, the Mayor and Council of the City find that approval of the attached Application and License Agreement authorizing Video Service Providers to operate within City service areas in compliance with State Law and delegation of authority to the Planning and Zoning Department to accept Applications from Video Service Providers and execute License Agreements with Video Service Providers, all in compliance with State Law, is in the best interests of the City and its residents; and

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, AS FOLLOWS:**

**Section 1.** The South Tucson City Council authorizes and approves the forms of Application and License Agreement, attached hereto as Exhibits A and B, respectively.

**Section 2.** The Planning and Zoning Department of the City is authorized to accept and review Applications from Video Service Providers and execute License Agreements on behalf of the City, and to make adjustments to the forms of Application and License Agreement as necessary to comply with State Law and amendments hereto.

**Section 3.** Three (3) copies of all documents and exhibits attached to Ordinance No. 19-03 shall be on file in the office of the City Clerk of the City of South Tucson as a public record, and adopted by reference, governing all general and miscellaneous regulations.

**Section 4.** If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**Section 5.** WHEREAS, it being necessary for the preservation of the peace, health, and safety of the City of South Tucson that this Ordinance become immediately effective, an emergency is hereby declared to exist and this Ordinance shall be effective immediately upon its passage and adoption to meet the statutory adoption deadline.

**PASSED, ADOPTED, AND APPROVED** by the Mayor and Council of the City of South Tucson, Arizona, this 24th day of June, 2019.

**APPROVED/EXECUTED**

  
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Mayor, Bob Teso

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Clerk, Veronica B. Moreno

  
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City Attorney, Bobby Yu, Esq.