

## **ARTICLE I. INTENT, SHORT TITLE, DEFINITIONS**

### **Sec. 7.5-10. Intent**

(a) The County of Solano, pursuant to Government Code Section 53066, is authorized to grant one or more nonexclusive franchises to construct, operate, maintain and reconstruct cable television systems within the unincorporated areas of the county.

(b) The board of supervisors finds that the development of cable television and communications systems has the potential to have great benefit and impact upon the residents of the County of Solano. Because of the complex and rapidly changing technology associated with cable television, the board of supervisors further finds that the public convenience, safety and general welfare is best served by adoption of this ordinance, which establishes regulatory powers which shall be vested in the board of supervisors or such persons as the board shall designate. It is the intent of this Chapter and subsequent amendments to specify the means to provide the best possible cable television service to the public. Any franchise granted pursuant to this Chapter shall be deemed to include this finding as an integral part thereof.

(Ord. No. 1408, §1)

### **Sec. 7.5-11. Short title**

This Chapter shall be known and may be cited as the "County of Solano Cable Television Franchise Ordinance."

(Ord. No. 1408, §1)

### **Sec. 7.5-12. Definitions**

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. Words not defined shall be given their common and ordinary meaning.

**Basic cable service** means any service tier which includes the retransmission of local television broadcast signals.

**Board or supervisors** or **Board** means the Board of Supervisors of the County of Solano.

**Cable operator** or **operator** means any person or group of persons who provide cable service over a cable system.

**Cable television system** or **System**, also referred to as "Cable Communications System" or "Cable System," means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment, that is

designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include:

- (a) A facility that serves only to retransmit the television signals of one or more television broadcast stations;
- (b) A facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility uses any public rights-of-way;
- (c) A facility of a common carrier, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers; or
- (d) Any facilities of any electric utility used solely for operating its electric utility system.

**Cable service** means the total of the following:

- (a) The one-way transmission to subscribers of video programming or other programming service; and
- (b) Subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

**Channel** or **Cable channel** means a portion of the electro-magnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel as defined by the Federal Communications Commission.

**Franchise** means an initial authorization, or renewal thereof, issued by the board of supervisors, 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.

**Franchise agreement** means a franchise grant ordinance or a contractual agreement containing the specific provisions of the franchise granted, including references, specifications, requirements and other related matters.

**Franchise fee** means any tax, fee or assessment of any kind imposed by a franchising authority or other governmental entity on a Grantee or cable subscriber, or both, solely because of their status as such. The term "franchise fee" does not include:

- (a) Any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services, but not including a tax, fee, or assessment which is discriminatory against cable operators or cable subscribers);

- (b) Capital costs which are required by the franchise to be incurred by Grantee for public, educational, or governmental access facilities;
- (c) Requirements or charges incidental to the awarding or enforcing of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or
- (d) Any fee imposed under Title 17, United States Code.

**Franchise property** means any cable, lines, related electronic equipment, supporting structures, appurtenances and other property installed and maintained by a cable operator for the purpose of providing a cable television system.

**Grantee** means any "person" receiving a franchise pursuant to this Chapter and under the granting franchise ordinance or agreement, and its lawful successor, transferee or assignee.

**Grantor** or **County** means the County of Solano as represented by the board of supervisors or any designee acting within the scope of its jurisdiction.

**Gross annual receipts** means the annual gross receipts received by a Grantee from all sources of operations of the Cable Television System within the county utilizing the public streets and rights-of-way for which a franchise is required in order to deliver such cable service, excluding refundable deposits, rebates or credits and uncollectible receivables, except that any sales, excise, or other taxes collected for direct pass-through to local, state or federal government shall not be included.

**Initial service area** means the area of the county which will receive service initially, as set forth in the Franchise Agreement.

**Installation** means the connection of the system to subscribers' terminals, and the provision of service.

**Person** means an individual, partnership, association, joint stock company, trust, corporation or governmental entity.

**Public, Educational, or Government Access Facilities** or "**PEG Access Facilities**" means the total of the following:

- (a) Channel capacity designated for public, education, or governmental use; and
- (b) Facilities and equipment for the use of such channel capacity.

**Section** means any section, subsection, or provision of this Chapter.

**Service Area** or **Franchise Area** means the entire geographic area within the unincorporated area of the County of Solano as it is now constituted or may in the future be constituted, unless otherwise specified in the franchise granting ordinance or agreement.

**Service tier** means a category of cable service or other services provided by a Grantee and for which a separate rate is charged by the Grantee.

**Standard installation** shall mean the customary outdoor placement of a single cable for a distance of up to one hundred fifty (150) feet from Grantee's distribution plant, and shall include trenching through turf, dirt, gravel, landscaping, or limited sections of public streets if and as needed, but shall not include greater distances nor trenching in extensive paved areas such as parking lots either of which shall be made available by Grantee on a time-and-material (actual cost) basis.

**State** means the State of California.

**Street** means each of the following which have been dedicated to the public and maintained under public authority or by others and located within the unincorporated areas of the county: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way, and similar public property and areas that the Grantor shall permit to be included within the definition of street from time to time.

**Subscriber** means any person who or which elects to subscribe to, for any purpose, a service provided by the Grantee by means of or in connection with the cable system.

(Ord. No. 1408, §1)