

PIMA COUNTY ORDINANCE NO. 2013-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA,
AMENDING PIMA COUNTY CODE CHAPTER 5.04 CABLE COMMUNICATIONS

WHEREAS, The Pima County Board of Supervisors has determined that it is in the best interest of the County to amend certain provisions of the Cable Communications Code to incorporate changes mandated by Federal and State Statutes and to correct inconsistencies in the current wording of the code.

BE IT ORDAINED BY THE PIMA COUNTY BOARD OF SUPERVISORS:

SECTION 1: Pima County Code is amended to replace Section 5.04.030 (F.) "GROSS REVENUES" as follows:

Title 5 – Business Taxes, Licenses and Regulations
Chapter 5.04 – Cable Communications

Article 1. – General Regulations

5.04.030 - Definitions.

- F. ~~"Gross Annual Revenues" or "Gross Revenues" means all revenues, cash, credits, property of any kind or nature, or other consideration, received directly or indirectly by the licensee, its affiliates, subsidiaries, parent or any other person, firm or corporation in which the licensee has a financial interest or which has a financial interest in the licensee, arising from or attributable to the licensee's operation of its cable system to provide cable services within the county, including, but not limited to:~~
- ~~1. Revenue from all charges for services provided to subscribers;~~
 - ~~2. Revenue from all charges for the insertion of commercial advertising upon the cable system;~~
 - ~~3. Revenue from all charges for the leased use of studios;~~
 - ~~4. Revenue from all charges for the installation, removal, connection and reinstatement of equipment necessary for a subscriber to receive cable service and for any equipment sold or leased to a subscriber to receive cable service;~~
 - ~~5. Revenue from the sale, exchange, use or cablecast of any programming developed for community use or institutional users;~~
 - ~~6. Revenue for the carriage or cablecast of leased access programming on the cable system; and~~
 - ~~7. Any other income derived from the operation of the cable system to provide cable services.~~

~~"Gross Revenues" shall not include taxes collected by licensee on behalf of any government exclusive of the license fee required by Section 14 hereof; any increase in the value of any stock, security or asset; the value of complimentary service provided to licensee's employees and as required by the Cable Ordinance or this license agreement; dividends or other distributions made in respect to any stock or securities; value received by a licensee (or any of its affiliates, subsidiaries or parent) through cooperative advertising.~~

"Gross revenues" means all cash, credits, property of any kind or nature, or other consideration, less related bad debt not to exceed one and one-half per cent annually, that is received directly or indirectly by the cable operator, its affiliates, subsidiaries or parent or any person, firm or corporation in which the cable operator has a financial interest or that has a financial interest in the cable operator and that is derived from the cable operator's operation of its cable system to provide cable service in the area of jurisdiction. Gross revenues include all revenue from charges for cable service to subscribers and all charges for installation, removal, connection or reinstatement of equipment necessary for a subscriber to receive cable service, and any other receipts from subscribers derived from operating the cable system to provide cable service, including receipts from forfeited deposits, sale or rental of equipment to provide cable service, late charges, interest and sale of program guides. Gross revenues also include all income the cable operator receives from the lease of its facilities located in the public streets, roads and alleys, unless services that the lessee provides over the leased facilities are subject to a transaction privilege tax of the licensing authority. Gross revenues do not include revenues from commercial advertising on the cable system, the use or lease of studio facilities of the cable system, the use or lease of leased access channels or bandwidth, the production of video programming by the cable operator, the sale, exchange, use or cablecast of any programming by the cable operator in the area of jurisdiction, sales to the cable operator's subscribers by programmers of home shopping services, reimbursements paid by programmers for launch fees or marketing expense, license fees, taxes or other fees or charges that the cable operator collects and pays to any governmental authority, any increase in the value of any stock, security or asset, or any dividends or other distributions made in respect of any stock or securities.

SECTION 2. The various County officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Ordinance.

SECTION 3. This Ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2013.

PIMA COUNTY BOARD OF SUPERVISORS

BY _____
Ramón Valadez
Chairman

ATTEST:


BY _____
Robin Brigode
Clerk, Board of Supervisors

APPROVED AS TO CONTENT:



Lionel H. Bittner, Chief Information Officer

APPROVED AS TO FORM:



Marc Natelsky, Deputy County Attorney

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