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## Chapter 5.12 CATV FRANCHISES

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#### **5.12.010 Definitions.**

For the purposes of this chapter, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given in this section. When not inconsistent with the context, 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.

A. "CATV" means a community antenna television system as defined in subsection D of this section.

B. "City" means the city of Angels, a political subdivision of the state of California.

C. "City council" means the present governing body of the city or any future council constituting the legislative body of the city.

D. "Community antenna television system" means a system of antennae, coaxial cables, wires, wave guides or other conductors, equipment or facilities designed, constructed or used for the purpose of providing television or FM radio service by

cable or through its facilities as contemplated in this chapter. "CATV" does not mean or include the transmission of any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television."

E. "Franchise" means and includes any nonexclusive authorization granted under this chapter in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a CATV system in the incorporated area of the city.

F. "Franchise area" means the territory within the city throughout which the grantee is authorized under this chapter to construct, maintain and operate its system and shall include any enlargements thereof and additions thereto.

G. "Grantee" means the person, firm or corporation to whom or which a franchise, as defined in subsection E of this section, is granted by the city council under this chapter, and the lawful successor, transferee or assignee of that person, firm or corporation.

H. "Gross annual receipts" means any and all compensation and other consideration in any form whatever, including installation and line-extension charges, and any contributing grant or subsidy received directly or indirectly by a grantee from subscribers or users in payment for television or FM radio signals or service received within the city.

"Gross annual receipts" does not include any taxes on services furnished by the grantee imposed directly on any subscriber or user by any city, state or other governmental unit and collected by the grantee for such governmental unit.

I. "Property of grantee" means all property owned, installed or used by a grantee in the conduct of a CATV business in the city under the authority of a nonexclusive franchise granted pursuant to this chapter.

J. "Street" means the surface of and the space above and below any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway or drive, existing as such within the city as of the adoption of the ordinance codified in this chapter or thereafter.

K. "Subscriber" means any person or entity receiving for any purpose the CATV service of a grantee. (Ord. 175 §1, 1970)

#### **5.12.020 Telephone-franchised grantees.**

When and in the event that the grantee of any franchise granted under this chapter constructs, operates and maintains a CATV system exclusively through telephone company facilities constructed, operated and maintained pursuant to a state-granted telephone franchise and offers proof, satisfactory to the city council, that in no event during the life of such franchise will the grantee make any use of the streets independently of such telephone company facilities, the grantee shall be required to comply with all of the provisions of this chapter as a "licensee," and in such event, whenever the term "grantee" is used in this chapter it shall mean and include "licensee." (Ord. 175 §2, 1970)

#### **5.12.030 Granting authorized.**

A nonexclusive franchise to construct, operate and maintain a CATV system within a franchise area may be granted by the city council to any person, firm or corporation, whether operating under an existing franchise or not, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this chapter. (Ord. 175 §3(part), 1970)

#### **5.12.040 Granting not required.**

No provision of this chapter may be deemed or construed as to require granting of a franchise when in the opinion of the city council it is in the public interest not to do so or to restrict the number of grantees. (Ord. 175 §3(part), 1970)

**5.12.050 Areas.**

The city council, shall designate and delineate by resolution franchise areas in which nonexclusive franchises may be granted pursuant to this chapter. (Ord. 175 §3(part), 1970)

**5.12.060 Scope of franchises.**

Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a CATV system in the city, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any public street, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and appurtenant to the CATV system; and, in addition, so to use, operate and provide similar facilities or properties rented or leased from other persons, firms or corporations, including but not limited to any public utility or other grantee franchised or permitted to do business in the city. (Ord. 175 §4(a), 1970)

**5.12.070 Private property unaffected.**

The granting of a franchise pursuant to this chapter shall not be construed as permission or authority to enter on, occupy or otherwise utilize private property without the express consent of the owner of agent in possession thereof. (Ord. 175 §4(b), 1970)

**5.12.080 Pay television prohibited.**

No franchise granted under this chapter shall be construed as a franchise, permit or license to transmit any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television," and no grantee shall directly or indirectly install, maintain or operate on any television set a coin box or any other device or means for collection of money for individual programs. (Ord. 175 §4(c), 1970)

**5.12.090 Charges.**

The grantee may make a charge to subscribers for installation or connection to its CATV system and a fixed monthly charge as filed and approved as provided in this chapter. No increase in the rates and charges to subscribers, as set forth in the schedule filed and approved with grantee's application, may be made without the prior approval of the city council expressed by resolution. (Ord. 175 §4(d), 1970)

**5.12.100 Duration.**

No franchise granted by the city council under this chapter shall be for a term longer than twenty years following the date of acceptance of such franchise by the grantee or the renewal thereof. (Ord. 175 §5(part), 1970)

**5.12.110 Termination.**

Any such franchise granted under this chapter may be terminated prior to its date of expiration by the city council in the event that the city council has found, after thirty days' notice of any proposed termination and public hearing, that:

A. The grantee has failed to comply with any provision of or chapter of or has, by act or omission, violated any term or condition of any franchise or permit issued under this chapter; or

B. Any provision of this chapter has become invalid or unenforceable and the council further finds that such provision constitutes a consideration material to the grant of such franchise; or

C. The city acquires the CATV system property of the grantee. (Ord. 175 §5(part), 1970)

**5.12.120 Payments to city.**

Any grantee granted a franchise under this chapter shall pay to the city during the life of such franchise, a sum equal to five percent of the gross annual receipts of the grantee, and in addition thereto such other sums as may be provided for in the grantee's franchise. Such payment by the grantee to the city shall be made annually, or as otherwise provided in the grantee's franchise, by delivery of the same to the treasurer of the city. Franchise payments required hereunder shall be in lieu of any business license, occupation tax or similar levy over which the city council has control. (Ord. 175 §6(part), 1970)

**5.12.130 Annual financial statement.**

The grantee shall file with the treasurer within sixty days after the expiration of any calendar year or portion thereof during which such franchise is in force, a financial statement prepared by a certified public accountant, or person otherwise satisfactory to the city council, showing in detail the gross annual receipts, as defined in this chapter, of the grantee during the preceding calendar year or portion thereof. It shall be the duty of the grantee to pay to the city, within fifteen days after the time for filing such statements, the sum prescribed in Section [5.12.120](#) or any unpaid balance thereof for the calendar year or portion thereof covered by such statements. (Ord. 175 §6(part), 1970)

**5.12.140 Minimum payment to city.**

Commencing with the first full year of service under a franchise granted under this chapter during which payments under Section [5.12.120](#) amount to less than six hundred dollars per year, the grantee shall pay the city, as a minimum, an amount equal to six hundred dollars per year. (Ord. 175 §6(part), 1970)

**5.12.150 City may inspect records.**

The city shall have the right to inspect the grantee's records showing the gross receipts from which its franchise payments are computed and the right of audit and recomputations of any and all amounts paid under this chapter. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the city may have for further or additional sums payable under this chapter or for the performance of any other obligation under this chapter. (Ord. 175 §6(part), 1970)

**5.12.160 Holding over after termination.**

In the event of any holding over after expiration or other termination of any franchise granted under this chapter, without the consent of the city, the grantee shall pay to the city reasonable compensation and damages of not less than one hundred percent of its total gross profits during that period. (Ord. 175 §6(part), 1970)

**5.12.170 Nonexclusivity.**

Any franchise granted under this chapter shall be nonexclusive. (Ord. 175 §7(a), 1970)

**5.12.180 No unspecified privileges or exemptions.**

No privilege or exemption shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed in this chapter. (Ord. 175 §7(b), 1970)

**5.12.190 Prior lawful occupancy.**

Any privilege claimed under a franchise granted under this chapter by the grantee in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property. (Ord. 175 §7(c), 1970)

**5.12.200 Transfer or assignment.**

Any franchise granted under this chapter shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation, by change in control of a corporation or company, stock transfer, transfer in trust, mortgage or other hypothecation, or otherwise, without the prior consent of the city council expressed by resolution, and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, a duly executed copy of which shall be filed with the city council within thirty days after any such transfer or assignment. The consent of the city council may not be arbitrarily refused; provided, however, the proposed assignee must show financial responsibility and must agree to comply with all provisions of this chapter; and provided, further, that no such consent shall be required for a transfer in trust, mortgage or other hypothecation as a whole, to secure an indebtedness. (Ord. 175 §7(d), 1970)

**5.12.210 Prompt compliance.**

Time shall be of the essence of any franchise granted under this chapter. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this chapter or by any failure of the city to enforce prompt compliance. (Ord. 175 §7(e), 1970)

**5.12.220 Transfer of city rights or powers.**

Any right or power invested in, or duty impressed upon, any officer, employee, department or board of the city shall be subject to transfer by the city to any other officer, employee, department or board of the city. (Ord. 175 §7(f), 1970)

**5.12.230 No recourse against city.**

The grantee shall have no recourse whatsoever against the city for any loss, cost, expense or damage arising out of any provision or requirement of this chapter or of any franchise issued under this chapter or because of its enforcement. (Ord. 175 §7 (g), 1970)

**5.12.240 Legal compliance--Papers submitted to other jurisdictions.**

The grantee shall be subject to all provisions, rules, regulations and conditions prescribed by federal, state, county and local law, enacted or established before or after the adoption of the ordinance codified in this chapter, during the term of any franchise granted under this chapter. Copies of all petitions, applications and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting CATV operations authorized pursuant to a franchise issued under this chapter shall also be submitted simultaneously to the city council. (Ord. 175 §7(h), 1970)

**5.12.250 Pole space obligations unaffected.**

Any franchise granted under this chapter shall not relieve the grantee of any obligation involved in obtaining pole space from any department of the city, utility company, or from others maintaining poles in streets. (Ord. 175 §7(i), 1970)

**5.12.260 Other rights abandoned.**

Any franchise granted under this chapter shall be in lieu of any and all other rights, privileges, powers, immunities and authorities owned, possessed, controlled or exercisable by the grantee, or any successor to any interest of the grantee, of or pertaining to the construction, operation or maintenance of any CATV system in the city. The acceptance of any franchise under this chapter shall operate, as between the grantee and the city, as an abandonment of any and all of such rights, privileges,

powers, immunities and authorities within the city, to the effect that, as between the grantee and the city, any and all construction, operation and maintenance by any grantee of any CATV system in the city shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to the franchise and not under or pursuant to any other right, privilege, power, immunity or authority whatsoever. (Ord. 175 §7(j), 1970)

**5.12.270 City may acquire property.**

Nothing in this chapter shall be deemed or construed to impair or affect, in any way, to any extent, the right of the city to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include any amount for the franchise itself or for any of the rights or privileges granted, and nothing in this chapter shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the city's right of eminent domain. (Ord. 175 §8(a), 1970)

**5.12.280 Rights reserved to city.**

There is reserved to the city every right and power which is required in this chapter to be reserved or provided by ordinance, code or resolution of the city, and the grantee, by its acceptance of any franchise, agrees to be bound thereby and to comply with any action or requirements of the city in its exercise, of such rights or power, enacted or established before or after the adoption of the ordinance codified in this chapter. (Ord. 175 §8(b), 1970)

**5.12.290 Other franchises unimpaired.**

Neither the granting of any franchise under this chapter nor any of the provisions contained in this chapter shall be construed to prevent the city from granting any identical or similar franchise to any other person, firm or corporation, within all or any portion of the city. (Ord. 175 §8(c), 1970)

**5.12.300 Amendment power reserved.**

There is reserved to the city the power to amend any section or part of this chapter so as to require additional bonding, insurance or greater standards of construction, operation, maintenance or otherwise on the part of the grantee. (Ord. 175 §8(d), 1970)

**5.12.310 City rights or powers not waived or barred.**

Neither the granting of any franchise nor any provision of this chapter shall constitute a waiver or bar to the exercise of any governmental right or power of the city. (Ord. 175 §8(e), 1970)

**5.12.320 Controversies or charges.**

A. The city council may do all things which are necessary and convenient in the exercise of its jurisdiction under this chapter and may determine any question of fact which may arise during the existence of any franchise granted under this chapter.

B. The city clerk is authorized and empowered to adjust, settle or compromise any controversy or charge arising from the operations of any grantee under this chapter, either on behalf of the city, the grantee or any subscriber, in the best interest of the public.

C. Either the grantee or any member of the public who may be dissatisfied with the decision of the city clerk may appeal the matter to the city council for hearing and determination. The city council may accept, reject or modify the decision of the city clerk, and the city council may adjust, settle or compromise any controversy or cancel any charge arising from the operations of any grantee or from any provision of this chapter. (Ord. 175 §8(f), 1970)

**5.12.330 Deadlines--Other permits and authorizations.**

Within sixty days after acceptance of any franchise, the grantee shall make application for and diligently pursue the obtaining of all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses, and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems, their associated microwave transmission facilities, or any other associated facility. (Ord. 175 §9(a), 1970)

**5.12.340 Deadlines--Commencement of construction.**

The grantee shall commence construction and installation of the CATV system either within ninety days after obtaining all necessary permits, licenses and authorizations or within ninety days after not less than nine VHF and/or UHF stations provide predicted Grade B or better signal levels to any portion of the city, whichever occurs first. (Ord. 175 §9(b), 1970)

**5.12.350 Deadlines--Service start--Construction completion.**

Within one hundred eighty days after the commencement of construction and installation of the system, the grantee shall proceed to render service to subscribers, and the completion of the construction and installation shall be pursued with reasonable diligence thereafter, so that service to all areas designated on the map accompanying the application for franchise, as provided in Section [5.12.730](#), shall be provided within two years from the date that service was first provided. (Ord. 175 §9(c), 1970)

**5.12.360 Deadlines--Failure to meet.**

Failure on the part of the grantee to commence and diligently pursue each of the requirements and to complete each of the matters set forth in Section [5.12.330](#) et seq. shall be grounds for termination of such franchise, under and pursuant to Section [5.12.110](#); provided, however, that the city council in its discretion may extend the time for obtaining of permits and authorizations and for the commencement and completion of construction and installation for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond his control. (Ord. 175 §9(d), 1970)

**5.12.370 Construction on streets.**

Any poles, wires, cable lines, conduits or other properties of the grantee to be constructed or installed in streets shall be so constructed or installed only at such locations and in such manner as is approved by the street superintendent acting in the exercise of his reasonable discretion. (Ord. 175 §10 (a), 1970)

**5.12.380 Construction off streets or on undeveloped streets.**

The grantee shall not install or erect any facilities or apparatus in or on public property, places or rights-of-way other than streets, or within any privately owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the city, except those installed or erected upon public utility facilities now existing, without obtaining the prior written approval of the street superintendent. (Ord. 175 §10(b), 1970)

**5.12.390 Undergrounding.**

In those areas and portions of the city where the transmission or distribution facilities of both the public utility providing telephone service and those of the utility providing electric service are underground as of the adoption of the ordinance codified in this chapter or thereafter may be placed underground, then the grantee shall likewise

construct, operate and maintain all of its transmission and distribution facilities underground. For the purposes of this section, "underground" includes a partial underground system; e.g., streamlining. Amplifiers in grantee's transmission and distribution lines may be in appropriate housings upon the surface of the ground as approved by the street superintendent. The city shall not in any manner be responsible for any costs incurred by the grantee in placing grantee's facilities underground. (Ord. 175 §10(c), 1970)

#### **5.12.400 Removal of grantee's property.**

In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of twelve months, or in the event such system or property has been installed in any street or public place without complying with the requirements of the grantee's franchise or this chapter, or the franchise has been terminated, cancelled or has expired, the grantee shall promptly, upon being given ten days' notice, remove from the streets or public places all such property and poles of such system other than any which the street superintendent may permit to be abandoned in place. In the event of such removal, the grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the street superintendent. (Ord. 175 §11(a), 1970)

#### **5.12.410 Abandonment--Defined.**

Any property of the grantee remaining in place sixty days after the termination or expiration of the franchise shall be considered permanently abandoned. The street superintendent may extend such time not to exceed an additional thirty days. (Ord. 175 §11(b), 1970)

#### **5.12.420 Abandonment--Manner.**

Any property of the grantee to be abandoned in place shall be abandoned in such manner as the street superintendent shall prescribe. Subject to the provisions of any utility joint use attachment agreement, upon permanent abandonment of the property of the grantee in place, the property shall become that of the city, and the grantee shall submit to the city council an instrument in writing, to be approved by the city attorney, transferring to the city the ownership of such property. (Ord. 175 §11(c), 1970)

#### **5.12.430 Accommodation of public improvements.**

The grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the grantee when required by the street superintendent by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by public agencies; provided, however, that the grantee shall in all such cases have the privilege and be subject to the obligations to abandon any property of the grantee in place, as provided in Section [5.12.400](#) et seq. (Ord. 175 §12, 1970)

#### **5.12.440 Failure to perform required work.**

Upon failure of the grantee to commence, pursue or complete any work required by law or by the provisions of this chapter or by its franchise to be done in any street or other public place, within the time prescribed, and to the satisfaction of the street superintendent, the street superintendent may, at his option, cause such work to be done and the grantee shall pay to the city the cost thereof in the itemized amounts reported by the street superintendent to the grantee within thirty days after receipt of such itemized report. (Ord. 175 §13, 1970)

**5.12.450 Performance bond.**

The grantee shall, concurrently with the filing of and acceptance of award of any franchise granted under this chapter, file with the city council and at all times thereafter maintain in full force and effect for the term of such franchise or any renewal thereof, at the grantee's sole expense, a corporate surety bond in a company authorized to do business in the state of California and in a form approved by the city attorney, in the amount of twenty-five thousand dollars, renewable annually, and conditioned upon the faithful performance of the grantee and upon the further condition that in the event the grantee fails to comply with any one or more of the provisions of this chapter, or of any franchise issued to the grantee under this chapter, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the city as a result thereof, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the grantee as prescribed by this chapter which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond; the condition is to be a continuing obligation for the duration of the franchise and any renewal thereof and thereafter until the grantee has liquidated all of its obligations with the city that may have arisen from its exercise of any privilege therein granted. The bond shall provide that thirty days' prior written notice of intention not to renew, cancellation or material change be given to the city. (Ord. 175 §14(a), 1970)

**5.12.460 Liability unaffected by bond.**

Neither the provisions of Section [5.12.450](#), nor any bond accepted by the city pursuant to that section, nor any damages recovered by the city thereunder, shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under any franchise issued under this chapter or for damages either to the full amount of the bond or otherwise. (Ord. 175 §14(b), 1970)

**5.12.470 Indemnification of city--Programming rights.**

The grantee shall indemnify and save harmless the city, its officers and employees from and against any and all claims, demands, actions, suits and proceedings by others, against all liability to others, including, but not limited to, any liability for damages by reason of or arising out of any failure by the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the grantee's CATV system, and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney's fees, arising out of the exercise or enjoyment of its franchise. (Ord. 175 §15(a), 1970)

**5.12.480 Indemnification of city--Operations-Insurance requirements.**

The grantee shall indemnify and save harmless the city, its officers, boards, commissions, agents and employees from and against any and all liability claims, demands, actions, suits and proceedings by others, for loss or damage, for personal injury, death and property damage, occasioned by the operations of grantee under this chapter and any franchise granted under this chapter; and the grantee shall, at all times during the existence of any franchise granted under this chapter, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy protecting the city and all persons against liability for loss or damage for personal injury, death and property damage, occasioned by the operations of the grantee under this chapter and any franchise granted under this chapter, with minimum liability limits of three hundred thousand dollars for personal injury or death of any one person and five hundred thousand dollars for personal injury or death of two or more persons in any one occurrence, and one hundred thousand dollars for damage to property resulting from any one occurrence. The grantee shall, concurrently with the filing of an acceptance of award of any franchise granted under this chapter, file with the city council either a copy of such policy or a certificate of insurance

evidencing the same in a form satisfactory to the city attorney. Such policy of insurance, and any certificate evidencing the same, shall contain a contractual liability endorsement specifically extending the policy to cover the liability assumed by the grantee under this section, and shall also contain a provision that such policy may not be cancelled except for ten days' notice in writing to be given to the council. (Ord. 175 §15(b), 1970)

**5.12.490 Right to examine property of grantee.**

At all reasonable times, the grantee shall permit any duly authorized representative of the city to examine all property of the grantee, together with any appurtenant property of the grantee situated within or without the city, and to examine and transcribe any and all maps and other records kept or maintained by the grantee or under its control which deal with the operations, affairs, transactions or property of the grantee with respect to its franchise. If any such maps or records are not kept in the city, or upon reasonable request made available in the city, and if the city council shall determine that an examination thereof is necessary or appropriate, than all travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee. (Ord. 175 §16(a), 1970)

**5.12.500 Reports to city upon request.**

The grantee shall prepare and furnish to the street superintendent and the treasurer at the times and in the form prescribed by either of the officers, such reports with respect to its operations, affairs, transactions or property, as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the city or any of its officers in connection with the franchise. (Ord. 175 §16(b), 1970)

**5.12.510 Equipment-location plans and records.**

The grantee shall at all times make and keep in its local office full and complete plans and records showing the exact location of all CATV system equipment installed or in use in streets and other public places in the city. (Ord. 175 §16(c), 1970)

**5.12.520 Current maps to be filed.**

The grantee shall file with the street superintendent on or before the last day in June of each year, a current map or set of maps drawn to scale, showing all CATV system equipment installed and in place in streets and other public places in the city on base maps provided by city. (Ord. 175 §16(d), 1970)

**5.12.530 Standards of installation and maintenance.**

The CATV system shall be installed and maintained in accordance with the highest and best accepted standards of the CATV industry, to the effect that subscribers shall receive the highest quality service technically possible. In determining the satisfactory extent of such standards, the requirements set out through Section [5.12.630](#), among others, shall be considered as minimum requirements. (Ord. 175 §17(part), 1970)

**5.12.540 Broadcast spectrum--UHF conversion.**

The CATV system shall be installed using all-band equipment capable of passing the entire VHF television and FM broadcast spectrum (i.e., no less than fifty to two hundred twenty megahertz, including the so-called "mid-band" region), and further, it shall have the capability of converting the UHF television broadcasting range to channels between fifty and two hundred twenty megahertz for distribution to subscribers. (Ord. 175 §17(a), 1970)

**5.12.550 Fidelity.**

A. Signals shall be transmitted from the antenna origination point to all subscriber tap-off points, regardless of location on the distribution portion of the system, without

the introduction of any noticeable degradation of, color fidelity, picture intelligence or audio distortion.

B. Color phase shift introduced by system components between the off-the-air receiving antennas and the customer tap-off point shall not exceed two degrees under any circumstances, on a cumulative basis. (Ord. 175 §17(b), 1970)

**5.12.560 Continuous operation.**

The system and all equipment in the system shall be rated for continuous twenty-four hours per day, operation. (Ord. 175 §17(c), 1970)

**5.12.570 Signal strength.**

A. The system shall provide a signal level of not less than two thousand microvolts, as measured across seventy-two ohms at the subscriber's television receiver, on the highest channel (by frequency) carried by the system and not less than one thousand five hundred microvolts on the lowest channel (by frequency) carried on the system to all color television receivers connected to the system. No channel shall exceed the highest and lowest values for the highest and lowest channels by more than .5 decibel for more than fifty percent of the time.

B. The system shall provide equivalent service levels of not less than one thousand five hundred microvolts on the highest channel and not less than one thousand microvolts on the lowest channel (both as measured across the seventy-two ohm drop cable) to all black and white receivers connected to the system.

C. The system shall provide a minimum signal of not less than two hundred microvolts on the lowest intensity FM channel (as measured at the customer service drop termination point) delivered, and a maximum signal intensity of not more than three decibels greater level than the lowest intensity FM channel delivered by the cable (i.e., all FM channels carried by the system shall be flat to within three decibels from the lowest and highest FM channels carried, and the lowest of these shall be not lower than two hundred microvolts across seventy-two ohms). (Ord. 175 §17(d), 1970)

**5.12.580 Noise ratio.**

The system design and operation shall exhibit a signal plus noise, to noise ratio of not less than forty decibels as measured at the extremities of all trunk and customer distribution lines covering the franchise area. (Ord. 175 §17(e), 1970)

**5.12.590 Hum modulation of carrier.**

Hum modulation of the picture (video) carrier shall not exceed five percent at any point in the system. (Ord. 175 §17(f), 1970)

**5.12.600 Leakage.**

All active components in the system shall have a VSWR not to exceed 1.5 to 1; all passive devices in the system shall have input, output and return losses of not less than twenty decibels. (Ord. 175 §17(g), 1970)

**5.12.610 Video to audio carrier ratio.**

The system shall maintain a minimum video carrier to aural carrier ratio of fifteen decibels and a maximum video carrier to aural carrier ratio of eighteen decibels for all television channels. This video carrier to aural carrier relationship shall be established in such a manner that the color sub-carrier, if present, to video carrier relationship shall not be degraded below its as-received off-the-air ratio by more than .25 decibel. (Ord. 175 §17(h), 1970)

**5.12.620 Local-channel strength.**

Carriage of so-called local channels shall be accomplished in such a way that these channels, as delivered to the system subscribers, if delivered on-channel, shall be at least forty decibels stronger, as measured at the customer receiver tuner input

terminals, than any stray direct pickup from these channels. If this is not possible, channel conversion of these stations shall be made to utilize other regular VHF channels, midband or octave channels for the delivery of these stations to the customers' receivers. (Ord. 175 §17(i), 1970)

#### **5.12.630 Twenty-channel operation.**

The system shall be designed in such a way that twenty-channel operation is possible at the outset, utilizing either midband frequencies or octave frequency groupings.

A. If so-called midband frequencies for cable carriage of one or more channels are utilized, it shall be demonstrated that such carriage is possible in the city of Angels without introduction into the cable transmission lines of direct pickup from radio services operating in the midband region, which would tend to interfere with the carriage of one or more proposed television channels in this frequency range.

B. If the octave-frequency grouping method of providing spectrum space for additional channels (more than the twelve regular VHF channels) is utilized, it shall be demonstrated to the satisfaction of the city clerk that such equipment is operational and available for delivery. (Ord. 175 §17(j), 1970)

#### **5.12.640 Filings with city.**

When not otherwise prescribed in this chapter, all matters required in this chapter to be filed with the city shall be filed with the city council. (Ord. 175 §18(a), 1970)

#### **5.12.650 Free service for city and schools.**

The grantee shall, without charge, provide all subscriber services of its system, including multiple connection services, to all public and nonprofit private schools, sheriff's office and fire-protection-district stations, city recreation centers, and such other buildings owned or controlled by the city, which shall from time to time be designated by the city clerk; provided, that such buildings shall be located within the franchise area. The grantee shall install, without charge to the city or such public or private schools, up to two hundred feet of service connection from the transmission cable otherwise maintained or required to be maintained by the grantee for the service of paying subscribers of the grantee. The city or any such public or private schools shall pay to the grantee the costs of all labor and materials supplied by the grantee for the installation of any service connection in excess of the initial two hundred feet. (Ord. 175 §18(b), 1970)

#### **5.12.660 Emergency or disaster use of facilities.**

In the case of any emergency or disaster, the grantee shall, upon request of the city clerk, make available its facilities to the city for emergency use during the emergency or disaster period. (Ord. 175 §18(c), 1970)

#### **5.12.670 Television or radio sales or service.**

The grantee shall not engage directly or indirectly in the business of selling, leasing, renting, furnishing, providing, repairing or servicing any television, radio or other receiving apparatus or any component part thereof within the city; and such prohibition shall extend and apply to the officers and directors of the grantee, to all general and limited partners of the grantee, to any person or combination of persons owning, holding or controlling five percent or more of any corporate stock or other ownership interest of the grantee, or in which any officer, director, stockholder, general or limited partner, or person or group of persons holding or controlling any ownership interest in the grantee, shall own, hold or control five percent or more of any corporate stock or other ownership interest; and such prohibition shall likewise apply to any person, firm or corporation acting or serving in the capacity of a holding or controlling company of the grantee. (Ord. 175 §18(d), 1970)

**5.12.680 Alteration of broadcast programming.**

The grantee shall be prohibited from deleting, revising, adding to or substituting any program of any television or FM radio broadcast station carried by the grantee, whether with or without the consent of such station, without the prior written approval of the city council for good cause shown and then only upon such terms as the city council shall prescribe. (Ord. 175 §18(e), 1970)

**5.12.690 Office in city or toll-free number.**

The grantee shall maintain an office within the city or at a location which subscribers may call without incurring added message or toll charges so that CATV maintenance service shall be promptly available to subscribers. (Ord. 175 §18(f), 1970)

**5.12.700 Refusal to serve.**

No person, firm or corporation in the existing service area of the grantee shall be arbitrarily refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or monthly service charge. (Ord. 175 §18(g), 1970)

**5.12.710 Contract with subscribers.**

A. Before the grantee shall provide service to any subscriber, the grantee shall obtain a signed contract from the subscriber containing a provision substantially as follows:

Subscriber understands that in providing service, grantee is making use of public rights-of-way within the City of Angels, and that the continued use of these public rights-of-way is in no way guaranteed. In the event the continued use of such rights-of-way is denied to grantee for any reason, grantee will make every reasonable effort to provide service over alternate routes. Subscriber agrees he will make no claim nor undertake any action against the City of Angels, its officers, its employees, or grantee if a service to be provided by grantee hereunder is interrupted or discontinued because the continued use of such rights-of-way is denied to grantee for any reason.

B. The form of the grantee's contract with its subscribers shall be subject to approval of the city attorney with respect to the inclusion of the provision required in subsection A of this section. (Ord. 175 §18(h), 1970)

**5.12.720 Pole and facility use agreements.**

When any portion of the CATV system is to be installed on public utility poles and facilities, certified copies of the agreements for such joint use of poles and facilities shall be filed with the city council. (Ord. 175 §19, 1970)

**5.12.730 Application for franchise.**

Application for a franchise under this chapter shall be in writing, shall be accompanied by an application fee of one hundred fifty dollars, shall be filed with the city council and shall contain the following information:

A. The name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall also be set forth. If the applicant is a corporation, the application shall also state the names and addresses of its directors, main offices, major stockholders and associates, and the names and addresses of parent and subsidiary companies;

B. A statement and description of the CATV system proposed to be constructed, installed, maintained or operated by the applicant; the proposed location of such system and its various components; the manner in which the applicant proposes to construct, install, maintain and operate the same; and, particularly, the extent and manner in which existing or future poles or other facilities of other public utilities will be used for such system;

C. A description, in detail, of the equipment or facilities proposed to be constructed, installed and maintained;

D. A map specifically showing and delineating the proposed service area or areas within which the applicant proposes to provide CATV services and for which a franchise is requested if the area is less than the entire city;

E. A statement or schedule setting forth the number of channels and all of the television or radio stations proposed to be received, transmitted, conducted, relayed or otherwise conveyed over its system;

F. A statement of schedule, in a form approved by the city clerk, of proposed rates and charges to subscribers for installation and services, and a copy of proposed service agreement between the grantee and its subscribers shall accompany the application. For unusual circumstances, such as underground cable required, or more than one hundred fifty feet of distance from cable to connection of service to subscribers, an additional installation charge over that normally charged for installation as specified in the applicant's proposal may be charged, with easements to be supplied by subscribers. For remote, relatively inaccessible subscribers within the city, service may be made available on the basis of cost of materials, labor and easements if required by the grantee. The decision of the city council as to what is "remote or relatively inaccessible" under this subsection shall be final;

G. A copy of any contract, if existing, between the applicant and any public utility providing for the use of facilities of such public utility, such as poles, lines or conduits;

H. A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation posing as a front or as the representative of another person, firm or corporation, and if such information is not disclosed in the original application, such franchise shall be deemed void and of no force and effect whatsoever;

I. A financial statement prepared by a certified public accountant, or person otherwise satisfactory to the city council, showing the applicant's financial status and his financial ability to complete the construction and installation of the proposed CATV system;

J. The city council may at any time demand, and the applicant shall provide, such supplementary, additional or other information as the city council may deem reasonably necessary to determine whether the requested franchise should not be granted. (Ord. 175 §20, 1970)

#### **5.12.740 Resolution to consider application--Hearing scheduling.**

Upon receipt of an application for a franchise under this chapter, the city council, if it desires to consider the granting of the franchise, shall pass a resolution declaring its intention to consider the application, setting forth a notice of the day, hour and place when and where any and all persons may appear before the city council and be heard thereon, and directing the city clerk to, publish the notice in the official newspaper at least once within ten days after the passage of the resolution. The time fixed for such hearing shall be not less than fifteen days nor more than sixty days after the date of the passage of the resolution. (Ord. 175 §21(part), 1970)

#### **5.12.750 Notice of application hearing.**

The notice mentioned in Section [5.12.740](#) shall state the name of the applicant, the terms of the franchise, any amounts or percentages grantee shall pay to the city during the life of such franchise, any limitations as to time, place or type of service proposed, together with a general statement of the other major provisions of the proposed franchise, and that copies of the proposed franchise may be obtained at the office of the city clerk. (Ord. 175 §21(part), 1970)

#### **5.12.760 Protests regarding application.**

At any time not later than the hour set for the hearing, any person interested may make written protest stating objections against the granting of such franchise. Such

protests must be signed by the protestant and be delivered to the city clerk. (Ord. 175 §22, 1970)

**5.12.770 Conduct of hearing.**

At the time set for the hearing, the city council shall proceed to hear the matter and all persons shall be given an opportunity to present their arguments. The council may adjourn the hearing from time to time. (Ord. 175 §23, 1970)

**5.12.780 Competitive bidding.**

The city council may, in its discretion, in lieu of considering applications for franchises under this chapter, advertise for competitive bids for the purchase of a franchise under this chapter. (Ord. 175 §24, 1970)

**5.12.790 Grant or refusal to grant.**

Upon consideration of an application or bids for a franchise, the city council may refuse to grant the requested franchise or the council may by ordinance grant a franchise for a CATV system to any such applicant or bidder as may appear from the application or bids to be in its opinion best qualified to render proper and efficient CATV service to television viewers and subscribers in the city. The city council's decision in the matter shall be final. (Ord. 175 §25, 1970)

**5.12.800 Condition on franchise.**

A. Any franchise granted pursuant to this chapter shall include the following condition:

The CATV system herein franchised shall be used and operated solely and exclusively for the purpose expressly authorized by this ordinance and no other purpose whatsoever.

B. Inclusion of the statement set out in subsection A of this section in any such franchise shall not be deemed to limit the authority of the city to include any other reasonable condition, limitation or restriction which it may deem necessary to impose in connection with such franchise pursuant to the authority conferred by this chapter. (Ord. 175 §26, 1970)

**5.12.810 Renewal.**

Any franchise granted under this chapter is renewable at the application of the grantee, in the same manner as required in this chapter for obtaining the original franchise, except those which are by their terms expressly inapplicable; provided, however, that the city council may, at its option, waive compliance with any or all of the requirements of Section [5.12.730](#). (Ord. 175 §27, 1970)

**5.12.820 Effectiveness.**

No franchise granted pursuant to the provisions of this chapter shall become effective unless and until the ordinance granting the franchise has become effective and, in addition, unless and until all things required in this section and Sections [5.12.830](#), and Sections [5.12.470](#) and [5.12.480](#), are done and completed, all of such things being declared to be conditions precedent to the effectiveness of any such franchise granted under this chapter. In the event any of such things are not done and completed in the time and manner required, the city council may declare the franchise null and void. (Ord. 175 §28(a), 1970)

**5.12.830 Acceptance.**

Within thirty days after the effective date of the ordinance awarding a franchise, or within such extended period of time as the city council in its discretion may authorize, the grantee shall file with the city council his written acceptance, in a form satisfactory to the city attorney, of the franchise, together with the bond and insurance policies required by Sections [5.12.450](#) through [5.12.480](#), respectively, and his agreement to be

bound by and to comply with and to do all things required of him by the provisions of this chapter and the franchise. Such acceptance and agreement shall be acknowledged by the grantee before a notary public, and shall in form and content be satisfactory to and approved by the city attorney. (Ord. 175 §28 (b), 1970)

**5.12.840 Operation without franchise.**

It is unlawful for any person to establish, operate or to carry on the business of distributing to any persons in the city any television signals or radio signals by means of a CATV system unless a franchise therefor has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect. (Ord. 175 §29(a), 1970)

**5.12.850 Unauthorized use of streets or property.**

It is unlawful for any person to construct, install or maintain within any public street in the city, or within any other public property of the city, or within any privately owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision or parcel map approved by the city, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing such use of such street or property has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect. (Ord. 175 §29(b), 1970)

**5.12.860 Unauthorized connection.**

It is unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this city for the purpose of taking or receiving television signals, radio signals, pictures, programs or sound. (Ord. 175 §29 (c), 1970)

**5.12.870 Signal theft.**

It is unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this city for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the owner of the system. (Ord. 175 §29(d), 1970)

**5.12.880 Interference with equipment.**

It is unlawful for any person, without the consent of the owner, to wilfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound. (Ord. 175 §29(e), 1970)

**5.12.890 Violation--Penalty.**

Anyone convicted of violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed the sum of five hundred dollars or by imprisonment in the County Jail of Calaveras County, California, not to exceed six months or by both such fine and imprisonment. (Ord. 175 §30, 1970)

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**This page of the Angels Municipal Code is current through Ordinance 441, passed December 15, 2009.**

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