

CHAPTER 6 - CABLE COMMUNICATION SYSTEMS

Sec. 6-44. Construction and technical standards.

(a) *Compliance with Construction and Technical Standards.*

(1) As provided in the License, Licensee shall construct, install, operate and maintain its system in a manner such that it operates at all times consistent with (i) all laws, this Chapter, construction standards of the City, the Federal Communications Commission (FCC) Rules and Regulations, Part 76 SubPart K (Technical Standards), as amended from time to time, and (ii) detailed standards submitted by an Initial or Renewal Licensee as part of its Proposal, which standards are to be incorporated by reference in an Initial or Renewal License. In addition, the City may at any time conduct independent measurements of the system. If inaccurate proof of performance reports are shown to have been the result of Licensee's willful neglect, Licensee shall pay the costs reasonably incurred by the City in obtaining independent verification of technical compliance with all standards.

(2) When there have been multiple, similar complaints by Subscribers, or when there exists other evidence which suggests that Licensee is not in substantial compliance with the technical standards, the City Manager shall have the right and authority to compel Licensee to test, analyze and report on the performance of the Cable System under the supervision of the City Manager. Such report shall be delivered to the City Manager no later than thirty (30) days after the City Manager requests such test(s) in writing and shall include the following information: the nature of the complaints that precipitated the test(s), which Cable System component(s) was/were tested, the equipment used and procedure(s) employed in such testing, the result(s) of such test(s) and the manner in which such complaints were resolved. If such report indicates Licensee is in substantial compliance with the technical standards, but there exists evidence suggesting that Licensee is nonetheless not in substantial compliance, the City Manager may require that the test(s) be repeated within thirty (30) days of the delivery of such report, under the supervision of a professional engineer, not on the permanent staff of Licensee. Such engineer shall sign all records of such repeated test(s) and shall forward to the City Manager (i) such records, (ii) a report interpreting the results, and (iii) recommended corrective actions, if any. The fees of such engineer shall be paid by (i) Licensee, if the repeated test(s) show(s) Licensee is not in substantial compliance, with the technical standards of this Chapter, or (ii) the City, if the repeated test(s) show(s) Licensee is in substantial compliance with said standards.

(b) *Additional Specification.* Construction, installation and maintenance of a Cable System shall be performed in an orderly and professional manner. All cables and wires shall be installed, where possible, parallel with and in a manner similar to the installation of electric and telephone lines. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations. Underground installations shall be in conformance with all applicable codes. Each Cable System shall include equipment capable of providing stand-by power as specified in the License. The

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equipment shall be so constructed as to automatically revert to the stand-by mode when the electrical utility power returns. The system shall incorporate safeguards necessary to prevent injury to technicians resulting from Licensee's standby power sources. Licensee shall at all time comply with applicable sections of:

- (1) National Electrical Safety Code (ANSI)C2-1990;
- (2) National Electrical Code (National Bureau of Fire Underwriters);
- (3) The Uniform Building Code as may be adopted and amended by the City, together with applicable portions of all other Uniform Codes, as may be adopted and amended by the City, promulgated by the International Conference of Building Officials;
- (4) City Zoning Code and Subdivision Regulations, all as from time to time amended and revised, and all other applicable rules and regulations now in effect or hereinafter adopted by the City.
- (5) The Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction including the latest City of Peoria supplement thereto.

(c) *Emergency Service.* The Licensee shall design and construct the system to provide for a restricted audio override of the audio portion of all channels during emergencies consistent with FCC regulations. Emergency or stand-by power sources will be installed at the main electronic control center and appropriate locations so as to minimize loss of signal. Key cable routings shall also be equipped with a stand-by power source. In case of any declared emergency or disaster, the Cable System shall, upon request of the Mayor or City Manager, make available immediately its facilities to the City for emergency use during the emergency or disaster period. A declared emergency or disaster as used in this Section means such event that has been proclaimed by the Mayor, the Governor, or other competent authority. In any event, the Cable System shall not endanger or interfere with the safety of persons or property in the License area or other areas where the Licensee may have equipment located.

(Ord. No. 95-13, 3/7/95, Enacted)