

ORDINANCE NO. 2019-1458

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING GOODYEAR CITY CODE CHAPTER 17, CABLE COMMUNICATIONS; PROVIDING FOR REPEAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS the Mayor and Council of the city of Goodyear, Arizona ("City") are authorized to grant, renew, deny and terminate licenses and agreements for operation and maintenance of video licensing equipment within the City boundaries pursuant to the Charter and City Code of Goodyear, 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, in 2018 the Arizona State Legislature enacted enacted SB1140 (Laws 2018, 2nd Reg. Sess. Ch. 331 section 1) (collectively the "Act"), declaring that the regulation of video services and video service providers is a matter of state-wide concern and setting forth the powers of Arizona cities and towns with respect to the regulation of video services and video services providers; and

WHEREAS, the Act preempts the City with respect to the regulation of video services and video service providers, prescribes the process for issuing and renewing licenses for video services, and other regulation of video services and video service providers within the City; and

WHEREAS, the Federal Communications Commission adopted FCC Order 19-80 on August 1, 2019, which further preempts local jurisdictions in the regulation of video services and video service providers; and

WHEREAS, it is important to adopt amendments to the City Code in order to comply with the requirements of the Act and federal law;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDMENT OF CHAPTER 17 – CABLE COMMUNICATIONS

Goodyear City Code is hereby amended as set forth in that certain document titled, "Amendment to Goodyear City Code, Chapter 17-Cable Communications, which document was declared a public record by Resolution 2019-2012, three copies of which are on file with the City Clerk of the city of Goodyear and which is referred to, adopted and made part hereof as if fully set forth in the Ordinance.

SECTION 2. REPEAL OF CONFLICTING ORDINANCE OR CODE

All ordinances or parts of ordinance in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby

repealed upon the effective date of this ordinance.

SECTION 3. APPLICABILITY.

These amendments shall apply to any licensee that has elected to terminate its license during the period commencing January 1, 2020 and ending June 30, 2020, pursuant to Arizona Revised Statutes Section 9-1412.

SECTION 4. CORRECTIONS.

The City Attorney, City Clerk, the codifiers of this ordinance and their respective designees, are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or parts thereof.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall become effective as prescribed by law. The provisions of any ordinance, regulation, or requirement of the city of Goodyear being amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2019-1458 is a true, correct and accurate copy of Ordinance No. 2019-1458, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk