

# Ordinance

Version 3.5 released on 2/29/24

Use for all Ordinances including: TRO, Budget, Zoning, Declarations, Trust Indentures, etc.



## CITY COUNCIL USE ONLY

Date Received: \_\_\_\_\_  
 Committee Date: \_\_\_\_\_  
 1<sup>st</sup> Agenda Date: \_\_\_\_\_

Tracking #: \_\_\_\_\_  
 Committee: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_  
 2<sup>nd</sup> Agenda Date: \_\_\_\_\_

## CITY CLERK USE ONLY

☐ Scanned Date: 10.16.2024  
☐ Posted Item # 2410.02801

All department items requiring Council approval must be submitted through the Mayor's Office.

## Primary Details

Dept. Tracking No.

Board Approval

Other Board Name

City Council Approval

☒ Yes ☐ No

Department  
 Finance

Contact Name  
 Binu Abraham

Email  
 babraham@cityoftulsa.org

Phone  
 918-596-9550

Subject (Description)  
 Amendment to Title 11 Tulsa Revised Ordinances Tulsa Revised Ordinances "Public Works Department"

Ordinance Type  
 Amending Previous Ordinance

Section

Township

Range

Lot

Block

Address

BA / CT Number

Amending Ord. No.

TRO Title No.

TRO Subtitle

Property/Non-Property

Council District

Zoning No.

PUD No.

Planning District

## Budget

Funding Source(s)

TOTAL:

## Approvals

Department:

Legal:

Board:

Mayor:

Other:

Date:

Date: 10-14-2024Date: OCTOBER 14 XXIVDate: OCT 16 2024

Date: \_\_\_\_\_

## Policy Statement

## Background Information

This amendment was evaluated and proposed to clarify definitions in Title 11, Sec. 1202 of Chapter 12 related to Rights-of-Way Occupancy Management and sets an effective date of January 1, 2025.

## Summation of the Requested Action

This amendment requires approval by the City Council and the Mayor of Tulsa.

Emergency Clause?

☐ Yes☐ No

Reason for Emergency Clause

## Processing Information for City Clerk's Office

### Post Execution Processing

- ☐ Mail vendor copy (addtl signature copies attached)
- ☐ Must be filed with other governmental entity
- ☐ Addtl governmental entity approval(s) required

### Additional Routing and Processing Details

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(Published in the *Tulsa World*

\_\_\_\_\_, 2024)

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING TULSA REVISED ORDINANCES TITLE 11, "PUBLIC WORKS DEPARTMENT", CHAPTER 12, "RIGHTS-OF-WAY OCCUPANCY MANAGEMENT", SECTION 1202, "DEFINITIONS", BY AMENDING THE DEFINITIONS OF THE TERMS "AFFILIATE", "PERSON", AND "VIDEO SERVICE GROSS REVENUE"; PROVIDING FOR SEVERABILITY; SETTING AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.**

**BE IT ORDAINED BY THE CITY OF TULSA:**

**Section 1.** *That the definition of "Affiliate" in Section 1202, "Definitions", of Chapter 12, "Rights-of-Way Occupancy Management", of Title 11, "Public Works Department", Tulsa Revised Ordinances, be amended to read as follows:*

**"Affiliate** means a person that directly or indirectly, or through one or more intermediaries, owns or controls, is owned or controlled by (in whole or in part), or is under common ownership or control of, another person."

**Section 2.** *That the definition of "Person" in Section 1202, "Definitions", of Chapter 12, "Rights-of-Way Occupancy Management", of Title 11, "Public Works Department", Tulsa Revised Ordinances, be amended to read as follows:*

**"Person** means any natural or corporate person, business association or other business entity, including, but not limited to, a partnership, a sole proprietorship, a corporation, a limited liability company, a political subdivision, a public or private agency or authority of any kind, a utility, or a successor or assign of any of the foregoing or any other legal entity, but not the City."

**Section 3.** *That the definition of "Video service gross revenue" in Section 1202, "Definitions", of Chapter 12, "Rights-of-Way Occupancy Management", of Title 11, "Public Works Department", Tulsa Revised Ordinances, be amended to read as follows:*

**"Video service gross revenue** means all revenues derived by a ROW occupant, its affiliates, and its successors or assigns, that are attributable to, or are in any way derived from, the operations of the ROW occupant's facilities to provide video services within the City, including but not limited to recurring charges for video services; event based charges for video services, including but not limited to pay-per-view and video on demand charges; rental of set top boxes and other video services equipment; service charges related to the provision of video services, including, but not limited to, activation, installation, and repair; administrative

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charges related to the provision of video services, including, but not limited to, service order and service termination charges; late fees, insufficient fund fees (NSF), FCC regulatory fees, and amounts billed to video service subscribers to recover the franchise fees and capital contribution fees authorized by this chapter; a pro rata portion of all revenue collected by the video service provider pursuant to compensation arrangements for advertising (less any commissions received from any third parties for advertising) and home-shopping sales derived from the operation of the video service within the City. Advertising commissions paid to third parties (excluding any refunds, rebates or discounts the video services provider may make to advertisers) shall not be deducted from advertising revenue included in gross revenue. The allocation of advertising and home-shopping revenue referred to above shall be based on the number of subscribers within the City, divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement associated with each ad campaign. Service charges shall not be deducted from the gross revenue reported to the City when the ROW occupant chooses to issue subscriber credits for those services. Video service gross revenues shall not include:

- (1) Uncollectible fees, provided that all or part of uncollectible fees which is written off as bad debt but subsequently collected, less expenses of collection, shall be included in gross revenues in the period collected;
- (2) Revenues from contracts for in-home maintenance service unless they relate solely to maintenance on equipment used only for the provisioning of video services and not for the provisioning of any other service;
- (3) Amounts billed to video service subscribers to recover taxes, fees or surcharges imposed upon video service subscribers in connection with the provision of video services, other than the video services provider fee authorized by this chapter;
- (4) Revenue from the sale of capital assets or surplus equipment; or
- (5) Charges, other than those described in the opening paragraph of this definition, that are non-video-related but are aggregated or bundled with amounts billed to video service subscribers.”

**Section 4.** *SEVERABILITY CLAUSE. That if any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.*

**Section 5.** *EFFECTIVE DATE. That this ordinance shall take effect on January 1, 2025.*

**Section 6.** *REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are expressly repealed.*

ADOPTED by the Council: \_\_\_\_\_, 2024.

\_\_\_\_\_  
Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: \_\_\_\_\_, at \_\_\_\_\_.  
Date Time

G.T. Bynum, Mayor

By \_\_\_\_\_  
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: \_\_\_\_\_ 2023,  
Date  
at \_\_\_\_\_.  
Time

\_\_\_\_\_  
Mayor

(Seal)

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED:

\_\_\_\_\_  
City Attorney

CGW

CGW

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charges related to the provision of video services, including, but not limited to, service order and service termination charges; late fees, insufficient fund fees (NSF), FCC regulatory fees, and amounts billed to video service subscribers to recover the franchise fees and capital contribution fees authorized by this chapter; a pro rata portion of all revenue collected by the video service provider pursuant to compensation arrangements for advertising (less any commissions received from any third parties for advertising) and home-shopping sales derived from the operation of the video service within the City. Advertising commissions paid to third parties (excluding any refunds, rebates or discounts the video services provider may make to advertisers) shall not be deducted from advertising revenue included in gross revenue. The allocation of advertising and home-shopping revenue referred to above shall be based on the number of subscribers within the City, divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement associated with each ad campaign. Service charges shall not be deducted from the gross revenue reported to the City when the ROW occupant chooses to issue subscriber credits for those services. Video service gross revenues shall not include:

(1) Uncollectible fees, provided that all or part of uncollectible fees which is written off as bad debt but subsequently collected, less expenses of collection, shall be included in gross revenues in the period collected;

~~(2)~~ Late payment fees;

~~(23)~~ Revenues from contracts for in-home maintenance service unless they relate solely to maintenance on equipment used only for the provisioning of video services and not for the provisioning of any other service;

~~(34)~~ Amounts billed to video service subscribers to recover taxes, fees or surcharges imposed upon video service subscribers in connection with the provision of video services, other than the video services provider fee authorized by this chapter;

~~(45)~~ Revenue from the sale of capital assets or surplus equipment; or

~~(56)~~ Charges, other than those described in the opening paragraph of this definition, that are non-video-related but are aggregated or bundled with amounts billed to video service subscribers.”

**Section 4.** *SEVERABILITY CLAUSE. That if any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.*

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