

ORDINANCE NUMBER O- 21763 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 23 2024

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 3,  
DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 73.0202, RELATING TO FRANCHISE  
FEES PAID BY VIDEO SERVICE PROVIDERS.

WHEREAS, the City approved San Diego Ordinance O-19719 (Feb. 26, 2008) to add provisions to the San Diego Municipal Code to regulate video service providers operating under state franchises authorized by the Digital Infrastructure and Video Competition Act of 2006 (State Franchisees); and

WHEREAS, Municipal Code section 73.0202 requires State Franchisees to pay the City an annual franchise fee of 5 percent of the State Franchisee's gross revenues as consideration for their use of the City's public right-of-way; and

WHEREAS, since the franchise fee is intended to be consideration for the use of the City's public right-of-way, the City has determined that State Franchisees should receive a credit for the Street Damage Fee imposed by the City for trenching, cutting, or deterioration of the right-of-way in an amount not to exceed the amount paid each year for the annual franchise fee; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 7, Article 3, Division 2 of the San Diego Municipal Code is amended by amending section 73.0202, to read as follows:

§ 73.0202 State Video Franchise Fees


(a) through (d) [No change in text.]

(e) The City shall credit City-imposed fees for trenching, cutting, or deterioration of the right-of-way under section 62.1216 against the *Franchise Fee*.

Section 2. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Ryan P. Gerrity  
Deputy City Attorney

RPG:cw  
November 20, 2023  
Or.Dept: Transportation Dept.  
CC No.: N/A  
Doc.: No. 3491309

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 13 2024.

DIANA J.S. FUENTES  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 2/23/24  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck-Out~~**

**NEW LANGUAGE: Double Underline**

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AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 3,  
DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 73.0202, RELATING TO FRANCHISE  
FEES PAID BY VIDEO SERVICE PROVIDERS.

**Article 3: Cable Television**

**Division 2: Video Service Provider Fees and Customer Service**

**Regulations For State Franchised Video Service**

**Providers.**

**§ 73.0202 State Video Franchise Fees**

(a) through (d) [No change in text.]

(e) The City shall credit City-imposed fees for trenching, cutting, or  
deterioration of the right-of-way under section 62.1216 against the  
Franchise Fee.

RPG:cw  
November 20, 2023  
Or.Dept: Transportation Dept.  
CC No.: N/A  
Doc. No. 3491308

Passed by the Council of The City of San Diego on FEB 13 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 23 2024.

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

(Seal)

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 29 2024, and on FEB 23 2024.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

(Seal)

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- **21763**