

Cherry Hills Village Municipal Code

CHAPTER 5

Franchises and Communication Systems

Article I Cable Television Franchise

- Sec. 5-1-10 Approval of agreement
- Sec. 5-1-20 Transfer of franchise

Article II Gas and Electric Franchise

- Sec. 5-2-10 Approval of agreement

Article III Telephone Occupation Tax

- Sec. 5-3-10 Levy of tax
- Sec. 5-3-20 Time of payment of tax
- Sec. 5-3-30 Filing statement
- Sec. 5-3-40 Failure to pay tax
- Sec. 5-3-50 Inspection of records
- Sec. 5-3-60 Tax applicable to local functions only
- Sec. 5-3-70 Tax in lieu of other business and occupation taxes
- Sec. 5-3-80 Unlawful acts
- Sec. 5-3-90 Certain offenses and liabilities to continue

Cherry Hills Village Municipal Code

ARTICLE I

Cable Television Franchise

Sec. 5-1-10. Approval of agreement.

The Cable Franchise Agreement by and between Mountain States Video Communications Co., Inc., and the City of Cherry Hills Village, Colorado, which is incorporated herein as if set forth in full, is approved by the City Council. The Cable Franchise Agreement shall be available for public inspection during normal business hours from the City Clerk at the offices of the City of Cherry Hills Village. (Ord. 6 §1, 2002; Ord. 9 §1, 2003)

Sec. 5-1-20. Transfer of franchise.

(a) Mountain States Video Communications Co., Inc., is a subsidiary of and controlled by AT&T Corp. The City consents to the transfer of control of the franchise from AT&T Corp. to AT&T Comcast Corporation.

(b) The City confirms that the franchise is currently in full force and effect and expires on February 22, 2012; and that all other provisions of the Cable Franchise remain in full force and effect, except as amended therein. (Ord. 11 §§1—3, 2002; Ord. 9 §1, 2003)

ARTICLE II

Gas and Electric Franchise

Sec. 5-2-10. Approval of agreement.

The franchise agreement between the City and Public Service Company of Colorado, which is incorporated herein as if set forth in full, is approved by the City Council. The franchise agreement shall be available for public inspection during normal business hours from the City Clerk at the offices of the City. (Ord. 14 §1, 2007)

ARTICLE III

Telephone Occupation Tax

Sec. 5-3-10. Levy of tax.

There is hereby levied upon each person engaged in the business of local exchange telephone service to the inhabitants of the City a quarterly occupation tax in the amount of one dollar eighty cents (\$1.80) per account. (Prior code 3-2-1; Ord. 8, 1996)

Sec. 5-3-20. Time of payment of tax.

The tax levied by this Article shall accrue as of the first day of each calendar quarter (January 1, April 1, July 1 and October 1). Payment of such tax shall be made to the Finance Director no later than

Cherry Hills Village Municipal Code

February 15, May 15, August 15 and November 15 of each year. Such tax shall be computed by multiplying the total number of telephone accounts of the person supplying local exchange telephone service, which are in existence within the corporate limits of the City, on the first day of each quarter by the amount of one dollar eighty cents (\$1.80). (Prior code 3-2-2; Ord. 8, 1996)

Sec. 5-3-30. Filing statement.

Each person required to pay the tax levied by this Article shall file with the Finance Director, in such form as the Director may require, a quarterly statement showing the total number of telephone accounts to which local exchange telephone service was supplied within the corporate limits of the City during such quarter. In addition to the information provided in the quarterly statement, the Finance Director may request any other information needed to determine the amount of the quarterly tax levy. The quarterly statement and any other information requested by the Finance Director shall be submitted no later than forty-five (45) days after January 1, April 1, July 1 and October 1 of each year in which the tax is levied. (Prior code 3-2-3; Ord. 8, 1996)

Sec. 5-3-40. Failure to pay tax.

If any person required to pay the tax levied by this Article shall fail to pay such tax as herein provided, the full amount thereof shall become immediately due from and payable by such person, together with any interest thereon at the rate of one percent (1%) per month, or fraction thereof, from the date when due and payable, and a penalty equal to ten percent (10%) of the amount of taxes due and payable. The total amount of such tax, penalty and interest is further declared to be a debt due and owing from such person to the City. The City Attorney, upon direction of the City Council, shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action at law to collect such debt in the name of the City. (Prior code 3-2-4; Ord. 8, 1996)

Sec. 5-3-50. Inspection of records.

The Finance Director shall have the right at all reasonable hours and times to examine the books and records of any person required to pay the tax levied by this Article and to make copies of the contents thereof. (Prior code 3-2-5; Ord. 8, 1996)

Sec. 5-3-60. Tax applicable to local functions only.

The tax levied by this Article is upon the occupation of supplying local exchange telephone service within the City and, as such, is not a tax upon any functions of the service supplier which relate to interstate commerce. It is expressly understood that none of the provisions of this Article shall be construed as the grant of franchise by the City to any person supplying local exchange service within its corporate limits. (Prior code 3-2-6; Ord. 8, 1996)

Sec. 5-3-70. Tax in lieu of other business and occupation taxes.

The tax herein provided shall be in lieu of all other occupation taxes or taxes on the privilege of doing business in the City on any person engaged in the business of local exchange telephone service subject to the provisions of this Article, and in addition shall be in lieu of any free service furnished the City by any said person. (Prior code 3-2-7; Ord. 8, 1996)

Cherry Hills Village Municipal Code

Sec. 5-3-80. Unlawful acts.

It shall be unlawful for any officer, agent or manager of a local exchange telephone service supplier to fail, neglect or refuse to file the quarterly statement of accounts or provide any other information requested by the Finance Director as provided in Section 5-3-30 of this Chapter. (Prior code 3-2-8; Ord. 8, 1996; Ord. 9 §1, 2003)

Sec. 5-3-90. Certain offenses and liabilities to continue.

All offenses committed and all liabilities incurred prior to the effective date hereof shall be treated as though all prior applicable ordinances and agreements were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities. All taxes, the liability for which has been accrued under the terms of a gross receipts agreement between Mountain Bell and the City, dated June 9, 1972, on or before the effective date hereof, or under the terms of the Mountain Bell (US West) occupation and business tax, shall be and remain unconditionally due and payable, and shall constitute a debt to the City, payable in conformity with the terms and provisions of said agreement prior to the effective date hereof; and all of said terms and provisions of said agreement shall be and remain in full force and effect for the purpose of the collection and payment of any and all such taxes due and payable thereunder, notwithstanding the provisions of the Article. (Prior code 3-2-9; Ord. 8, 1996)