

CHAPTER 23 – STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS

Sec 23-92. Telecommunications; rights of way; definitions.

For the purposes of this chapter, unless the context otherwise requires, the following terms, phrases, words, and their derivatives shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory, and "may" is permissive.

Cable Services and Cable System shall have the same meaning as defined in Chapter 6 of the Peoria City Code (1992).

Commercial Mobile Radio Services means two-way voice commercial mobile radio services as defined by the federal communications commission in 47 United States code section 157.

Facilities means the plant, equipment, and property, used in the provision of telecommunications services and not owned by the City, including but not limited to poles, wires, pipe, conduits, pedestals, antenna, and other appurtenances placed in, on, or under public highways

Person includes any individual, partnership, association, corporation, legal entity or organization of any kind. Whenever used in any clause prescribing a penalty, the term "person" as applied to partnerships or associations includes partners or members thereof, and if applied to corporations, the officers thereof.

Provider means a telecommunications corporation who constructs, installs, operates or maintains telecommunications facilities in the City public highways.

Public Highway or Highway means all roads, streets and alleys and all other dedicated public rights of way and public utility easements of the City.

Rights-of-Way shall have the same meaning as public highway or highway.

Telecommunications means the transmissions between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. The term does not include commercial mobile radio services, pay phone services, interstate services or cable services provided by a cable system.

Telecommunications Corporation means any public service corporation to the extent that it provides telecommunications services in the state of Arizona.

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Telecommunications Services means the offering of telecommunications for a fee directly to the public, or to such users as to be effectively available directly to the public, regardless of the facilities used.

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(Ord. No. 99-12, 3/16/99, amended) (SUPP.1999-1)