Summary: Amends LVMC Title 6 to establish requirements for the licensing and/or franchising of broadband providers and to establish a business license fee for certain broadband providers.

LVMC	Subject	Existing Language	Proposed Language
6.17.010	**Definitions**	N/A	(A)"Broadband gross revenues" means all consideration of any kind or nature derived within the City, including without limitation, cash, credits, property, and in-kind contributions (services or goods) received by the broadband provider from business and residential customers who subscribe to and receive broadband services and/or broadband infrastructure access from the broadband provider, including but not limited to: (1)All revenue charged on a flat rate or any other basis for broadband services and/or broadband infrastructure access. (2)All revenues from installation service charges for broadband services and/or broadband infrastructure access. (3)All revenues charged for the rental or purchase of equipment. (4)All revenues from activation, connection, disconnection or change-of-service fees for broadband services and/or broadband infrastructure access. (5)Fees for service calls related to broadband service. (6)Fees charged for the use of broadband provider's facilities by third parties for the provision of broadband service. (7)All revenues from penalties or charges to customers for late payments or for checks returned from banks. (8)Inside wire maintenance fees. (9)Convenience fees. (10)Early termination fees. (11)Billing and collection fees. (12)Recoveries of bad debts previously written off and revenues from the sale or assignment of bad debts. Broadband gross revenues may be adjusted for net write-off of uncollectible accounts computed on the average annual rate for residential customers who subscribed or received broadband services within the City.

			(13)Any other fees charged or revenues collected for broadband service or broadband infrastructure access. ↪Broadband gross revenues shall not include (a) any tax passed through to consumers on behalf of governmental agencies received by the broadband provider for services provided to customers through use of facilities; (b) any charges passed through to the customers for interconnection with the local exchange provider; (c) any proceeds from the sale of bonds, mortgages or other evidence of indebtedness, securities or stocks; (d) any long-haul wholesale revenue; and (e) any revenue other than that derived from the provision of broadband services or broadband infrastructure access. (B)"Broadband infrastructure" means any facilities, in whole or in part, constructed to provide broadband service and/or broadband infrastructure access and using rights-of-way to provide such broadband service and/or broadband infrastructure access. (C)"Broadband infrastructure access" means the provision of open access network or other wholesale signal transmission service for the provision of broadband services. (D)"Broadband provider" means any person that: (1)Provides or offers to provide broadband service, broadband infrastructure access, or both broadband service and broadband infrastructure access; (2)Does not hold a certificate of authority to act as a video service provider or to construct or operate a video service network pursuant to Chapter 711 of NRS; (3)Is not a provider of basic network service, as that term is defined in NRS 704.006; and (4)Is not licensed by the Public Utilities Commission of Nevada as a provider of commercial mobile radio service pursuant to NRS 704.033. (E)"Broadband service" means a service that, by wire, radio or any other technology, provides a person with the capability to transmit data to and receive data from all or substantially all Internet endpoints at a rate that is generally not less than 20 megabits per second in at least one direction.

			(F)"Facilities" means, without limitation, any plant, works, systems, improvements and equipment owned, leased or otherwise used by the broadband provider such as wires, fixtures, equipment, underground circuits, fiber optic infrastructure, and conduit in rights-of-way and other property necessary or convenient for the transmissions, distribution, and/or connection of authorized services by broadband provider within the City. (G)"Non-retail customers" means, without limitation, all broadband service providers and/or broadband infrastructure access providers using, for compensation, the broadband provider's facilities.
6.17.020	**Broadband Provider**	N/A	(A) A broadband provider engaged in the business of providing, for compensation, broadband service and/or broadband infrastructure access may not access the public right-of-way owned or controlled by the City unless the broadband provider has entered into an agreement with the City in accordance with this Chapter. Such agreement may take the form of a business license if the broadband provider is engaged in broadband service provision only. (B)Installation, construction or maintenance of any broadband infrastructure in the public right-of-way owned, managed, or controlled by or on behalf of the City shall be done in accordance with all applicable terms of a franchise agreement, City regulations and State law, as may be amended from time to time. (C)Each broadband provider that provides or offers to provide broadband infrastructure access subject to this Chapter shall, when filing its application for a business license with the City, submit a list of its

			non-retail customers along with all information required pursuant to its agreement with the City, including but not limited to contact information for each non-retail customer. Contact information shall include non-retail customers' names and their respective mailing addresses, contact person(s), phone numbers of contact person(s), e-mail addresses of contact person(s), and any other information reasonably requested by the City. (1)Once a business license has been issued, a broadband provider that provides or offers to provide broadband infrastructure access subject to this Chapter has a continuing responsibility to report changes to its list of non-retail customers or changes in any other information furnished to the Franchise Officer or other equivalent position, if any, or his or her designee.
6.17.030	**Applicable Provisions**	N/A	The provisions of this Chapter apply to any broadband provider attempting to access public rights-of-way owned, managed, or controlled by the City, regardless of whether the broadband provider has been issued a certificate of public convenience and necessity by the Public Utilities Commission of Nevada pursuant to Chapter 704 of NRS.

6.17.040	**Licensing Requirements**	N/A	(A) Every broadband provider providing broadband service, broadband infrastructure access or both broadband service and broadband infrastructure access within the City must have a valid unexpired business license issued pursuant to this Code and must pay a quarterly license fee, except as otherwise provided in LVMC 6.17.040(E). (B)Where applicable, every broadband provider must additionally have or obtain a valid, unexpired business license specific to its telecommunications service business, as provided in LVMC 6.67.020, and all other business licenses required by this Code. (C)The quarterly license fee required in Subsection (A) of this Section shall be: (1)Due the fifteenth day of the second month following the end of each calendar quarter. (2)Two percent of the broadband gross revenues earned during the calendar quarter. (D) Each broadband provider must, at the same time as making payment of the quarterly license fee or franchise fee, as applicable, provide to the Franchise Officer or other equivalent position, if any, or his or her designee, a statement on the form provided by the Department of the amount of broadband gross revenues the broadband provider derived during that calendar quarter. (E) A broadband provider that is paying a franchise fee in accordance with a franchise agreement with the City is not required to pay

			a business license fee in addition to the franchise fee but is required to obtain and maintain a valid, unexpired business license. (F)In addition to the record keeping requirements described in Title 6 of this Code, every broadband provider to which this Chapter applies is required to maintain adequate accounting records and supporting documentation distinguishing its revenue derived from customers and/or non-retail customers located within the City from revenue derived from customers and/or non-retail customers located within the unincorporated county and the other incorporated cities within the county. The Department shall have access to the books and records of any broadband provider under this Chapter for the purpose of auditing the amount of broadband gross revenue of the broadband provider and the amount due. A broadband provider shall keep adequate records of broadband gross revenue and produce adequate records to the Director within seventy-two hours on demand by the Director or any other person designated by him or her.

6.17.050	**License Fees**	N/A	If a license fee required to be paid by the provisions of this Chapter is received by the Department after the due date, a penalty of two percent per month of the delinquent amount will be assessed to the broadband provider, plus interest on the amount of such delinquency at the rate of one and one-half percent per month.
6.17.060	**Indemnification**	N/A	(A) A broadband provider shall defend, indemnify and hold the City harmless from and against all claims for damages to persons or property in any way related, directly or indirectly, to the construction, maintenance and operation of its facilities or its use of the rights-of-way, when or to the extent injury or damage is caused or alleged to be caused, wholly or in part, by any act, omission, negligence or misconduct of the broadband provider or any of the broadband provider's contractors, subcontractors, officers, agents or employees, or by any person for whose act, omission, negligence or misconduct the broadband provider is by law responsible. This Section is intended to require the broadband provider to indemnify the City to the maximum extent allowed by law for claims related to the broadband provider's use of the rights-of-way and is not intended to create liability for the benefit of any party other than the City. (B) If any claim is made against the City that is covered by Subsection (A) of this Section, and if a

			court of competent jurisdiction shall adjudge by final decree that the City is liable therefor, the broadband provider shall indemnify and hold the City harmless from any such liability, including any court costs, expenses and reasonable attorney's fees incurred by the City in defense thereof and incurred at any stage of the proceedings. (C) Upon commencement of any suit, proceeding at law or in equity against the City relating to any matter covered by Subsection (A) of this Section, the City shall give the broadband provider prompt notice of such suit or proceeding; whereupon the broadband provider shall provide a defense to such suit, including any appellate proceedings brought in connection therewith, and pay any settlement, costs and judgments that may be rendered against the City by reason of such suit. (D) If the broadband provider fails to comply with its obligations under Subsection (C) of this Section, after reasonable notice to the broadband provider by the City, the City shall have the right to defend any claims against it and, in addition to being reimbursed for any settlement or judgment that may be rendered against the City, the broadband provider shall reimburse the City's reasonable attorney's fees and all expenses incurred by the City by reason of undertaking the defense of such suit, regardless of whether such suit is successfully defended or settled, or fully adjudicated. If the City is required to defend any such suit because of the broadband provider's failure to do so, the City shall have the right to enter into any settlement as the City may deem in its best interest, without the prior approval of the broadband provider.

BILL NO. 2026-

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC TITLE 6 BY ADDING A NEW CHAPTER THEREIN, DESIGNATED AS CHAPTER 6.17, TO ESTABLISH REQUIREMENTS FOR THE LICENSING AND/OR FRANCHISING OF BROADBAND PROVIDERS, ESTABLISH A BUSINESS LICENSE FEE FOR CERTAIN BROADBAND PROVIDERS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mike Janssen, City Manager

Summary: Amends LVMC Title 6 to establish requirements for the licensing and/or franchising of broadband providers and to establish a business license fee for certain broadband providers.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 6.17, Sections 10 to 60, inclusive, reading as follows:

6.17.010: As used in this Chapter, the following words have the meanings ascribed to them as follows:

(A) "Broadband gross revenues" means all consideration of any kind or nature derived within the City, including without limitation, cash, credits, property, and in-kind contributions (services or goods) received by the broadband provider from business and residential customers who subscribe to and receive broadband services and/or broadband infrastructure access from the broadband provider, including but not limited to:

(1) All revenue charged on a flat rate or any other basis for broadband services and/or broadband infrastructure access.

(2) All revenues from installation service charges for broadband services and/or broadband infrastructure access.

(3) All revenues charged for the rental or purchase of equipment.

(4) All revenues from activation, connection, disconnection or change-of-service fees for broadband services and/or broadband infrastructure access.

(5) Fees for service calls related to broadband service.

(6) Fees charged for the use of broadband provider's facilities by third parties for the provision of broadband service.

(7) All revenues from penalties or charges to customers for late payments or for checks returned from banks.

(8) Inside wire maintenance fees.

(9) Convenience fees.

(10) Early termination fees.

(11) Billing and collection fees.

(12) Recoveries of bad debts previously written off and revenues from the sale or assignment of bad debts. Broadband gross revenues may be adjusted for net write-off of uncollectible accounts computed on the average annual rate for residential customers who subscribed or received broadband services within the City.

(13) Any other fees charged or revenues collected for broadband service or broadband infrastructure access.

↪Broadband gross revenues shall not include (a) any tax passed through to consumers on behalf of governmental agencies received by the broadband provider for services provided to customers through use of facilities; (b) any charges passed through to the customers for interconnection with the local exchange provider; (c) any proceeds from the sale of bonds, mortgages or other evidence of indebtedness, securities or stocks; (d) any long-haul wholesale revenue; and (e) any revenue other than that derived from the provision of broadband services or broadband infrastructure access.

(B) "Broadband infrastructure" means any facilities, in whole or in part, constructed to provide broadband service and/or broadband infrastructure access and using rights-of-way to provide such broadband service and/or broadband infrastructure access.

(C) "Broadband infrastructure access" means the provision of open access network or other wholesale signal transmission service for the provision of broadband services.

(D) "Broadband provider" means any person that:

(1) Provides or offers to provide broadband service, broadband infrastructure access, or both broadband service and broadband infrastructure access;

(2) Does not hold a certificate of authority to act as a video service provider or to construct or operate a video service network pursuant to Chapter 711 of NRS;

(3) Is not a provider of basic network service, as that term is defined in NRS 704.006; and

(4) Is not licensed by the Public Utilities Commission of Nevada as a provider of commercial mobile radio service pursuant to NRS 704.033.

(E) "Broadband service" means a service that, by wire, radio or any other technology, provides a person with the capability to transmit data to and receive data from all or substantially all Internet endpoints at a rate that is generally not less than 20 megabits per second in at least one direction.

(F) "Facilities" means, without limitation, any plant, works, systems, improvements and equipment owned, leased or otherwise used by the broadband provider such as wires, fixtures, equipment, underground circuits, fiber optic infrastructure, and conduit in rights-of-way and other property necessary or convenient for the transmissions, distribution, and/or connection of authorized services by broadband provider within the City.

(G) "Non-retail customers" means, without limitation, all broadband service providers and/or broadband infrastructure access providers using, for compensation, the broadband provider's facilities.

6.17.020:

(A) A broadband provider engaged in the business of providing, for compensation, broadband service and/or broadband infrastructure access may not access the public right-of-way owned or controlled by the City unless the broadband provider has entered into an agreement with the City in accordance with this Chapter. Such agreement may take the form of a business license if the broadband provider is engaged in broadband service provision only.

(B) Installation, construction or maintenance of any broadband infrastructure in the public right-

of-way owned, managed, or controlled by or on behalf of the City shall be done in accordance with all applicable terms of a franchise agreement, City regulations and State law, as may be amended from time to time.

(C) Each broadband provider that provides or offers to provide broadband infrastructure access subject to this Chapter shall, when filing its application for a business license with the City, submit a list of its non-retail customers along with all information required pursuant to its agreement with the City, including but not limited to contact information for each non-retail customer. Contact information shall include non-retail customers' names and their respective mailing addresses, contact person(s), phone numbers of contact person(s), e-mail addresses of contact person(s), and any other information reasonably requested by the City.

(1) Once a business license has been issued, a broadband provider that provides or offers to provide broadband infrastructure access subject to this Chapter has a continuing responsibility to report changes to its list of non-retail customers or changes in any other information furnished to the Franchise Officer or other equivalent position, if any, or his or her designee.

6.17.030: The provisions of this Chapter apply to any broadband provider attempting to access public rights-of-way owned, managed, or controlled by the City, regardless of whether the broadband provider has been issued a certificate of public convenience and necessity by the Public Utilities Commission of Nevada pursuant to Chapter 704 of NRS.

6.17.040:

(A) Every broadband provider providing broadband service, broadband infrastructure access or both broadband service and broadband infrastructure access within the City must have a valid unexpired business license issued pursuant to this Code and must pay a quarterly license fee, except as otherwise provided in LVMC 6.17.040(E).

(B) Where applicable, every broadband provider must additionally have or obtain a valid, unexpired business license specific to its telecommunications service business, as provided in LVMC 6.67.020, and all other business licenses required by this Code.

(C) The quarterly license fee required in Subsection (A) of this Section shall be:

(1) Due the fifteenth day of the second month following the end of each calendar quarter.

(2) Two percent of the broadband gross revenues earned during the calendar quarter.

(D) Each broadband provider must, at the same time as making payment of the quarterly license fee or franchise fee, as applicable, provide to the Franchise Officer or other equivalent position, if any, or his or her designee, a statement on the form provided by the Department of the amount of broadband gross revenues the broadband provider derived during that calendar quarter.

(E) A broadband provider that is paying a franchise fee in accordance with a franchise agreement with the City is not required to pay a business license fee in addition to the franchise fee but is required to obtain and maintain a valid, unexpired business license.

(F) In addition to the record keeping requirements described in Title 6 of this Code, every broadband provider to which this Chapter applies is required to maintain adequate accounting records and supporting documentation distinguishing its revenue derived from customers and/or non-retail customers located within the City from revenue derived from customers and/or non-retail customers located within the unincorporated county and the other incorporated cities within the county. The Department shall have access to the books and records of any broadband provider under this Chapter for the purpose of auditing the amount of broadband gross revenue of the broadband provider and the amount due. A broadband provider shall keep adequate records of broadband gross revenue and produce adequate records to the Director within seventy-two hours on demand by the Director or any other person designated by him or her.

6.17.050: If a license fee required to be paid by the provisions of this Chapter is received by the Department after the due date, a penalty of two percent per month of the delinquent amount will be assessed to the broadband provider, plus interest on the amount of such delinquency at the rate of one and one-half percent per month.

6.17.060:

(A) A broadband provider shall defend, indemnify and hold the City harmless from and against all claims for damages to persons or property in any way related, directly or indirectly, to the construction,

maintenance and operation of its facilities or its use of the rights-of-way, when or to the extent injury or damage is caused or alleged to be caused, wholly or in part, by any act, omission, negligence or misconduct of the broadband provider or any of the broadband provider's contractors, subcontractors, officers, agents or employees, or by any person for whose act, omission, negligence or misconduct the broadband provider is by law responsible. This Section is intended to require the broadband provider to indemnify the City to the maximum extent allowed by law for claims related to the broadband provider's use of the rights-of-way and is not intended to create liability for the benefit of any party other than the City.

(B) If any claim is made against the City that is covered by Subsection (A) of this Section, and if a court of competent jurisdiction shall adjudge by final decree that the City is liable therefor, the broadband provider shall indemnify and hold the City harmless from any such liability, including any court costs, expenses and reasonable attorney's fees incurred by the City in defense thereof and incurred at any stage of the proceedings.

(C) Upon commencement of any suit, proceeding at law or in equity against the City relating to any matter covered by Subsection (A) of this Section, the City shall give the broadband provider prompt notice of such suit or proceeding; whereupon the broadband provider shall provide a defense to such suit, including any appellate proceedings brought in connection therewith, and pay any settlement, costs and judgments that may be rendered against the City by reason of such suit.

(D) If the broadband provider fails to comply with its obligations under Subsection (C) of this Section, after reasonable notice to the broadband provider by the City, the City shall have the right to defend any claims against it and, in addition to being reimbursed for any settlement or judgment that may be rendered against the City, the broadband provider shall reimburse the City's reasonable attorney's fees and all expenses incurred by the City by reason of undertaking the defense of such suit, regardless of whether such suit is successfully defended or settled, or fully adjudicated. If the City is required to defend any such suit because of the broadband provider's failure to do so, the City shall have the right to enter into any settlement as the City may deem in its best interest, without the prior approval of the broadband provider.

. . .

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2026.

APPROVED:

By _____
SHELLEY BERKLEY, Mayor

ATTEST:

_____

Acting City Clerk

APPROVED AS TO FORM:

_____
Gillian Block Segerblom, Date
Deputy City Attorney

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2026, and referred to a committee for recommendation, the committee being composed of the following members _____; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2026, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By: _____
SHELLEY BERKLEY, Mayor

ATTEST:

_____

Acting City Clerk