

#### 7-3-4: APPLICABILITY; EXCEPTIONS:

A. Providers: This chapter shall provide the basic local scheme for providers of telecommunications and utility services and systems that require the use of the rights of way, including providers of both the system and service, those providers of the system only and those providers who do not build the system but who only provide services. This chapter shall apply to all future providers and to all providers in the city prior to the effective date hereof, whether operating with or without a franchise, as set forth in subsection [7-3-3E2](#) of this chapter. (Ord. 97-12-9-15, 12-9-1997)

#### B. Excluded Activities:

1. Cable Television Operators: This chapter shall not apply to cable television operators otherwise regulated by the franchise agreement between the city and ~~TCL~~ **cable a cable television company**. (Ord. 97-12-9-15, 12-9-1997; amd. 2003 Code; **amd. 2016 Code**)
2. Wireless Service Facilities: This chapter shall not apply to personal wireless service facilities.

C. Excluded Providers; Provisions Applicable: Providers excused by other law that prohibits the city from requiring a franchise shall not be required to obtain a franchise, but all of the requirements imposed by this chapter through the exercise of the city's police power and not preempted by other law shall be applicable. (Ord. 97-12-9-15, 12-9-1997)