

RESOLUTION OF THE CITY COUNCIL

No. 192

Approved April 29, 1996

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 96-S 2998 and House Bill 96-H 8540 Relating to Franchises, in substantially the form attached.

IN CITY COUNCIL

APR 18 1996
READ AND PASSED

Enclisa V. Fargnoli
ACTING PRES.

Michael R. Clement
CLERK

APPROVED

APR 29 1996

Vincent A. Cianci
MAYOR

IN CITY COUNCIL
MAR 21 1996
FIRST READING
REFERRED TO COMMITTEE ON

CLERK

Councilman Dargatzis

THE COMMITTEE ON
State Department
Approves Passage of
The Within Resolution
John M. Dargatzis
Chairman
APR 15 1996

39-17-2. Purposes for which permitted - Duration - Protection of existing businesses - Landowner's rights. - Any grants, whether by ordinance or by contract, may confer upon any corporation created by the general assembly for the purpose of distributing water, or for the purpose of producing, selling, and distributing currents of electricity ~~to be used for light, heat, or motive power~~, or for the purpose of manufacturing, selling, and distributing illuminating or heating gas, or for the purpose of operating street railways by any motive power, or for the purpose of operating telephones, telecommunications and related service, and providing cable services; the ~~exclusive~~ right, for a time not exceeding twenty-five (25) years, to erect, lay, construct, and maintain for the purposes for which the corporation is created, poles, wires, pipes, conduits, rails, or cables, with necessary and convenient appurtenances as may be required for the conduct of the business of the corporation, in, over or under the streets of the town or city; provided, however, that no grant of ~~exclusive~~ rights or franchises for any of the purposes aforesaid shall be made by any city or town wherein, at the time a corporation created for the same purpose, or a person duly authorized by law to use the streets for such purpose, shall be in actual use and enjoyment of the rights, except to the corporation or person already carrying on business in the city or town; and provided, further, that whenever in any city or town more than one corporation shall at the time be in actual use and enjoyment of portions of the streets and highways for any of the purposes aforesaid, no ~~exclusive~~ right or franchise shall be

96-H 8540

1 granted to either without the consent of the other; and provided, further, that no
2 grant shall prevent any town or city from permitting any person or corporation to
3 use streets or highways for any of the purposes aforesaid in order to connect and
4 serve any two (2) or more estates owned by the person or corporation.

5 39-17-3. Franchise tax payable to city or town. - Every corporation
6 which shall ~~receive~~ ~~accept~~ ~~exclusive~~ rights or franchises granted by ordinance or
7 contract under the provisions of this chapter, shall make and render to the treasurer
8 of the town or city granting the same, on or before the thirtieth day of January,
9 April, July, and October in every year, returns, verified by the oath of its president
10 or treasurer, of the gross earnings of the corporation within such town or city for
11 the period of three (3) months next preceding the first day of January, April, July,
12 and October in the same year, and shall at the time pay to the town or city
13 treasurer, in full payment for the rights and franchises aforesaid, a special tax upon
14 the gross earnings at a rate not exceeding three percent (3%) upon the gross
15 earnings of the corporation within said town or city in that year.

16 SECTION 2. This act shall take effect upon passage.

EXPLANATION OF AN ACT

RELATING TO FRANCHISES

* * *

1 This act would permit cities and towns to grant franchises to cable
2 companies.

3 This act shall take effect upon passage.

STATE OF RHODE ISLAND

96-S 2998

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1996

A N A C T

RELATING TO FRANCHISES

96-S 2998

Introduced By: Senators Goodwin and Ronney
(BY REQUEST)

Date Introduced: February 6, 1996

Referred To: Senate Committee on
Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 39-17, entitled "Franchises," shall be hereby
2 amended as follows:

3 * * * *

4
5 39-17-2. Purposes for which permitted - Duration - Protection of existing
6 businesses - Landowner's rights. - Any grants, whether by ordinance or by
7 contract, may confer upon any corporation created by the general assembly for the
8 purpose of distributing water, or for the purpose of producing, selling, and
9 distributing currents of electricity ~~to be used for light, heat, or motive power~~, or for
10 the purpose of manufacturing, selling, and distributing illuminating or heating gas,
11 or for the purpose of operating street railways by any motive power, or for the
12 purpose of ~~operating~~ telephones, telecommunications and related service, and
13 providing cable services; the ~~exclusive~~ right, for a time not exceeding twenty-five
14 (25) years, to erect, lay, construct, and maintain for the purposes for which the
15 corporation is created, poles, wires, pipes, conduits, rails, or cables, with necessary
16 and convenient appurtenances as may be required for the conduct of the business
17 of the corporation, in, over or under the streets of the town or city; provided,
18 however, that no grant of ~~exclusive~~ rights or franchises for any of the purposes
19 aforesaid shall be made by any city or town wherein, at the time a corporation
20 created for the same purpose, or a person duly authorized by law to use the streets
21 for such purpose, shall be in actual use and enjoyment of the rights, except to the
22 corporation or person already carrying on business in the city or town; and
23 provided, further, that whenever in any city or town more than one corporation
24 shall at the time be in actual use and enjoyment of portions of the streets and
25 highways for any of the purposes aforesaid, no ~~exclusive~~ right or franchise shall be

96-S 2998

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2 grant shall prevent any town or city from permitting any person or corporation to
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4 serve any two (2) or more estates owned by the person or corporation.

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10 or treasurer, of the gross earnings of the corporation within such town or city for
11 the period of three (3) months next preceding the first day of January, April, July,
12 and October in the same year, and shall at the time pay to the town or city
13 treasurer, in full payment for the rights and franchises aforesaid, a special tax upon
14 the gross earnings at a rate not exceeding three percent (3%) upon the gross
15 earnings of the corporation within said town or city in that year.

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