

[Bracketed] material is that portion being deleted  
Underlined material is that portion being added

BILL NO. \_\_\_\_\_

SUMMARY – An ordinance to amend Chapter 5.01 of Title 5 of the Clark County Code by adding a new section, Section 5.01.035 – Rights-of-way management fee; providing for a rights-of-way management fee, or, in lieu of a rights-of-way management fee, in-kind services or goods, for a public utility that is franchised as providing telecommunication services and installs fiber infrastructure in the county’s rights-of-way and/or leases the fiber infrastructure to other internet service providers but does not remit to the department of business license a quarterly license fee pursuant to Chapter 6.13 of the Clark County Code; and providing for other matters properly related thereto.

ORDINANCE NO. \_\_\_\_\_  
(of Clark County, Nevada)

AN ORDINANCE TO AMEND CHAPTER 5.01 OF TITLE 5 OF THE CLARK COUNTY CODE BY ADDING A NEW SECTION, SECTION 5.01.035 – RIGHTS-OF-WAY MANAGEMENT FEE; PROVIDING FOR A RIGHTS-OF-WAY MANAGEMENT FEE, OR, IN LIEU OF A RIGHTS-OF-WAY MANAGEMENT FEE, IN-KIND SERVICES OR GOODS, FOR A PUBLIC UTILITY THAT IS FRANCHISED AS PROVIDING TELECOMMUNICATION SERVICES AND INSTALLS FIBER INFRASTRUCTURE IN THE COUNTY’S RIGHTS-OF-WAY AND/OR LEASES THE FIBER INFRASTRUCTURE TO OTHER INTERNET SERVICE PROVIDERS BUT DOES NOT REMIT TO THE DEPARTMENT OF BUSINESS LICENSE A QUARTERLY LICENSE FEE PURSUANT TO CHAPTER 6.13 OF THE CLARK COUNTY CODE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

Whereas, Nevada Revised Statute 709.050(1) grants the Board of County Commissioners the authority to grant to “any person, company, corporation or association the franchise, right and privilege to construct, install, operate and maintain...telephone lines, and all necessary or proper appliances used in connection therewith or appurtenant thereto” in the rights-of way of the County.

Whereas, Nevada Revised Statute 709.050(2)(a) grants the Board of County Commissioners the authority to impose terms and conditions on the “fees imposed for a business license or the franchise.”

Whereas, one of the reasons the Board of County Commissioners adopted Chapter 5.01 pertaining to franchises was to “[r]ecover public costs of permitting private use of county rights-of-way.” Clark County Ordinance 5.01.020.

Whereas, Clark County Ordinance 6.13.010(11) defines, in pertinent part, a “public utility” as a person who “holds a certificate of public convenience and necessity issued by the Public Utilities Commission of Nevada and derives intrastate revenue from the provision of telecommunications service to retail customers....”

Whereas, Clark County Ordinance 6.13.020 provides that a public utility providing telecommunications services must apply for and maintain a valid unexpired business license and pay a quarterly license fee of “[f]ive percent of the gross revenue earned during the calendar quarter from customers located within the county.”

Whereas, any person, company, corporation or association can apply to the Public Utilities Commission of Nevada for a certificate of public convenience as a telecommunication provider without actually providing telecommunication services to retail customers, but rather to install and lease fiber infrastructure to other internet service

providers (ISPs).

Whereas, the Board of County Commissioners desires and intends to impose a rights-of-way management fee on a public utility that is franchised as providing telecommunication services and installs fiber infrastructure in the county's rights-of-way and/or leases the fiber infrastructure to other ISPs but does not remit to the county a quarterly business license fee as required pursuant to Chapter 6.13 of the Clark County Code.

SECTION 1. Chapter 5.01 of Title 5 of the Clark County Code is hereby amended by adding a new section, Section 5.01.035 – Rights-of-way Management Fee, as follows:

**5.01.035 – Rights-of-way management fee for Fiber Providers.**

Every public utility that has a Franchise agreement to provide telecommunication services and installs fiber infrastructure in the county's rights-of-way and/or leases the fiber infrastructure to other internet service providers, but does not remit to the department of business license a quarterly license fee as required pursuant to Chapter 6.13 of this code (hereinafter referred to as "Fiber Provider") shall be required to:

- (a) Remit to the department of business license an annual rights-of-way management fee in the amount of eighty-one cents (\$0.81) per linear foot in the urban area and ten cents (\$0.10) per linear foot in the rural area for all fiber infrastructure installed in the county's rights-of-way (hereinafter referred to as "Rights-of-Way Management Fee"); or
- (b) Upon a written agreement between the county and the Fiber Provider, the Fiber Provider may provide in-kind services or goods to the county to

expand and promote the installation of fiber infrastructure in designated areas within the county, which areas shall be designated by the county in its sole and absolute discretion.

Upon the issuance of a right-of-way permit pursuant to section 30.06.11 by the department of public works to install fiber infrastructure in the county's rights-of-way, the Fiber Provider shall remit the pro-rated annual Rights-of-Way Management Fee to the department of business license. Thereafter, each July 1<sup>st</sup> the Fiber Provider shall remit the Rights-of-Way Management Fee as required by this section. Upon approval by the department of business license, the Fiber Provider may pay the annual Rights-of-Way Management Fee on a quarterly basis. The Rights-of-Way Management Fee is in addition to all other fees related to the issuance of a right-of-way permit, including, but not limited to, fees and deposits in accordance with section 30.06.11 and the county's Title 30 Fee Schedule available on the county's website, as amended from time to time.

For the purposes of this section the "urban area" of Clark County is defined as all of the Townships 19 through 23 South, Ranges 59 through 63 East, M.D.M., within unincorporated Clark County together with all of Township 32 South, Range 66 East, M.D.M., of said unincorporated Clark County and the "rural area" is all other unincorporated areas located within Clark County.

SECTION 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are

hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

PROPOSED BY: \_\_\_\_\_

PASSED on the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

AYES: \_\_\_\_\_

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NAYS: \_\_\_\_\_

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ABSTAINING: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, NEVADA

By: \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of  
\_\_\_\_\_ 2025.