

Introduced by: Councilmember Smith

First Reading: April 27, 2016
Second Reading: May 18, 2016
Effective: May 18, 2016

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2016-14

**(Granting a Non-Exclusive Cable Franchise Upon Certain Conditions
And Authorizing a Franchise Agreement Between the City of Takoma Park, Maryland
And Comcast of Potomac, LLC)**

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of Takoma Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

WHEREAS, pursuant to §5-204(d) of the Local Government Article, Annotated Code of Maryland, the City may grant a franchise for a cable television system; and

WHEREAS, Comcast of Potomac, LLC, has been operating a cable communication franchise within the City as authorized by Ordinance No. 1998-14, effective May 18, 1998, which granted a non-exclusive franchise for the operation of a cable communication system to SBC Media Ventures, L.P.; Comcast of Potomac, LLC is the successor in interest to SBC Media Ventures, L.P.; and

WHEREAS, Comcast of Potomac, LLC applied for a new non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City; and

WHEREAS, the City, in conjunction with Montgomery County, Maryland, conducted a public hearing on the proposed franchise on August 3, 2015; and

WHEREAS, based upon the application and supporting materials supplied by Comcast of Potomac, LLC, and the record of the hearing, and of the hearing before the City Council, the Council finds that the proposed franchise will serve the best interests of the City and its residents, provided that the franchise is upon the terms and conditions set forth herein; and

WHEREAS, the City requests that Comcast remove wires from properties that cease using Comcast equipment within thirty days of the end of service and also provide an easy-to-locate phone number that non-customers may use to report a problem with a Comcast wire or damage to property by Comcast employees; and

WHEREAS, Montgomery County, Maryland has granted a franchise for the operation of a cable communications system within the unincorporated portions of Montgomery County upon the terms and conditions set forth in a certain Cable Franchise Agreement by and between Montgomery County, Maryland and Comcast of Potomac, LLC, approved by the Montgomery County Council on February 9, 2016 and effective on April 1, 2016 (the “Franchise Agreement”).

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Takoma Park, Maryland, that renewal of a non-exclusive franchise for the operation of a cable communications system within the corporate limits of the City be granted to Comcast of Potomac, LLC upon the following conditions:

1. Comcast of Potomac, LLC shall enter into an agreement with the City upon the same terms and conditions as are set forth in the Franchise Agreement.
2. Comcast of Potomac, LLC and Montgomery County shall enter into a franchise agreement, containing the same terms and conditions as are set forth in

the Franchise Agreement, granting a franchise in the unincorporated areas of Montgomery County.

3. The effective date of the franchise within the City shall be the same date as the franchise is effective in the unincorporated areas of Montgomery County.

Section 2. AND BE IT FURTHER ORDAINED AND RESOLVED, that the City Manager of the City is hereby authorized to execute any and all documents necessary to effectuate the intent and purpose of this Ordinance.

Section 3. EFFECTIVE DATE: This Ordinance shall become effective immediately upon adoption.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS 18TH DAY OF MAY, 2016, BY ROLL-CALL VOTE AS FOLLOWS:

AYE: Mayor Stewart, Councilmembers Kovar, Male, Qureshi, Seamens, Smith, Schultz
NAY: None
ABSENT: None
ABSTAIN: None