

Introduced by: Councilmember Kovar

First Reading: July 6, 2016
Second Reading: July 20, 2016
Effective: July 20, 2016

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2016-30

**(Granting a Non-Exclusive Cable Franchise Upon Certain Conditions
And Authorizing a Franchise Agreement Between the City of Takoma Park, Maryland
And Starpower Communications, LLC, d/b/a RCN)**

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, Starpower Communications, LLC, has been operating a cable communication franchise within the City as authorized by Resolution No. 1999-35, adopted July 26, 1999; and

WHEREAS, Starpower Communications, LLC (doing business as RCN) 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 November 3, 2015; and

WHEREAS, based upon the application and supporting materials supplied by Starpower Communications, 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, 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 Starpower Communications, LLC, approved by the Montgomery County Council on May 3, 2016 and effective on July 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 Starpower Communications, LLC upon the following conditions:

1. Starpower Communications, LLC shall enter into an agreement with the City upon the same terms and conditions as are set forth in the Franchise Agreement.

2. Starpower Communications, 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 20TH DAY OF JULY, 2016, BY ROLL-CALL VOTE AS FOLLOWS:**

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