

Town of Chevy Chase
Ordinance Granting Non-Exclusive Franchise for the
Operation of a Cable Television System

Resolution No.: 16-08
Introduced: June 8, 2016
Adopted: July 13, 2016
Effective Date: August 12, 2016

WHEREAS, Maryland Code, Local Government Article, Section 5-202, as amended, grants to the legislative body of every incorporated municipality in Maryland, including the Town of Chevy Chase, general power to pass such ordinances not contrary to the Constitution of Maryland, or the public general law, as deemed necessary in order to assure the good government of the municipality, to protect and preserve the municipality's rights, property, and privileges, to preserve peace and good order, to secure persons and property from danger and destruction, and to protect the health, comfort and convenience of the citizens of the municipality;

WHEREAS, Maryland Code, Local Government Article, Section 5-204(d) and Section 1-708(c), as amended, authorize the legislative body of each municipal corporation in the State of Maryland to grant a franchise for a cable television system;

WHEREAS, Section 301 of the Town of Chevy Chase Charter authorizes the Town Council to pass ordinances as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town; and for such other police and health matters as it may deem necessary;

WHEREAS, Section 26-2 of the Town of Chevy Chase Code authorizes the Town Council to grant franchises in accordance with Chapter 26 of the Town Code;

WHEREAS, Starpower Communications, L.L.C. has applied for renewal of its non-exclusive franchise for the operation of a cable television system within Montgomery County, Maryland, including within the corporate limits of the Town of Chevy Chase;

WHEREAS, on behalf of the Town and other participating municipalities, Montgomery County, Maryland negotiated a franchise agreement renewal with Starpower Communications, L.L.C., upon the terms and conditions set forth in that certain Cable Franchise Agreement by and between Montgomery County, Maryland and Starpower Communications, L.L.C., and conducted a public hearing on said Franchise Agreement on May 3, 2016 (the "Franchise Agreement");

WHEREAS, the Franchise Agreement was approved by the Montgomery County Council on May 3, 2016;

WHEREAS, the Franchise Agreement is to be administered by Montgomery County, Maryland within the Town, according to Montgomery County Chapter 8A;

WHEREAS, the Town Council introduced the following Ordinance in public session assembled on the 8th day of June, 2016;

WHEREAS, the Town Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the 13th day of July, 2016; and

WHEREAS, the Town Council finds that the ordinance as hereinafter set forth is necessary for the good government of the Town; for the protection and preservation of the Town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger and destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the Town.

NOW, THEREFORE, the Town Council does hereby adopt the foregoing uncodified Ordinance.

BE IT ORDAINED AND ORDERED, this 13th day of July, 2016, by the Town Council, acting under and by virtue of the authority given it by the Maryland Code and the Town of Chevy Chase Charter, that subject to Chapter 26 of the Town Code, a non-exclusive franchise for the operation of a cable communications system be and the same is hereby granted upon the following conditions:

1. Starpower Communications, L.L.C. shall enter into an agreement with the Town of Chevy Chase upon the same terms and conditions as are set forth in the Franchise Agreement; and

2. The franchise within the Town of Chevy Chase shall be effective from the effective date of the Franchise Agreement until the end of the term of the Franchise Agreement in the unincorporated areas of Montgomery County.

AND BE IT FURTHER ORDAINED AND ORDERED, by the Town Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Town of Chevy Chase Charter, that:

1. The Mayor of the Town of Chevy Chase be and is hereby authorized to execute any and all documents necessary to effectuate the intent and purpose of this Ordinance;

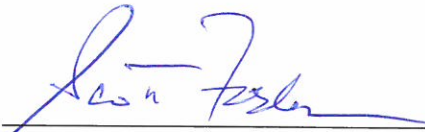
2. If any part or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the part or provision held to be invalid shall not affect the validity of the Ordinance as a whole or any remaining part thereof; and

3. This Ordinance shall take effect on the 12th day of August, 2016.

ATTEST:

TOWN OF CHEVY CHASE


Fred Cecere, Secretary


Scott Fosler, Mayor
Town of Chevy Chase