

**THE TOWN OF COTTAGE CITY
ORDINANCE 2022-07**

**AN ORDINANCE GRANTING A RENEWAL OF THE CABLE FRANCHISE TO
COMCAST OF MARYLAND, LLC, AND AUTHORIZING A FRANCHISE
AGREEMENT**

WHEREAS, The Town of Cottage City is an incorporated municipality governed pursuant to Article XI-E of the Constitution of Maryland; and

WHEREAS, pursuant to LG Art., § 5-202 of said State Code, the Cottage City Commissioners have the authority to pass such ordinances as they deem necessary to assure the good government of the municipality, to protect and preserve the municipality's rights, to secure persons and property from danger and destruction, and to promote the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, the legislative body of the Town may establish and collect reasonable fees and charges for franchises, licenses, or permits granted by the municipality; or, associated with the exercise of a governmental or proprietary function exercised by a municipality; and

WHEREAS, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the Town of Cottage City (hereinafter, the "Town") 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

WHEREAS, the Cottage City Commission has the power under §5-204(d) of the Local Government Article, Annotated Code of Maryland to grant non-exclusive cable franchises; and

WHEREAS, the Cottage City Commission has previously adopted a cable ordinance to govern cable franchises that are located within the Town; and

WHEREAS, the Town entered into a cable franchise agreement with Comcast of Maryland, LLC which ended in 2015, but has been extended during the negotiation of the renewal of the franchise agreement; and

WHEREAS, through a consortium of participating municipalities, the Cottage City Commission authorized the negotiation of the renewal of the franchise agreement with Comcast of Maryland, LLC and said proposed agreement has been prepared and presented to the Cottage City Commission; and

WHEREAS, pursuant to Chapter 2 of the Code of the Town of Cottage City (2019), originally adopted in the 2007 Town Code, and this Ordinance, the Town shall provide for the holding of a public hearing within the proposed franchise area, following reasonable notice to the public, at which the applicant and its application shall be examined and the public and all interested

parties afforded a reasonable opportunity to be heard; and

WHEREAS, the Comcast Cable Franchise Agreement of 1999 required construction of a Prince George's County Intergovernmental Network ("I-Net") governed by a committee represented by the county and all participating municipalities ("PM's") with infrastructure and connectivity to 174 sites, and a functional purpose of connecting authorized users, including specific governmental, educational, and public facilities, with connectivity via the network offering participating governments a communication vehicle to reduce costs for services otherwise provided through commercially leased lines (e.g., Dial-Up, DSL (Digital Subscriber Line), ISDN (Integrated Services Digital Network), etc.); and

WHEREAS, the elected leadership of the County and PM's regarding a joint franchise agreement have been asked to approve a 10-year cable franchise renewal with Comcast; and

WHEREAS, the major features of the new collective franchise agreement are as follows: (i) 5% of gross revenues as a franchise fee, (ii) 3% of gross revenues as support for PEG (includes I-Net/C-Net), (iii) up to 3 municipal PEG channels with option for county to utilize unused channels; (iv) the I/C-Net is preserved for 10 years until transitioned to a government network, (v) provide new service at cost and maintain existing connections to government buildings; (vi) free build out or extension of service area up to 350 ft. from network, and (vi) provides for two company offices in the county for equipment pick up and drop off; and

WHEREAS, the Cottage City Commission has determined that it is in the public interest to renew the cable franchise with Comcast of Maryland, LLC, within the corporate limits of the Town, on condition that Comcast of Maryland, LLC. enter into a franchise agreement in substantially the form as attached to this Ordinance.

SECTION 1

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION, of the Town of Cottage City, the renewal of the non-exclusive right to construct and operate a cable television system along the public rights of way in the Town of Cottage City is hereby granted to Comcast of Maryland, LLC, subject to the provisions of Chapter 2 of the Town Code and a franchise agreement between the Town and Comcast Cable, LLC in a form substantially similar to that attached to this Ordinance as Exhibit 1. The Cottage City Commission is authorized to endorse the franchise agreement on behalf of the Town.

SECTION 2.

AND BE IT FURTHER ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION, that upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the Town Manager shall distribute a copy to each commissioner and shall maintain a reasonable number of copies in the office of the Town Manager and shall post at Town Hall, to the official Town website, to the Town-maintained e-mail LISTSERV or social media platform, if any, and on the Town cable channel, if any, and if

time permits, in any Town newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for the 11th day of January 2023, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Town meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Cottage City Commission may adopt the proposed ordinance with or without amendments or reject it. This Ordinance shall be posted by the Town Manager, or her designee as is or as a fair summary of the Ordinance and notice of its adoption at Town Hall, to the official Town website, to the Town-maintained e-mail LISTSERV or similar social media platform, on the Town cable channel, and in any Town newsletter.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Cottage City Commission that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Cottage City Commission that this Ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Cottage City Commission.

AND BE IT FURTHER ORDAINED AND ENACTED, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall not be codified or otherwise included within the Code of the Town of Cottage City.

AND BE IT FURTHER ORDAINED AND ENACTED, that a fair summary of this ordinance shall be published at least once prior to the date of passage in a newspaper or newspapers having general circulation in the city, and a fair summary of this ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Commissioner-Chairman shall be authorized to sign this Ordinance on behalf of the Commission.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as a regular ordinance and passed by a ye and nay vote of the Cottage City Commission with the affirmative votes of a

majority of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this 11th day of January 2023, at approximately 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

I HEREBY CERTIFY that the above Ordinance No. 2022-07 was passed by the required yea and nay votes of the Cottage City Commission on the 11 day of January 2023.

ATTEST:

TOWN OF COTTAGE CITY, MARYLAND


Carol Richardson, Town Manager

By: 
Wanda Wheatley, Commissioner-Chair

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 11 day of January 2023 with 4 Aye votes and 0 Nay votes, the aforesaid Ordinance 2022-07 passed.


Carol Richardson, Town Manager