

CITY OF HYATTSVILLE

ORDINANCE 2022-07

An ordinance granting a renewal of the cable franchise to Comcast of Maryland, LLC and authorizing a franchise agreement

WHEREAS, Maryland Code, Section 5-202 of the Local Government Article, as amended, authorizes the legislative body of each municipal corporation in the State of Maryland to pass ordinances that such legislative body deems necessary 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; and

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

WHEREAS, Section C3-2(A)(19) of the City of Hyattsville's Charter authorizes the City Council to "regulate franchises, including but not limited to utility and quasi-utility companies, as permitted by federal law and the laws of Prince George's County and the State of Maryland[;]" and

WHEREAS, the City Council previously adopted a cable ordinance to govern cable franchises that are located within the City; and

WHEREAS, the City 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, the City Council 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 Mayor and Council; and

WHEREAS, the City Council 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 City, on condition that Comcast of Maryland, LLC, enter into a franchise agreement in substantially the form as attached to this Ordinance.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville in regular session assembled that the renewal of the non-exclusive right to construct and operate a cable television system along the public rights of way in the City of Hyattsville is hereby granted to Comcast of Maryland, LLC, subject to the provisions of Chapter A125 of the City Code and a franchise agreement between the City and Comcast Cable, LLC in a form substantially similar to that attached to this Ordinance;

AND BE IT FURTHER ORDAINED by the City Council of Hyattsville in regular session assembled that the City Administrator is authorized to endorse the franchise agreement on behalf of the City; and

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall be and shall remain in full force and effect, valid and enforceable;

AND BE IT FURTHER ORDAINED that this Ordinance shall take effect twenty (20) days from the date of its adoption;

AND BE IT FURTHER ORDRAINED that a fair summary of this Ordinance shall forthwith be published twice in a newspaper having general circulation in the City and otherwise be made available to the public.

INTRODUCED by the City Council of the City of Hyattsville, Maryland at a regular public meeting on the 21st day of November 2022.

ADOPTED by the City Council of the City of Hyattsville, Maryland, at a regular meeting on the 5th day of December 2022.

Adopted: 12/5/22

Attest: _____
Laura Reams, City Clerk

Robert S. Croslin, Mayor

Effective Date: 12/25/22.