

ORDINANCE NO. 2550

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST,
HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE APPROVING THE GRANT OF A CABLE FRANCHISE TO COMCAST COLORADO IX, LLC, APPROVING A CABLE FRANCHISE AGREEMENT BETWEEN COMCAST COLORADO IX, LLC, AND THE CITY OF COMMERCE CITY, COLORADO

WHEREAS, pursuant to the Charter of the City of Commerce City (the “Charter”), the Commerce City Revised Municipal Code (the “Code), and the authority granted to home-rule municipalities under the Colorado Constitution, the City of Commerce City (the “City”) may adopt and amend ordinances;

WHEREAS, pursuant Chapter 18 of the Charter, the City may grant nonexclusive franchises to cable television providers;

WHEREAS, City is authorized generally pursuant to Article XX of the Colorado Constitution, as well as C.R.S § 31-15-702, to regulate and manage the use, maintenance, and repair of public streets, roads, sidewalks, and public places under its jurisdiction;

WHEREAS, the City previously granted a non-exclusive franchise for the construction, maintenance, and operation of a cable television system within the City to Comcast of Colorado IX, LLC, locally known as Comcast (“Comcast”);

WHEREAS, Comcast is agreeable to continue providing cable television service in the City;

WHEREAS, Comcast seeks a new cable television franchise, and a proposed new Cable Franchise Agreement acceptable to both the City and Comcast has been prepared (the “Agreement”), a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference;

WHEREAS, the City has reviewed Comcast’s performance under the prior franchise and the quality of service during the prior franchise term, had identified the future cable-related needs and interests of the City and its citizens, has considered the financial, technical, and legal qualifications of Comcast, and has determined that Comcast plans for operating and maintaining its Cable Systems are adequate;

WHEREAS, the public has had adequate notice and opportunity to comment on Comcast’s proposal to provide cable television service within the City;

WHEREAS, the City has a legitimate and necessary regulatory role in ensuring the availability of cable communications service, and reliability of cable systems in its jurisdiction, the availability of local programming and quality customer service;

WHEREAS, diversity in cable service programming is an important policy goal and Comcast's cable system should offer a wide range of programming services;

WHEREAS, the City Council for the City of Commerce City (the "Council") has considered this Ordinance authorizing the cable television system franchise and the Agreement;

WHEREAS, the Council hereby finds that the public has had adequate notice and opportunity to comment upon the proposed cable television system franchise and the Agreement;

WHEREAS, the Council hereby finds that it serves the public interest of the citizens of the City to grant a cable television franchise to Comcast pursuant to the terms of the Agreement; and

WHEREAS, the Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

Section 1. Grant of Franchise. The City of Commerce City hereby grants to Comcast of Colorado IX, LLC, effective January 1, 2024, a nonexclusive Cable Franchise subject to the terms and conditions set forth in the attached Cable Franchise Agreement between Comcast Colorado IX, LLC, and the City of Commerce City, Colorado.

Section 2. Franchise Agreement. The City of Commerce City hereby approves and adopts the attached Cable Franchise Agreement between Comcast Colorado IX, LLC, and the City of Commerce City, Colorado. The Cable Franchise Agreement shall be available for public inspection during normal business hours from the City Clerk at the offices of the City of Commerce City, Colorado.

Section 3. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

SECTION 1. Section 4. Effective Date. This Ordinance shall be effective pursuant to Section 5.4 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 13TH DAY OF NOVEMBER 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 11TH DAY OF DECEMBER 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A
COMCAST OF COLORADO IX, LLC AND
THE CITY OF COMMERCE CITY, COLORADO
CABLE FRANCHISE AGREEMENT