

**The Village of Martin's Additions
Ordinance Granting Non-Exclusive Franchise for the
Operation of a Cable Television System**

Resolution No.: 6-16-1
Introduced: May 19, 2016
Adopted: August 18, 2016
Effective Date: September 7, 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 Village of Martin's Additions, 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 501 of the Charter of the Village of Martin's Additions authorizes the Village Council to pass such ordinances as it may deem necessary for the preservation of the property, rights, and privileges of the Village of Martin's Additions (the "Village") and its residents;

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 Village;

WHEREAS, on behalf of the Village 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 Village, according to Montgomery County Chapter 8A;

WHEREAS, the Village Council introduced the following Ordinance in public session assembled on the 19th day of May, 2016;

WHEREAS, the Village Council, after proper notice to the public, considered the following Ordinance at a public hearing held on the 18th day of August, 2016; and

WHEREAS, the Village Council finds that the foregoing Ordinance would assure the good government of the municipality, protect and preserve the municipality's rights, property, and privileges, preserve peace and good order, secure persons and property from danger and destruction, and protect the health, comfort and convenience of the citizens of the Village of Martin's Additions, and is necessary for the preservation of the property, rights, and privileges of the Village and its residents.

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

BE IT ORDAINED AND ORDERED, this 18th day of August, 2016, by the Village Council, acting under and by virtue of the authority given it by the Maryland Code and the Village Charter that 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 Village upon the same terms and conditions as are set forth in the Franchise Agreement; and
2. The franchise within the Village 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 Village Council, acting under and by virtue of the authority granted to it by the Maryland Code and the Village Charter, that:

1. The Chair of the Village Council 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 7th day of September, 2016.

ATTEST:

THE VILLAGE OF MARTIN'S ADDITIONS



Susan Fattig, Secretary



Richard Krajeck, Chair
Village Council