

TOWN OF SUPERIOR
ORDINANCE NO. 0-1
SERIES 2017

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR APPROVING A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWN OF SUPERIOR AND COMCAST OF COLORADO I, LLC, TO OPERATE A CABLE SYSTEM IN THE TOWN OF SUPERIOR PURSUANT TO THE TERMS OF SUCH CABLE FRANCHISE AGREEMENT

WHEREAS, pursuant to Section 5-1-40 of the Superior Municipal Code, no person may construct a cable system to provide cable service in the Town without a cable franchise;

WHEREAS, Comcast of Colorado I, LLC, has held a franchise and operated a cable system in the Town;

WHEREAS, pursuant to 47 U.S.C., Sec. 546(h), the Town may renew a cable franchise with a cable operator after affording the public adequate notice and opportunity for comment;

WHEREAS, at public meetings held on November 9, 2015, and January 23, 2017, the Town considered Comcast's performance and technical, financial and legal ability to provide the services, facilities and equipment to meet the future cable-related community needs and interests; and

WHEREAS, on February 13, 2017, the Board of Trustees held a properly-noticed public hearing to consider adoption of the proposed cable franchise agreement and accepted public comment on the same.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SUPERIOR, COLORADO, THAT:

Section 1. The Cable Franchise Agreement between the Town of Superior and Comcast of Colorado I, LLC, attached hereto as **Exhibit A** and incorporated herein by this reference, is hereby approved, and Comcast of Colorado I, LLC, is hereby granted a franchise to operate a cable system in the Town of Superior pursuant to the terms of such Cable Franchise Agreement. The Mayor is hereby authorized to sign the Cable Franchise Agreement on behalf of the City.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision

shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.


Section 3. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 13th day of February, 2017.



Clint Folsom, Mayor

ATTEST

The seal is circular with a rope-like border. The outer ring contains the text "THE TOWN OF SUPERIOR" at the top and "COLORADO" at the bottom. In the center, the word "SEAL" is written in a bold, serif font. A handwritten signature, "Phyllis L. Hardin", is written across the seal.

Phyllis L. Hardin, Town Clerk-Treasurer