

**FINAL**

**August 21, 2014**

**CITY OF HYATTSVILLE  
EMERGENCY ORDINANCE 2014-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HYATTSVILLE TO  
RATIFY AND ADOPT AN EXTENSION OF THE FRANCHISE AGREEMENT WITH  
COMCAST OF MARYLAND, INC.**

WHEREAS on January 19, 1999, the City of Hyattsville, herein referred to as the "City" granted a cable television franchise (the "Franchise") to Jones Cable, which was thereafter transferred to Comcast of Maryland; and

WHEREAS, the Franchise is now held by Comcast of Maryland, Inc. (the "Franchisee"); the Franchise, without amendment, terminated on May 31, 2013; and

WHEREAS, the City and the Franchisee are engaged in discussions concerning the renewal of the Franchise, and those discussions are expected to take some time to complete; and

WHEREAS, the City wishes to ratify and adopt an extension of the term of the Franchise, beginning at the end of the franchise term on May 31, 2013, to allow time for the parties to complete negotiations; and

WHEREAS, the Franchisee has provided its consent to the proposed extension of the Franchise, in the form of the attached letter, which is incorporated herein by reference as Exhibit A; and

WHEREAS, the City and the Franchisee both desire to reserve their respective rights under state and federal law, including, without limitation, 47 U.S.C. § 546.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the City Council of the City of Hyattsville that the amendment to extend the said Franchise Agreement between the Grantor and the Franchisee be and it is hereby adopted and ratified effective May 31, 2013, and the said Franchise Agreement is extended until a new cable franchise becomes effective, or until the franchise is either renewed, terminated or final action is taken not to renew the franchise in accordance with the agreement, the Federal Cable Act and other applicable law, whichever occurs first, as is more particularly stated in the attached Exhibit A, which is incorporated herein by reference. The extension of the franchise is contingent upon the City receiving from Comcast of Maryland, Inc., a signed letter substantially in the form attached as Exhibit A. During said

extension, the terms and conditions of the Agreement shall remain in full force and effect. This extension shall be effective as to Franchisee immediately upon receipt by the Franchisee.

**AND BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other applications of the Ordinance which can be given effect without the invalid provision or applications, and to this end, all the provisions of this Ordinance are hereby declared to be severable.

**AND BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately as an Emergency Ordinance as provided in Section C2-9 of the City Charter.

**AND BE IT FURTHER ORDAINED** 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** as an Emergency Ordinance by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on September 15, 2014.

**ADOPTED**, as an Emergency Ordinance, by the City Council of the City of Hyattsville, Maryland, at a regular public meeting on September 15, 2014.

Adopted: September 15, 2014

Attest:

  
\_\_\_\_\_  
Laura Reams  
City Clerk

  
\_\_\_\_\_  
Marc Tartaro  
Mayor

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

By:

  
\_\_\_\_\_  
Richard T. Colaresi  
Town Attorney

[ ] indicate deletions

**BOLD** indicate additions

Asterisks \* \* \* Indicate matter retained in existing law but omitted herein