

**TOWN OF FREDERICK, COLORADO**  
**ORDINANCE NO. 1221**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, GRANTING  
RENEWAL OF A NON-EXCLUSIVE FRANCHISE FOR THE PROVISION OF A  
CABLE SYSTEM BY COMCAST OF COLORADO IV, LLC.**

**WHEREAS**, Board of Trustees of the Town of Frederick, Colorado, (the "Town" or "Grantor") has received an application from "Comcast of Colorado IV, LLC" to renew its franchise to provide a Cable System (hereinafter called "Cable System") within the Town of Frederick; and

**WHEREAS**, pursuant to Colorado law, local ordinance, the federal Cable Communications Policy Act of 1984 ("1984 Cable Act"), the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act"), and the Telecommunications Act of 1996 ("1996 Act"), the Town is authorized to grant or renew franchises to construct, operate and maintain cable systems, utilizing public rights-of-way and properties within Grantor's jurisdiction; and

**WHEREAS**, it is proposed to renew the franchise in accordance with the terms and conditions of the Cable Television Franchise Agreement (hereinafter called "Agreement"), which provides for a term of five years from the date of issuance and a fee to be paid to the Town of 5% of the gross receipts of the company generated from within the Town, to be paid in semiannual payments.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1. Franchise.** There is hereby renewed a non-exclusive franchise "Comcast of Colorado IV, LLC", LLC, 434 Kimbark, Longmont, CO 80501, to construct and operate a Cable System within the corporate boundaries of the Town of Frederick in accordance with that Cable Television Franchise Agreement duly negotiated and agreed and hereby approved by this reference thereto.

**Section 2. Use of Public Streets and Right-of-ways.** "Comcast of Colorado IV, LLC" shall have the right under the terms of the franchise to the reasonable use of public streets and right-of-ways to construct, operate, maintain, reconstruct, rebuild and upgrade a Cable System subject to the terms and conditions set forth in the Agreement.

**Section 3. Franchise Fee.** In exchange for the privileges granted "Comcast of Colorado IV, LLC" by this franchise, "Comcast of Colorado IV, LLC" shall pay to the Town of Frederick the sum of five percent (5%) of its gross revenues derived from its operations within Frederick, said sum to be subject to future modification in accordance with the terms and conditions of the Agreement. Payments shall be made quarterly as provided in the Agreement.

**Section 4. Term of Franchise.** The term of this franchise shall be for five (5) years from the effective date of this ordinance and/or acceptance of the franchise by "Comcast of Colorado IV, LLC", whichever occurs later, and is subject to renewal in accordance with the provisions of the Agreement. Upon the sale, or transfer, or merger of "Comcast of Colorado IV, LLC" with any other entity, a new franchise agreement shall be negotiated.

**Section 5. Effective Date.** This ordinance shall be published and become effective as provided by law; however, the ordinance shall be nunc pro tunc to February 22, 2016.

**Section 6. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

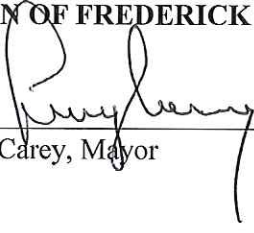
**Section 7. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, no revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 9<sup>TH</sup> DAY OF FEBRUARY, 2016.**

**ATTEST:**

By   
Meghan C. Martinez, Town Clerk

**TOWN OF FREDERICK**

By   
Tony Carey, Mayor