

ORDINANCE O-2024-

A BILL FOR 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 LONGMONT,  
COLORADO, AND FOR AN ORDINANCE AMENDING CHAPTER 6.26 OF THE  
LONGMONT MUNICIPAL CODE ON CABLE TELEVISION FRANCHISES

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

WHEREAS, pursuant to section 6.26.010 of the Code, the City may grant nonexclusive  
franchises to cable television providers; and

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

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  
II, LLC; and

WHEREAS, Comcast of Colorado IX, LLC, is the successor in interest to Comcast of  
Colorado II, referred to herein as Comcast, is agreeable to continue providing cable television  
service in the City; and

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

5           WHEREAS, the City has reviewed Comcast’s performance under the prior franchise and  
6 the quality of service during the prior franchise term, has identified the future cable-related needs  
7 and interests of the City and its citizens, has considered the financial, technical, and legal  
8 qualifications of Comcast, and has determined that Comcast plans for operating and maintaining  
9 its Cable Systems are adequate, in a full public proceeding affording due process to all parties; and

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

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

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

17           WHEREAS, the City Council for the City of Longmont (the “Council”) has considered  
18 this Ordinance authorizing the cable television system franchise and the Agreement; and

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

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

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

5           NOW THEREFORE, THE COUNCIL OF THE CITY OF LONGMONT, COLORADO,  
6 ORDAINS:

7           Section 1 Grant of Franchise. The City of Longmont hereby grants to Comcast of Colorado  
8 IX, LLC, effective July 23, 2024, a nonexclusive Cable Franchise subject to the terms and  
9 conditions set forth in the attached Cable Franchise Agreement between Comcast Colorado IX,  
10 LLC, and the City of Longmont, Colorado.

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

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

21           Section 4 The Council amends the Longmont Municipal Code by repealing sections  
22 6.26.040 through 6.26.1340 as well as Exhibits A and B incorporated therein.

Section 5 To the extent only that they conflict with this ordinance, the Council repeals any conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

MAYOR

ATTEST:

CITY CLERK

NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT 7:00 P.M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024, AT THE LONGMONT CITY COUNCIL MEETING.

APPROVED AS TO FORM:

DEPUTY CITY ATTORNEY

DATE \_\_\_\_\_

PROOFREAD

DATE \_\_\_\_\_

APPROVED AS TO FORM AND SUBSTANCE:

ORIGINATING DEPARTMENT

DATE \_\_\_\_\_

CA File: 23-002192