

**ORDINANCE NO. 727-16**

**AN ORDINANCE GRANTING FRANCHISE TO CHARTER COMMUNICATIONS**

**WHEREAS**, C.R.S. §31-22-101 provides that municipalities must grant all franchises by ordinance; and

**WHEREAS**, Charter Communication provides various cable services within the town of Fowler; and

**WHEREAS**, Charter Communications is the successor to Bresnan Communications, L.L.C. which previously obtained a franchise from the Town of Fowler; and

**WHEREAS**, Charter Communications desires to obtain a non-exclusive franchise with the Town of Fowler; and

**WHEREAS**, Charter Communications and the Town of Fowler have negotiated a Franchise Agreement.

**BE IT ORDAINED** by the Town of Fowler Board of Trustees as follows.

1. The Town of Fowler grants Charter Communication a non-exclusive Franchise for the use of the Streets and dedicated easements within the Service Area for the construction, operation and maintenance of a Cable System, upon the terms and conditions set forth in the Franchise Agreement between the Town of Fowler and Charter Communications dated March 28, 2016.
2. The Franchise shall be for a term of ten (10) years, commencing on the effective date of this Ordinance.
3. The Franchise will be automatically extended for an additional five years from the expiration date unless either party notifies the other in writing of its desire to not exercise this automatic extension and enter renewal negotiations under the Cable Communications Policy Act of 1984, 47 U.S.C. §521 as amended at least three years before the expiration of this Franchise.
4. The Franchise Agreement between the Town of Fowler and Charter Communications is approved and the mayor of Fowler is authorized to sign the Franchise Agreement on behalf of the city council of the Town of Fowler.
5. Conflicts. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform to this ordinance.
6. Severability. If any clause, sentence, paragraph or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be illegal or invalid, such judgment shall not affect application to other persons or circumstances and those other portions of this ordinance not illegal or invalid shall continue in full force and effect as to those provisions.

**PASSED** on the first reading and ordered published the 14<sup>th</sup> day of March 2016.

**ADOPTED** and approved the 28<sup>th</sup> day of March 2016.

**TOWN OF FOWLER, COLORADO**

**DATED** this 28<sup>th</sup> day of March 2016.

**By:** \_\_\_\_\_  
Charles R. Hitchcock, Mayor

**ATTEST:**

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Kelly Lotrich, Town Clerk