

CITY OF FLORENCE ORDINANCE NO. 1, SERIES 2018

An Ordinance repealing Ordinance No. 24, Series 2003, an ordinance granting a non-exclusive franchise to Falcon Cable Systems Company II, L.P. to operate and maintain a cable communications system within the City limits of Florence, and declaring an emergency.

RECITALS:

1. On December 2, 2003, the Florence City Council adopted Ordinance No. 24, Series 2003, granting a non-exclusive franchise to Falcon Cable Systems Company II, L.P., dba Charter Communications, (hereinafter "Grantee") to operate and maintain a cable communications system within the City limits of Florence.
2. The franchise and the rights, privileges and authority granted within it contained an initial term of ten (10) years, with an expiration of December 1, 2013.
3. The City of Florence (hereinafter "City") and Grantee have been negotiating new franchise terms since 2013.
4. The terms of the 2003 franchise agreement have applied to the use of the right-of-way by Grantee during the franchise negotiations.
5. On March 20, 2017, the Florence City Council passed Ordinance No. 5, Series 2017, amending Florence City Code Title 8 by Adding Chapter 7: Right of Way Management for Governing the Use and Occupation of the Public Right of Way by Communications Providers and Establishing an Application Process, Fees, and Terms for Such Use.
6. Title 8, Chapter 7: Right of Way Management establishes regulations that apply to all Communications Providers who use or occupy the Public Rights of Way to provide Communications Services to Persons within the City, provides general provisions to Communications Providers, and establishes the process for obtaining a franchise agreement.

Based on these findings,

THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. Ordinance No. 24, Series 2003, an ordinance granting a non-exclusive franchise to Falcon Cable Systems Company II, L.P. to operate and maintain a cable communications system within the City limits of Florence, shall be repealed.

2. The negotiated franchise agreement with Falcon Cable Systems Company II, L.P., locally known as Charter Communications, shall be granted by Resolution.
3. This Ordinance shall become effective upon adoption.
4. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the _____ day of April, 2018.

Second Reading on the _____ day of April, 2018

This Ordinance is passed and adopted on the 2th day of April, 2018.

AYES	X	Councilors X, X, X
NAYS	x	
ABSTAIN	x	
ABSENT	x	

Joe Henry, Mayor

Attest:

Kelli Weese, City Recorder