

ORDINANCE NO. 15-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO GRANTING A FRANCHISE AGREEMENT TO QWEST BROADBAND SERVICES, INC., d/b/a CENTURYLINK (“GRANTEE”) TO PROVIDE CABLE TELEVISION SERVICES WITHIN THE CITY OF CASTLE PINES AND AMENDING CHAPTER 5 OF THE CASTLE PINES MUNICIPAL CODE

WHEREAS, pursuant to C.R.S. § 31-15-702, the City of Castle Pines City Council is authorized to regulate streets and alleys and other public grounds within the City; and

WHEREAS, pursuant to C.R.S. § 31-15-101(c), the City Council may enter into contracts on behalf of the City of Castle Pines; and

WHEREAS, Qwest Broadband Services, Inc., d/b/a CenturyLink, the Grantee, provides cable television service and seeks to continue to provide such service within the City of Castle Pines; and

WHEREAS, the City Council finds that competition in the provision of cable television service benefits the residents of the City and that it is in the best interest of the citizens of Castle Pines to enter into a franchise agreement for cable television services with CenturyLink.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, ORDAINS:

Section 1. Approval of the Franchise Agreement. The Cable Franchise Agreement attached hereto between the Grantee and the City of Castle Pines is approved.

Section 2. Amendments to Chapter 5 of the Castle Pines Municipal Code, entitled “Franchises and Communication Systems.” Chapter 5 of the Castle Pines Municipal Code, entitled “Franchises and Communication Systems,” is hereby amended by the addition of a new Article 1.5 entitled “Cable Television Franchise - 2015” which Article is attached as Exhibit A to this Ordinance. The title of the existing Article 1 of Chapter 5 of the Castle Pines Municipal Code is hereby renamed to read as follows: “Cable Television Franchise – 2009.”

Section 3. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Section 4. Codification Amendments. The codifier of the City’s Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Castle Pines Municipal Code.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication following final passage.

Section 6. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after publication following final adoption.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO
the ___ day of ___, 2015.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO
the 8th day of September, 2015.



ATTEST:

Shawn Wagar
City Clerk

Jeffrey T. Huff
Jeffrey T. Huff, Mayor

Approved as to form:

Linda C. Michow
Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a noticed public hearing of the Castle Pines City Council on August 11, 2015; published by reference by title only in the *Douglas County News-Press*, together with the statement that "[t]he complete text of all ordinances is available through the City Offices and on the City's official website"; and finally passed and adopted by the City Council on September 8, 2015 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on July 30, 2015.

ATTEST:

Shawn Wagar
City Clerk

**EXHIBIT A
CABLE TELEVISION FRANCHISE**