

COUNCIL OF THE TOWN OF LA PLATA
Emergency Ordinance No. 08-3

Introduced By: Mayor Gene Ambrogio

Date Introduced: January 22, 2008

Amendments Adopted:

Date Adopted: January 22, 2008

Date Effective: January 22, 2008

1 **An Emergency Ordinance** concerning

2
3 **Cable Television Regulation – Application Fees and Other Reimbursements**

4
5 **FOR** the purpose of providing for an application fee to be paid upon the filing of certain
6 applications related to cable television franchises sought from or granted by the Town of
7 La Plata; providing for applicants to reimburse the Town for certain costs and expenses
8 relating to the consideration of such applications; and all matters generally relating thereto.

9 * * * * *

10
11 **BY** adding to
12 Chapter 82 – Cable Television
13 § 82-3
14 Code of the Town of La Plata
15 (1998 Edition and Supplements)

16
17 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**
18 that new § 82-3 be and it hereby is added to the Code of the Town of La Plata (1998 Edition and
19 Supplements), Chapter 82, Cable Television, to follow immediately after § 82-2 thereof, to read as
20 follows:

21
22 **Chapter 82 – CABLE TELEVISION**

23
24 **82-3 APPLICATION FEES.**

25
26 A. TO BE ACCEPTABLE FOR FILING, EACH APPLICATION OF A TYPE LISTED IN
27 SUBSECTION B. OF THIS SECTION SHALL BE ACCOMPANIED BY A NONREFUNDABLE
28 FILING FEE OF FIVE THOUSAND DOLLARS (\$5,000), PAYABLE TO THE TOWN, TO

29 COVER COSTS INCIDENTAL TO THE AWARDING OR ENFORCEMENT OF THE
30 FRANCHISE, AS APPROPRIATE.

31 B. THE FEE SPECIFIED IN SUBSECTION A. OF THIS SECTION APPLIES TO THE
32 FOLLOWING APPLICATIONS:

33 (1) APPLICATION FOR AN INITIAL FRANCHISE OR FOR ISSUANCE OF AN
34 RFP.

35 (2) APPLICATION FOR RENEWAL OF A FRANCHISE.

36 (3) APPLICATION FOR MODIFICATION OF A FRANCHISE AGREEMENT.

37 (4) APPLICATION FOR APPROVAL OF A TRANSFER.

38 C. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW:

39 (1) THE TOWN MAY REQUIRE, IN ADDITION TO THE APPLICATION FEE
40 PROVIDED FOR IN SUBSECTIONS A. AND B. OF THIS SECTION, THE FRANCHISEE, OR,
41 WHERE APPLICABLE, A TRANSFEROR OR TRANSFEREE, TO REIMBURSE THE TOWN
42 FOR ITS REASONABLE OUT-OF-POCKET EXPENSES IN CONSIDERING THE
43 APPLICATION, INCLUDING CONSULTANTS' FEES.

44 (2) NO PAYMENTS MADE UNDER THIS SECTION SHALL BE CONSIDERED A
45 FRANCHISE FEE, BUT SHALL BE DEEMED TO FALL WITHIN ONE OR MORE OF THE
46 EXCEPTIONS IN 47 U.S.C. § 542(G)(2).

47
48 **SECTION 2. AND BE IT FURTHER ENACTED**, That if any provision of this Emergency
49 Ordinance, or the application thereof to any person or circumstance is held invalid for any reason,
50 such invalidity shall not affect the other provisions or any other application of this Emergency
51 Ordinance which can be given effect without the invalid provisions or application, and to this end, all
52 the provisions of this Emergency Ordinance are hereby declared to be severable.

53
54 **SECTION 3. AND BE IT FURTHER ENACTED** that, having been approved by at least a
55 majority of the entire Council, this Ordinance shall become effective immediately upon its approval by
56 the Council.

57
58 **ADOPTED** this 22nd day of January, 2008.

SEAL:

COUNCIL OF THE TOWN OF LA PLATA

Gene Ambrogio, Mayor

James Goldsmith, Councilman

Scot D. Lucas, Councilman

ATTEST:

Paretta D. Mudd, Councilwoman

Judith T. Frazier, Town Clerk

Vic E. Newman, Councilman

Date: _____

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.