

ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF COMER TO AMEND THE CODE OF ORDINANCES OF COMER, GEORGIA TO ESTABLISH A FRANCHISE FEE APPLICABLE TO HOLDERS OF CABLE OR VIDEO FRANCHISES ISSUED BY THE STATE OF GEORGIA BY ADOPTING A NEW SECTION 40-105; TO DESIGNATE AN AGENT; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Comer shall be notified by the Secretary of State's Office and a cable or video provider of an application for a state issued franchise in the city;

WHEREAS, the City of Comer currently collects a franchise fee from any current cable or video providers;

WHEREAS, the City of Comer considers collecting a franchise fee from a cable or video provider utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economic development of the City of Comer and to protect public works infrastructure;

WHEREAS, the City of Comer is authorized pursuant to O.C.G.A. § 36-76-1 *et seq.* known as the "Consumer Choice for Television Act" of 2007 to collect a franchise fee of up to 5%, the maximum amount established by federal and state law, of each cable or video provider's gross revenues generated within the city; and

WHEREAS, the City of Comer is authorized to designate an agent to provide notice of the city's franchise fee rate;

THE MAYOR AND COUNCIL OF THE CITY OF COMER HEREBY ORDAINS:

Section 1.

The Code of the City of Comer is hereby amended by adding a Section to be numbered 40-105.1, which said section reads as follows:

“Section 105.1. Franchise fee for state issued cable or video franchise.

The city hereby requires a franchise fee of 5% of gross revenues generated within the city for any cable or video state franchise issued in its corporate boundaries by the State of Georgia.”

Section 2.

The Code of the City of Comer is further amended by adding a Section to be numbered 40-105.2, which said section reads as follows:

“Section 105.2. Authorized designee.

The city hereby authorizes the City Clerk, upon receipt of notice to the city of its right to designate a franchise fee for an applicant for or holder of an existing state franchise, to provide written notice to the Secretary of State and each applicant for or holder of a state franchise within a service area that is wholly or partially located within the city limits of the 5% franchise fee rate applicable to such applicant or holder of a state franchise.”

Section 3.

The preamble to this ordinance is hereby incorporated into this ordinance as if set out fully herein.

Section 4.

The sections, paragraphs, sentences, clauses or phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 5.

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6.

The adoption date of this ordinance is February 5, 20 08.

Section 7.

The effective date of this ordinance is February 5, 20 08.

ORDAINED by the Mayor and Council of the City of Comer this 5th day of February, 20 08.

ATTEST:

By: _____
City Clerk

Mayor: _____
City of Comer

(SEAL)

Approved as to form
City Attorney

Name

