MLM/
07/11/18

ORDINANCE NO. 903

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, RELATING TO CABLE TELEVISION FRANCHISE APPLICATION AND RENEWAL FEES; AMENDING SECTION 5.28.140 OF THE CARNATION MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Carnation implements an application fee charged to cable television franchisees to recover administrative expenses that are directly related to receiving and approving a cable television franchise; and

WHEREAS, unless prohibited by applicable law, the City desires to include all fees in a fee resolution instead of amending an ordinance each time a fee is changed or added; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Subsection 5.32.010 of the Carnation Municipal Code is hereby amended as follows:

5.28.140 Application fees.

Unless prohibited by applicable law, each application for new franchise; the renewal of an existing franchise; any sale, transfer or change of control; or any request for substantial modification of a franchise by the cable operator shall be accompanied by a nonrefundable minimum filing fee ~~of one thousand dollars~~ in the amount set forth by resolution of the city council. This minimum filing fee is intended to be a charge incidental to the awarding or enforcing of a franchise within the meaning of Section 622(g)(2)(D) of the Cable Act, 47 U.S.C.

Section 542(g)(2)(D).

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Carnation City Council this 17th day of July, 2018.

Kimberly Lisk

MAYOR, KIMBERLY LISK

ATTEST/AUTHENTICATED:

Mary Madole

CITY CLERK, MARY MADOLE

FILED WITH THE CITY CLERK: 07/11/2018
PASSED BY THE CITY COUNCIL: 07/17/2018
PUBLISHED: 07/27/2018
EFFECTIVE DATE:..... 07/31/2018
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