

**TOWN OF JOHNSTOWN, COLORADO**  
**ORDINANCE NO. 2023-250**

**AN ORDINANCE GRANTING TO COMCAST OF COLORADO IX, LLC  
A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, INSTALL AND  
OPERATE A CABLE SYSTEM AND PROVIDE CABLE TELEVISION  
SERVICE WITHIN THE TOWN AND, IN CONNECTION THEREWITH,  
TO MAKE REASONABLE USE OF TOWN STREETS AND OTHER  
PUBLIC PLACES WITHIN THE TOWN**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, Comcast of Colorado IX, LLC, a Delaware limited liability company (“Comcast”), desires to operate a cable system and provide cable television services to its customers, and, in furtherance thereof, has requested that the Town enter into a non-exclusive franchise for a period of ten (10) years, commencing on June 1, 2023, and terminating on May 31, 2033; and

**WHEREAS**, having afforded the public notice and opportunity for comment, the Town Council desires to enter into a franchise with Comcast for the construction and operation of a cable system upon the terms and conditions set forth in the negotiated agreement between the Town and Comcast; and

**WHEREAS**, the Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public peace, health, safety and welfare and that this Ordinance is in the best interests of the citizens of the Town.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:**

**Section 1.** The Cable Franchise Agreement between the Town of Johnstown and Comcast of Colorado IX, LLC, attached hereto and incorporated herein by reference as Exhibit A (“Franchise Agreement”), is hereby approved.

**Section 2.** Pursuant to the Franchise Agreement, the term of Comcast’s franchise shall be for ten (10) years, from June 1, 2023 to and including May 31, 2033, unless otherwise extended or terminated as provided therein, and the franchise fee shall be five percent (5%) of gross revenues.

**Section 3. Severability.** If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

**Section 4. Publication; Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Hannah Hill, Town Clerk

By: \_\_\_\_\_  
Troy Mellon, Mayor