

ORDINANCE NO. 86

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, RELATING TO CABLE COMMUNICATIONS FRANCHISES, GRANTING CONTINUATION OF NON-EXCLUSIVE FRANCHISES FOR CABLE COMMUNICATIONS SYSTEMS AND SERVICES UPON THE PUBLIC STREETS, WAYS, ALLEYS, AND PLACES WITHIN THE CITY OF WOODINVILLE AND EXTENDING THE NON-EXCLUSIVE FRANCHISE WITH VIACOM.

**WHEREAS**, prior to the effective day of incorporation of the City of Woodinville (the "City"), King County granted non-exclusive cable communications system franchises to, amongst other entities, Vista Television Cable, Inc. d/b/a Viacom Cable (hereinafter "Viacom"), and its predecessor companies by King County Ordinance No. 548 and motions and amendments related thereto, Ordinance No. 550 and amendments hereto, and Ordinance No. 614 and amendments thereto (collectively, the "Viacom Franchises"); and

**WHEREAS**, the cable franchises granted to Viacom by King County Ordinances No. 548 and 550 have been extended and renegotiated for, among other things, permitting uninterrupted service during any negotiation periods; and

**WHEREAS**, the City was incorporated as a non-charter code city effective March 31, 1993; and

**WHEREAS**, pursuant to RCW 35.02.160, the Viacom Franchises were automatically canceled with respect to the City upon its incorporation, except that, by operation of law, a franchise must be granted to Viacom forthwith by the City for a term not less than the remaining term of the original franchise; and

**WHEREAS**, pursuant to 35A.11.030, the City has the power, among other things, to grant franchises; and

**WHEREAS**, the City granted to Viacom on March 22, 1993 under Ordinance No. 42 which expires April 1, 1994, a franchise under the same terms and conditions as King County Ordinances No. 548, 550 and 614.

**WHEREAS**, it is in the best interests of the City and Viacom to ensure that sufficient opportunity exists for the parties to fully and openly negotiate franchise terms and conditions; and

**WHEREAS**, in order to ensure time exists to determine the public needs and negotiate terms and conditions, it is in the best interests of all concerned to incorporate the existing applicable

terms, conditions and fees under the Viacom Franchises into a franchise for the City for a period from April 2, 1994, through April 2, 1995 and any extension term;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The terms, conditions and fees in the Viacom Franchises are attached hereto as Exhibit A, incorporated herein and adopted by reference as of March 31, 1993, by the City for a term in accordance with Section 2 below.

**Section 2.** The term of the non-exclusive franchise for cable communications systems along, across and upon the public streets, ways, alleys and places within the City shall commence as of April 2, 1994 and run through April 2, 1995 and any extension periods, pursuant to applicable terms, conditions and fees established in the Viacom Franchises.

**Section 3.** The City Council declares that it is its intent by the adoption by reference of this non-exclusive franchise to grant the opportunity to meet the requirements for negotiations and public hearings in order to ensure that the continued best interests of the public are served, all in accordance with the Cable Communications Policy Act of 1984 and applicable amendments.

**Section 4.** If any sections, 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 5.** This ordinance shall be effective five (5) days after publication of an approved summary consisting of the title hereto.

PASSED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 28TH DAY OF MARCH, 1994.

CITY OF WOODINVILLE

  
\_\_\_\_\_  
Bob Miller, Deputy Mayor

ATTEST:

  
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James K. Katica  
City Clerk/Treasurer

APPROVED AS TO FORM:

  
City Attorney

FILED WITH THE CITY CLERK: 3/8/94

PASSED BY THE CITY COUNCIL: 3/28/94

PUBLISHED: 4/4/94

EFFECTIVE DATE: 4/9/94

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