

ORDINANCE NO. 2005-06-046

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE SECTION 6.17.280 RELATING TO CABLE FRANCHISE FEES, INCREASING SAID FEES FROM 3.75% TO 4.25%.

WHEREAS, the City of Bellingham has found the need to amend its Code (BMC Chapter 6) in order to allow for an increase in the franchise fees required of cable television operators within the City of Bellingham; and,

WHEREAS, the City has a substantial interest in revising said code provision to provide additional funds for the operation of BTV 10 and thereby provide additional governmental and educational broadcasting opportunities in the City.

NOW THEREFORE, THE CITY OF BELLINGHAM, WASHINGTON, DOES ORDAIN AS FOLLOWS:

I. The following sections of 6.17.280, Franchise Fees, of the Bellingham Municipal Code shall be amended as shown below in redline (additions are indicated as underlined text; deletions are shown as ~~strikethrough~~):

6.17.280 - Franchise Fees.

A. Because the streets of the city, to be used by the company in the operation of its system within the boundaries of the city, are valuable public properties acquired and maintained by the city at great expense to its taxpayers, and because the grant to the company of a franchise to use the said streets is of economic value, without which the company would be required to invest substantial capital in right-of-way costs and acquisitions, the company shall pay to the city an amount equal to ~~3.75~~4.25% of company's (gross annual revenue from all sources attributable to the operations of the company within the confines of the city. This payment shall be in addition to any other tax or payment owed to the city, county or other taxing jurisdiction of the company.

B. It is the intent of the city to utilize franchise fees, as the City Council determines necessary, to defray the costs of local regulation of a franchise, support and development of the community access channels, and for any other purposes deemed appropriate. The City shall dedicate 1.275% of the total franchise fee to fund operation of educational and government programming.

II. This Ordinance shall become effective on August 1, 2005.

PASSED by the Council this 6th day of June, 2005.

Grant Degen
Council President

APPROVED by me this 10th day of June, 2005.

Mark Sound
Mayor

Attest: Theresa Hill
Finance Director

Approved as to form:

JAL
Office of the City Attorney

Published: June 10th, 2005