

Chapter 22 CABLE COMMUNICATIONS*

*Cross reference(s)--Buildings and building regulations, Ch. 8.

§ 22-1. Adoption of County law.

§ 22-2. Sections added.

§ 22-3. Sections amended.

§ 22-4. Regulations.

§ 22-5. Authorizations to administer and enforce.

§ 22-6. Other ordinances.

§ 22-7. Prior amendments adopted.

Sec. 22-1. Adoption of County law.

Chapter 8A of the Montgomery County Code (1984), as amended, entitled "Cable Communications," is hereby incorporated by reference and enacted as the cable communications ordinance of the Village with the additions and amendments as set forth in this chapter.

(No. 50-09-90, 9-10-90)

Sec. 22-2. Sections added.

Chapter 8A of the Montgomery County Code (1984), as amended, adopted by this chapter, is hereby amended by adding the following additional sections:

- (1) *Section 8A-3(t)(1)*. "Village" means Chevy Chase Village, Maryland, an incorporated municipality. Notwithstanding anything to the contrary contained herein, the corporate area of Chevy Chase Village shall be included within the geographical areas of the County to which this law applies.
- (2) *Section 8A-6(e)*. *Approval by Chevy Chase Village*. Whenever in this chapter the approval of the County is required, a franchisee shall also be required to obtain the approval of Chevy Chase Village, which approval shall not unreasonably be withheld.
- (3) *Section 8A-17(d)(1)*. *Relocation of facilities*. Chevy Chase Village shall have the same right to require relocation of facilities within the Village as the County has pursuant to section 8A-17(d).
- (4) *8A-30(d)*. *Termination of County authority*. In the event authorization to the County to administer or enforce the franchise effective within the Village is terminated, Chevy Chase Village shall have all of the rights otherwise reserved to the County under this ordinance. Notwithstanding anything to the contrary contained herein, Chevy Chase Village reserves the right to exercise the power of eminent domain to acquire the property

of any cable communications system within the Village, or to purchase such system, and to own and/or operate such system.

(No. 50-09-90, 9-10-90)

Sec. 22-3. Sections amended.

Chapter 8A of the Montgomery County Code (1984), as amended, adopted by this Chapter, is hereby amended as follows:

- (1) *Section 8A-10(c). Indemnity.* A franchisee must, at its sole cost and expense, indemnify, hold harmless, and defend Chevy Chase Village, its officials, boards, commissions, agents and employees against any claims, suits, causes of action, proceedings and judgments for damages or equitable relief arising out of the construction, maintenance or operation of its cable system regardless of whether the act or omission complained of is authorized, allowed or prohibited by the franchise. This requirement includes claims arising out of copyright infringement or a failure by the franchisee to secure consent from the owner, authorized distributor or licensee of a program to be delivered by the cable system.
- (2) *Section 8A-22(i). No requirement to renew.* Nothing in this law or any franchise shall require renewal of any franchise by the Village nor shall renewal be presumed.
- (3) *Section 8A-22(j).* In case of non-renewal because of unsatisfactory performance as determined by the County or Chevy Chase Village, compensation for the existing value of installations shall be as provided in the franchise agreement. Chevy Chase Village, with the approval of the Village Board of Managers, shall have the option to purchase all assets or property of the franchisee at depreciated value.
- (4) *Section 8A-22(k).* Where the franchisee has performed to the satisfaction of the County and Chevy Chase Village, but the franchise is not renewed for public interest reasons other than dissatisfaction with performance, Chevy Chase Village, with approval of the Village Board of Managers, shall have the option to purchase the system at fair market value.

(No. 50-09-90, 9-10-90)

Sec. 22-4. Regulations.

(a) All regulations now adopted by the County Executive for Montgomery County pursuant to the authority contained in Chapter 8A of the Montgomery County Code (1984), as amended, are hereby incorporated by reference and shall be deemed to be effective within the Village.

(b) All regulations or amendments to regulations hereafter adopted by the County Executive for Montgomery County pursuant to the authority contained in Chapter 8A of the Montgomery County Code (1984), as amended, shall become effective within the Village upon the effective date thereof unless an ordinance shall be adopted by the Board of Managers of the Village disapproving such amendments.

(No. 50-09-90, 9-10-90)

Sec. 22-5. Authorization to administer and enforce.

The County is hereby requested and authorized to administer and enforce the cable communications ordinance of the Village, and any franchise granted by the County Council for Montgomery County, Maryland, will be effective within the corporate limits of the Village as fully and to the same extent as if granted by the Village.

Sec. 22-6. Other ordinances.

Nothing herein contained shall in any way be construed as exempting the franchisee from compliance with any other applicable ordinance of the Village now or hereafter enacted.

Sec. 22-7. Prior amendments adopted.

All amendments to Chapter 8A of the Montgomery County Code effective on or before October 12, 1990, are hereby incorporated by reference herein and enacted as amendments to the cable communications ordinance of the Village.

(No. 50-09-90, 9-10-90)

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