

ORDINANCE NO. 2021-

AN ORDINANCE REPEALING CHAPTER 30, ENTITLED "CABLE COMMUNICATIONS SINCE SUCH PROVISIONS HAVE BEEN PREEMPTED BY STATE LAW; PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

WHEREAS, On October 5, 1992, the Texas Legislature adopted the Cable and Television Consumer Protection and Competition Act (the "Act"); and

WHEREAS, the Act allowed municipalities to regulate the cable rates charged by cable operators for the basic cable service tier if the cable operator was not subject to effective competition; and

WHEREAS, On December 16, 1993, the City of League City (the "City") adopted Ordinance 93-109 which added Chapter 30, entitled "Cable Communications" to the City's Code to regulate the cable rates as allowed by the Act; and

WHEREAS, in 2005, the Texas Legislature adopted Senate Bill 5, which created Chapter 66 of the Texas Utilities Code, replaced the Act and preempted municipal control; and

WHEREAS, the City of League City desires to repeal Chapter 30, entitled "Cable Communications" in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That Chapter 30, entitled "Cable Communications" shall be repealed and replaced with "Reserved".

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League

City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective on passage.

PASSED first reading the ____ day of _____, 2021.

PASSED second reading the ____ day of _____, 2021.

PASSED AND ADOPTED the ____ day of _____, 2021.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney

