

ORDINANCE NO. 169

**ORDINANCE OF THE TOWNSHIP OF NOCKAMIXON AUTHORIZING
EXECUTION OF A CABLE FRANCHISE AGREEMENT
BETWEEN THE TOWNSHIP AND SERVICE ELECTRIC CABLE TV, INC.**

WHEREAS, pursuant to Title VI of the Cable Act, the regulations of the Federal Communications Commission and Pennsylvania law, Nockamixon Township (hereinafter referred to as the "Township") is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing Public Rights-of-Way and properties within the Township's jurisdiction; and

WHEREAS, Service Electric currently holds a cable franchise from the Township by virtue of a cable franchise originally granting a cable franchise to Service Electric or a predecessor entity; and

WHEREAS, Service Electric has requested that the Township renew Service Electric's franchise to maintain, construct, operate, and maintain its Cable System over, under and along the aforesaid rights-of-ways for use by the Township's residents; and

WHEREAS, the aforesaid Public Rights-of-Way used by Service Electric are public properties acquired and maintained by the Township on behalf of the citizens of the Township, and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the Township desires to protect and manage the aforesaid rights-of-way, establish standards of Subscriber service, maintain a technologically advanced Cable System, receive Franchise Fees for Service Electric's use of the Township's rights-of-ways as provided by federal law, obtain the use of an educational and governmental channel, establish certain reporting requirements, obtain certain complimentary services, provide legal protections for the Township, and meet the current and future cable-related needs of its residents; and

WHEREAS, the Township reviewed the cable operator's past performance and identified the Township's future cable-related community needs; and

WHEREAS, the Township has determined that this Agreement and the process for consideration of this Agreement complies with all applicable federal, state and local laws and regulations; and

WHEREAS, the Township, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing Service Electric's franchise according to the terms and conditions contained herein;

NOW THEREFORE, BE IT ORDAINED as follows:

Section 1: Grant of Franchise


The Board of Supervisors does hereby approve the Cable Franchise Agreement with Service Electric, including the terms and conditions contained therein, and does hereby authorize the execution of such Cable Franchise Agreement. A copy of the Agreement is attached hereto as Exhibit A.

Section 2: Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

ENACTED AND ORDAINED this 21 day of May, 2020.

ATTEST:



TOWNSHIP OF NOCKAMIXON



William C. Sadow Jr.
Chair, Board of Supervisors

WITNESS our hands and official seals to this Cable Franchise Agreement.

TOWNSHIP OF NOCKAMIXON

By: Will C. Sadow Jr

Name: William C Sadow Jr

Title: Chairman Board of Supervisor

Date: May 21, 2020

SERVICE ELECTRIC CABLE TV, INC.

By: _____

Name: _____

Title: _____

Date: _____