

ORDINANCE NO. 2195

**AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND COMCAST OF SOUTHEAST PENNSYLVANIA, LLC.**

**WHEREAS**, pursuant to the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission and Pennsylvania law, the Burgess and Town Council of the Borough of Pottstown (hereinafter the "Borough") is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Borough's jurisdiction; and

**WHEREAS**, the Borough currently holds a cable franchise agreement dated March 14, 2005, granting a Cable Franchise Agreement to Comcast; and

**WHEREAS**, Comcast has requested that the Borough replace Comcast's franchise to maintain, construct, operate, and upgrade its Cable System over, under and along the aforesaid rights-of-way for use by the Borough's residents; and

**WHEREAS**, the aforesaid rights-of-way used by Comcast are public properties acquired and maintained by the Borough and held in trust on behalf of citizens of the Borough and the right to use said rights-of-way is a valuable property right; and

**WHEREAS**, the Borough desires to protect and manage the aforesaid rights-of-way, require high standards of customer service, ensure future technical improvements to maintain a technologically-advanced cable system, establish certain reporting requirements, obtain certain complimentary services, receive franchise fees for Comcast's use of the Borough's rights-of-way as

provided by federal law, establish certain reporting requirements and provide for the current and future cable-related needs of its residents; and

**WHEREAS**, the Borough held a public hearing on the subject of cable franchise negotiations, including reviewing the cable operator's past performance and identifying the Borough's future cable-related community needs; and

**WHEREAS**, the Borough has determined that Comcast has the financial legal and technical ability to provide cable services to subscribers located in the Borough; and

**WHEREAS**, the Borough, after affording the public notice and opportunity for comment, has determined that the public interest would be served by replacing Comcast's franchise according to the terms and conditions contained in the to be approved and executed cable franchise agreement negotiated between the Borough and Comcast (the "New Agreement"), and that the process for consideration of these documents complies with all applicable federal, state and local laws and regulations.

**NOW, THEREFORE**, be it enacted and ordained by the authority of same as follows:

**SECTION 1. Grant of Franchise.** The Burgess and Town Council of the Borough of Pottstown does hereby approve the New Agreement effective March ~~14~~<sup>14</sup>, 2020, including all of the terms and conditions contained therein, and does hereby authorize the execution of such New Agreement. A copy of the New Agreement is attached hereto as Exhibit A.

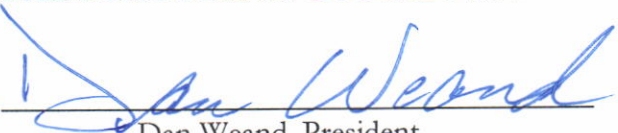
**SECTION 2. Repealer.** As of the effective date of the New Agreement, the Agreement dated the 14<sup>th</sup> day of March, 2005, is hereby repealed as it is superseded by the new Agreement and this Ordinance.

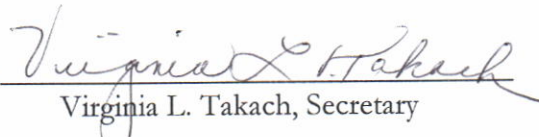
**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this ordinance invalid.

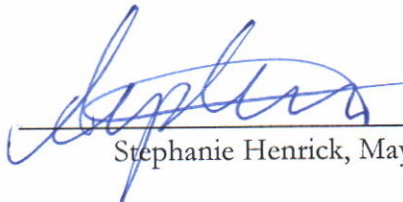
**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon enactment.

**THE BURGESS AND TOWN COUNCIL  
OF THE BOROUGH OF POTTSTOWN**

BY:   
Dan Weand, President

ATTEST:   
Virginia L. Takach, Secretary

Approved this 9<sup>TH</sup> day of  
MARCH, A.D., 2020.

  
Stephanie Henrick, Mayor