

**WASHINGTON TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2022 - 1

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WASHINGTON BY AMENDING IN ITS ENTIRETY CHAPTER A136, ENTITLED "CABLE TELEVISION FRANCHISE", AND AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP AND COMCAST OF SOUTHEAST PENNSYLVANIA, LLC

WHEREAS, pursuant to Title VI of the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, the Telecommunications Act of 1996 and any future amendments thereto (collectively, the "Cable Act"), the regulations of the Federal Communications Commission (the "FCC") and Pennsylvania law, the Township of Washington, Berks County, Pennsylvania (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, Comcast of Southeast Pennsylvania, LLC ("Comcast") currently holds a cable franchise from the Township by virtue of a Cable Franchise Agreement originally dated April 25, 1996, granting a cable franchise to Suburban Cable TV Co., Inc., which was acquired by Comcast; and

WHEREAS, the Cable Franchise Agreement has been amended and / or renewed by the Township from time to time; and

WHEREAS, Comcast has requested that the Township renew Comcast's franchise to maintain, construct, operate, and upgrade its cable system over, under and along the aforesaid rights-of-ways for use by the Township's residents; and

WHEREAS, the aforesaid rights-of-way used by Comcast 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 customer service, maintain a technologically advanced cable system, receive franchise fees for Comcast's use of the Township's rights-of-way as provided by federal law, obtain the use of educational and governmental channels, establish certain reporting requirements, obtain certain complimentary services and provide for the current and future cable-related needs of its residents; and

WHEREAS, the Township held a public hearing on the subject of cable franchise renewal, including reviewing Comcast's past performance and identifying the Township's future cable-related community needs; and

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

WHEREAS, the Township, after affording the public notice, has determined that the

public interest would be served by renewing a franchise with Comcast according to the terms and conditions contained in the Cable Franchise Agreement, and that the process for consideration of the Cable Franchise Agreement complies with all applicable federal, state and local laws and regulations.

NOW, THEREFORE BE IT ENACTED AND ORDAINED by the Township of Washington, Berks County Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

Section 1. Chapter A136, entitled "Cable Television Franchise", of the Code of the Township of Washington, Berks County, Pennsylvania is hereby amended in its entirety so as to hereafter read as follows:

Chapter A136

CABLE TELEVISION FRANCHISE

§A136-1. Grant of Franchise. The Board of Supervisors of the Township of Washington, Berks County, Pennsylvania (the "Township") grants to Comcast of Southeast Pennsylvania, LLC ("Comcast") a non-exclusive and revocable franchise authorizing and permitting Comcast to construct, operate and maintain a cable system in the Township's public rights-of-way for the provision of cable services, upon the terms and conditions of a Cable Franchise Agreement between the Township and Comcast (the "Agreement").

§A136-2. Authorization to Enter into Agreement and Side Agreement. The Board of supervisors of the Township hereby approves the Agreement including all of the terms and conditions contained therein, and hereby authorizes the execution and delivery of the Agreement.

§A136-3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining sections, subsections, paragraphs, sentences, clauses or phrases of this Chapter. It is hereby declared as the intent of the Board of Supervisors that this Chapter would have been adopted had such unconstitutional, illegal or invalid section, subsection, paragraph, sentence, clause, or phrase thereof not been included therein.

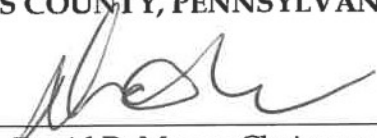
Section 2. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.


Section 3. This Ordinance shall become effective five (5) days from the date of enactment.

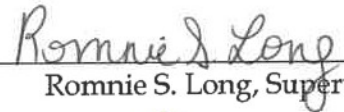
Section 4. The Code of the Township of Washington, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the Code of the Township of Washington, Berks County, Pennsylvania, as amended, upon adoption.

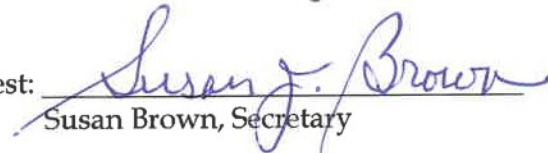
DULY ENACTED AND ORDAINED into law this 25th day of August, 2022 by the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania.

**BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WASHINGTON,
BERKS COUNTY, PENNSYLVANIA**

By: 
David D. Moyer, Chairman

By: 
Thomas Powanda, Vice-Chairman

By: 
Ronnie S. Long, Supervisor

Attest: 
Susan Brown, Secretary

MUNICIPAL CERTIFICATION

I, Susan Brown, Secretary of the Township of Washington, Berks County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-1 adopted at a regular meeting of the Board of Supervisors of the Township of Washington, Berks County, Pennsylvania held on the 25th day of August, 2022.


Susan Brown, Secretary

[SEAL]