

**ORDINANCE NO. 2018-3**

**ORDINANCE OF WEST NOTTINGHAM TOWNSHIP AUTHORIZING  
EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE  
TOWNSHIP AND  
ARMSTRONG UTILITIES, INC.**

**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, West Nottingham Township (hereinafter the “Township”) is authorized to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within the Township’s jurisdiction; and

**WHEREAS**, Armstrong Utilities, Inc. (“Armstrong”) currently holds a cable franchise from the Township pursuant to Ordinance No. 2-2008 enacted on September 16, 2008; and

**WHEREAS**, Armstrong has requested that the Township renew Armstrong’s franchise to maintain, construct, operate, and upgrade its Cable System over, under and along the aforesaid rights-of-way for use by the Township’s residents; and

**WHEREAS**, the aforesaid rights-of-way used by Armstrong are public properties acquired and maintained by the Township and held in trust on behalf of 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, 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 Armstrong’s use of the Township’s rights-of-way as provided by federal law, 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 the cable operator’s past performance and identifying 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 Armstrong's franchise according to the terms and conditions contained in the cable franchise agreement negotiated between the Township and Armstrong; and

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

**NOW THEREFORE, BE IT ORDAINED** that the Township Board of Supervisors does hereby approve the cable franchise agreement negotiated with Armstrong, including all of the terms and conditions contained therein, and does hereby authorize the execution of such agreement.

ENACTED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

WEST NOTTINGHAM TOWNSHIP

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Chairman - Board of Supervisors