

**BOROUGH OF STOCKERTOWN
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2013-2

AN ORDINANCE

AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF STOCKERTOWN AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND SERVICE ELECTRIC CABLE TV, 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, the Borough of Stockertown (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, Service Electric Cable TV, Inc. ("Service Electric") currently holds a cable franchise from the Borough originally granted to Service Electric; and

WHEREAS, Service Electric has requested that the Borough renew Service Electric'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 Service Electric 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 Service Electric'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 renewal, 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 Service Electric 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 comments, has determined that the public interest would be served by renewing Service Electric's franchise according to the terms and conditions contained in the Cable Franchise Agreement negotiated between the Borough and Service Electric.

NOW THEREFORE, BE IT ORDAINED that the Borough of Stockertown Code of Ordinances is hereby amended to add the following:

PART II: GENERAL LEGISLATION

Chapter 150

Cable Franchise Agreements

ARTICLE I - SERVICE ELECTRIC CABLE FRANCHISE AGREEMENT

#150-1 Borough Council of the Borough of Stockertown is hereby authorized to approve the Cable Franchise Agreement

negotiated with Service Electric, attached hereto and made a part hereof, marked Exhibit "A", including all of the terms and conditions contained therein, and does hereby authorize execution of such Agreement.

ENACTED AND ORDAINED this 4 day of November, 2013.

BOROUGH OF STOCKERTOWN

BY: 
AMY RICHARD, President
of Borough Council

ATTEST:


CHRISTOPHER BURMOOD, Secretary

The foregoing Ordinance is hereby approved by the Mayor of the Borough of Stockertown this 4 day of November, 2013.


CHARLES DAVIS, Mayor