

**DOVER BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023 - 01

**AN ORDINANCE OF THE BOROUGH OF DOVER, YORK COUNTY,
PENNSYLVANIA, 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, the Telecommunications Act of 1996, and any future amendments thereto (hereinafter collectively referred to as the "Cable Act"), the regulations of the Federal Communications Commission (hereinafter referred to as the "FCC") and Pennsylvania law, the Borough is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing public rights-of-way and properties within the Borough's jurisdiction; and

WHEREAS, Comcast currently holds a cable franchise from the Borough; and

WHEREAS, Comcast has requested that the Borough 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 Borough's residents; and

WHEREAS, the aforesaid rights-of-way used by Comcast are public properties acquired and maintained by the Borough on behalf of the 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, establish standards of customer service, maintain a technologically advanced cable system, receive franchise fees for Comcast's use of the Borough's rights-of-ways as provided by federal law, reserve the use of an educational and governmental channel, establish certain reporting requirements, reserve certain services and provide for the current and future cable-related needs of its residents; 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 renewing a franchise with Comcast according to the terms and conditions contained in the Cable

Franchise Agreement ("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 ORDAINED THAT

SECTION 1: Grant of Franchise

The Borough Council hereby approves the Agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such Agreement. A copy of the Agreement is attached hereto as Exhibit A.

SECTION 2: Repealer

All ordinances inconsistent with the attached Cable Franchise Agreement by and between the Borough of Dover and Comcast of Southeast Pennsylvania, LLC, are hereby repealed.

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

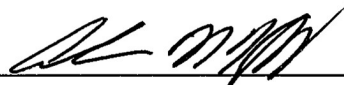
This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED by the Borough Council of Dover Borough, York County, Pennsylvania, this 10th day of July, 2023.


ATTEST:

BOROUGH OF DOVER

Brenda J Plowman

By: 

Approved this 10th day of July, 2023.


Mayor