

BOROUGH OF ELVERSON
ORDINANCE NO. 2022-02

AN ORDINANCE OF THE BOROUGH OF ELVERSON, CHESTER 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, and the Telecommunications Act of 1996, the regulations of the Federal Communications Commission, and Pennsylvania law, the Borough of Elverson, (hereinafter referred to as the “Borough”) is authorized to grant one or more nonexclusive cable franchises to operate a cable system utilizing public rights of way and properties within the Borough's jurisdiction; and

WHEREAS, Comcast of Southeast Pennsylvania LLC (hereinafter referred to as “Comcast”) desires to construct, operate, and maintain a cable system over, under, and along rights of way for use by the Borough’s residents; and

WHEREAS, the Borough desires to grant to Comcast a nonexclusive initial franchise to install, maintain, extend, and operate a cable system in the Borough for a term of ten (10) years (hereinafter referred to as the “Franchise”); and

WHEREAS, Comcast has requested that the Borough enter into a franchise agreement in order to provide cable services to residents of the Borough; 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, receive franchise

fees for Comcast's use of the Borough's rights of way as provided by federal law, and provide for the current and future cable related needs of its residents; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Borough undertook a process to determine whether it should enter into the franchise; and

WHEREAS, Borough Council has had numerous discussions at public meetings over the course of several months to consider the enactment of this Ordinance, to consider Comcast's non-exclusive franchise, and to identify the Borough's future cable related community needs; and

WHEREAS, following good faith negotiations between the parties, the Borough and Comcast have agreed on the terms for an Agreement under which Comcast will operate its cable system in the Borough; and

WHEREAS, the Borough has determined that the Agreement and the process for consideration of this Agreement complies with all applicable federal, state, and local laws and regulations.

NOW THEREFORE, BE IT ENACTED AND ORDAINED as follows:

SECTION 1. Short Title. This Ordinance shall be known and cited as the "Comcast Cable Telecommunications Franchise Ordinance."

SECTION 2. Grant and Approval. The Borough of Elverson does hereby grant a nonexclusive franchise to Comcast to operate a cable system in the Borough and hereby approves the Cable Franchise Agreement negotiated with Comcast, including all of the terms and conditions contained therein. A copy of the agreement is attached hereto as Exhibit 'A.'

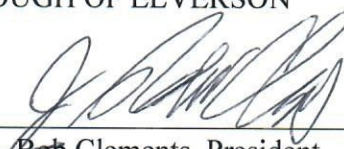
SECTION 3. Authorization: The Borough of Elverson does hereby authorize the execution of the Cable Franchise Agreement.


SECTION 4. Severability. If any sentence, clause, section, or part of this Ordinance 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 provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof had not been included herein.

SECTION 5. Effective Date. This ordinance shall become effective upon enactment as provided by law.

ENACTED at a regular meeting of the Borough of Elverson Council, of the Borough of Elverson, on this 1st day of March, 2022.

BOROUGH COUNCIL OF THE
BOROUGH OF ELVERSON

By: 
J. Robert ~~Bob~~ Clements, President

Approved by: 
Esther Prosser, Mayor

ATTEST: 
Lori Kolb, Secretary