

ORDINANCE NO. 38

AN ORDINANCE OF CHERRY TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, RENEWING AND AMENDING A NON-EXCLUSIVE FRANCHISE TO ARMSTRONG UTILITIES, INC. TO PROVIDE A CABLE TELEVISION AND TELECOMMUNICATION SYSTEM IN THE TOWNSHIP, PROVIDING CONDITIONS ON USE AND OCCUPANCY OF STREETS, PROVIDING ADMINISTRATIVE MATTERS, INCREASING THE FRANCISE FEE FROM 3 PERCENT (3%) TO 5 PERCENT (5%) OF GROSS ANNUAL RECEIPTS, FOR AN INITIAL TERM OF FIFTEEN (15) YEARS COMMENCING OCTOBER 4, 2017; AND AUTHORIZING THE PROPER OFFICERS OF THE TOWNSHIP TO EXECUTE THE SAME.

WHEREAS, under the provisions of the Township Code, the Township is empowered to regulate the streets and ways of the Township for the good of the Township residents; and

WHEREFORE, the Township has determined that it is in the best interests of the Township citizens for them to grant a non-exclusive cable franchise for the benefit of the citizens residing therein;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted as follows:

Section 1. Cherry Township does hereby grant a non-exclusive cable, television, and telecommunications system to Armstrong Utilities, Inc. for a period of 15 years from October 4, 2017 and expiring October 3, 2032 under the terms and conditions specified in the Amended and Restated Franchise Agreement with Armstrong Utilities, attached hereto and made a part hereof as Exhibit A.

Section 2. The Chairman of the Board of Supervisors is hereby authorized to execute the Franchise Agreement on behalf of the Township, with the Township Secretary to attest to the execution of the same.

Section 3. The effective date of the Franchise Agreement shall be
October 4, 2017.

ORDAINED AND ENACTED this 11th day of **July, 2017.**

ATTEST:

CHERRY TOWNSHIP
BOARD OF SUPERVISORS:

Carolyn R. Yeager
Secretary

Frank Kuf
Chairman

(SEAL)

David A. Mueller
Vice-Chairman

W.S. Smith
Supervisor