

WEST MEAD TOWNSHIP
CRAWFORD COUNTY, PENNSYLVANIA

Ordinance No. 2024 - 1

AN ORDINANCE TO AUTHORIZE THE GRANT OF A CABLE TELEVISION FRANCHISE TO ARMSTRONG UTILITIES, INC. FOR USE OF THE PUBLIC RIGHTS-OF-WAY FOR CABLE TELEVISION AND RELATED SERVICES IN WEST MEAD TOWNSHIP AND TO APPROVE THE CABLE FRANCHISE AGREEMENT SETTING FORTH THE TERMS GOVERNING THIS GRANT.

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, the regulations of the Federal Communications Commission, and Pennsylvania law, West Mead Township is authorized to grant a franchise for construction, operation and maintenance of a cable system utilizing public rights-of-way and public properties within the Township's jurisdiction; and

Whereas, Armstrong Utilities, Inc. ("Armstrong") has been providing cable television services to residences and businesses in West Mead Township since the early 1980s, and has requested that the Township formally grant Armstrong a franchise to permit Armstrong to continue to maintain, construct, operate, and upgrade its cable system within the public rights-of-way of the Township for purposes of providing cable television services to Township citizens; and

Whereas, the Board of Supervisors of West Mead Township finds that granting a franchise to Armstrong in accordance with the terms of the Franchise Agreement negotiated between the Township and Armstrong and applicable law will both protect the public rights-of-way and provide for cable television services within the Township under reasonable terms and conditions;

Now, Therefore, Be It Ordained and Enacted by the Board of Supervisors of West Mead Township, and it is hereby Ordained and Enacted as follows:

Section 1. *Grant of Cable TV Franchise.*

Armstrong Utilities, Inc. ("Armstrong" or "Grantee") is hereby granted a non-exclusive right, privilege and franchise in accordance with applicable federal and state laws, to use the public ways and rights-of-way in West Mead Township for construction, maintenance, and operation of a cable television and related communications system under and in accordance with the terms and conditions of the Franchise Agreement, negotiated between West Mead Township and Armstrong.

Section 2. *Purpose of Franchise.*

This purpose of granting this franchise is to provide Armstrong with means necessary to provide cable television and related services to residents and citizens of West Mead Township by use of the public rights of way for the installation, operation and maintenance of the facilities necessary for this service.

Section 3. *Non-Exclusive Franchise.*

The right, privilege and franchise hereby granted is not exclusive and West Mead Township reserves the right to grant rights similar to those granted herein to others on terms consistent with those set forth in the agreement between the Township and Armstrong hereby approved and consistent with applicable law.

Section 4. *Approval of Franchise Agreement.*

The agreement negotiated between West Mead Township and Armstrong, a true copy of which is attached to this Ordinance, is hereby approved by the Township, and shall be binding on the Township so long as it remains in effect in accord with its terms.

Section 5. *Police Powers.*

During the term of the Franchise hereby granted, Armstrong shall be subject to the lawful exercise of the police powers of West Mead Township, and the Township reserves the right to adopt, from time to time, such ordinances and regulations as necessary to for the proper exercise of its police powers which ordinances and regulations may relate to the activities of Armstrong. The franchise hereby granted shall not supercede any provision of any lawful Township ordinance or regulation or relieve Armstrong from complying with such ordinance or regulation.

Section 6. *Severability.*

Should any provision of this Ordinance or the Agreement hereby approved be declared by appropriate authority to be unlawful or unconstitutional, all other terms, conditions, provisions and parts of this Ordinance and the Agreement hereby approved, shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted.

Section 7. *Repealer.*

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 8. *Effective Date.*

The provisions of this Ordinance shall become effective five days after enactment. This Ordinance replaces Ordinance No. 2014 - 1 which was enacted on May 13, 2014.

Ordained and Enacted by the Board of Supervisors of West Mead Township this ____ day of _____, 2024.

**West Mead Township
Board of Supervisors**

Chairman

Vice Chairman

Supervisor

ATTEST:

Secretary