

**TOWNSHIP OF BARRETT
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO.

**AN ORDINANCE OF THE TOWNSHIP OF BARRETT, MONROE COUNTY, PENNSYLVANIA,
APPROVING AND AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT
BETWEEN BARRETT TOWNSHIP AND BLUE RIDGE COMMUNICATIONS.**

WHEREAS, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, including any amendments thereto, the regulations of the Federal Communications Commission, and Pennsylvania law, all authorize a municipality to grant franchises to construct, operate and maintain a cable system utilizing public rights-of-way and properties within that municipality's jurisdiction; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60 found at 53 P.S. 66506, entitled "General Powers," authorizes the board of supervisors to make and adopt ordinances necessary for the proper management, care and control of the township, and the maintenance of the health and welfare of the township and its citizens; and

WHEREAS, Section 1532 of the said Second Class Township Code, found at 53 P.S. 66516, entitled "Regulation of Business," authorizes the board of supervisors to license and regulate by ordinance certain business activities within the township including cable television companies operating within the township; and

WHEREAS, Blue Ridge Communications ("BRC") currently holds a cable franchise from Barrett Township ("Township"), which was originally granted to Blue Ridge Cable Television, Inc., a predecessor of BRC; and

WHEREAS, BRC has requested that the Township renew BRC's franchise to maintain, construct, operate, and upgrade its cable system over, under, and along the Township's rights-of-way for use by the Township's residents;

WHEREAS, the Board of Supervisors ("Board"), recognizing that the Township's rights-of-way are a valuable public property right, desires to protect and manage those rights-of-way by establishing standards of subscriber service, encouraging the maintenance of a technologically advanced cable system, receiving franchise fees for BRC's use of the Township's rights-of-way, establishing certain reporting requirements, obtaining certain complimentary services, and meeting the current and future cable-related needs of its residents;

WHEREAS, the Board has reviewed a proposed Cable Franchise Agreement (“Agreement”) between the Township and BRC and determined that the public interest would be served by renewing BRC’s franchise according to the terms and conditions of that Agreement.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same:

SECTION 1: APPROVAL OF CABLE FRANCHISE AGREEMENT.

The Board hereby approves the Cable Franchise Agreement with Blue Ridge Communications, attached as Exhibit A, and authorizes proper officials of the Township to execute and deliver the Agreement.

SECTION 2: REPEALER.

All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed. In addition, all prior franchise agreements between the Township and Blue Ridge Communications, including its predecessors in interest, are hereby terminated and of no further force or effect.

SECTION 3: VALIDITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Supervisors hereby declare that they would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

SECTION 4: EFFECTIVE DATE.

This ordinance will take effect 5 days after it is adopted.

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania this 24th day of March, 2021.

**BARRETT TOWNSHIP
BOARD OF SUPERVISORS**

William Pipolo, Jr., Chairman

Benjie LaBar, Vice Chairman

ATTEST:

Pamela Gardsy, Executive
Secretary/Treasurer

John Seese, Supervisor

Patti O'Keefe, Supervisor

Mabel (May) LaBar, Supervisor

**TOWNSHIP OF BARRETT
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

IN RE:

**AN ORDINANCE OF THE TOWNSHIP OF BARRETT, MONROE COUNTY,
PENNSYLVANIA, APPROVING AND AUTHORIZING THE EXECUTION OF A CABLE
FRANCHISE AGREEMENT BETWEEN BARRETT TOWNSHIP AND BLUE RIDGE
COMMUNICATIONS.**

CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, on the 24th day of March, 2021.

(TOWNSHIP SEAL)

PAM GARDSY, Township Secretary
Barrett Township Board of Supervisors
993 Route 390
Cresco, PA 18326