

ORDINANCE NO. 80

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HUNTINGDON, WESTMORELAND COUNTY, PENNSYLVANIA, TO ENTER INTO A NONEXCLUSIVE FRANCHISE AGREEMENT WITH TCI OF GREENSBURG FOR THE CONSTRUCTION AND OPERATION OF A CABLE SYSTEM WITHIN THE TOWNSHIP OF SOUTH HUNTINGDON.

WHEREAS, TCI of Greensburg is the current Grantee of a non-exclusive Franchise Agreement with the Township of South Huntingdon for the construction and operation of a cable system within the Township of South Huntingdon, pursuant to proper agreements and ordinances of the Township; and

WHEREAS, the Township of South Huntingdon and TCI of Greensburg have met, discussed and negotiated a new non-exclusive Cable Television Franchise Agreement; and

WHEREAS, the Township of South Huntingdon and TCI of Greensburg desire to take all measures necessary and proper to enter into such agreement.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Board of Supervisors of the Township of South Huntingdon, Westmoreland County, Pennsylvania, as follows:

SECTION I: The Township of South Huntingdon hereby grants a non-exclusive Cable Television Franchise to TCI of Greensburg to construct and operate a cable system within the Township of South Huntingdon, in accord with the terms, covenants, conditions and restrictions as set forth in a proposed agreement which is marked Exhibit "A", attached hereto, and expressly made a part hereof.

SECTION II: The Chairman of the Board of Supervisors and Secretary-Treasurer of the Township are hereby authorized and directed on behalf of the Township of South Huntingdon to execute the Franchise Agreement attached hereto and marked Exhibit "A".

SECTION III: Said Franchise Agreement, attached as Exhibit "A", shall take effect upon the adoption of this Ordinance, execution of the Franchise Agreement by the authorized officials of the Township of South Huntingdon and upon execution of the Franchise Agreement by the authorized officials of TCI of Greensburg.

SECTION IV: If any word, phrase, section, sentence, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any the remaining words, phrases, sections, sentences, clauses or parts of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid word, phrase, section, sentence, clause or part thereof not been included therein.

SECTION V: General Repealer:

Any ordinance or parts of ordinances in conflict with this Ordinance are hereby specifically repealed.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Huntingdon this 28th day of December, 2000.

TOWNSHIP OF SOUTH HUNTINGDON

By: Scott Painter

ATTEST: CINDY THORNE