



HEIDELBERG TOWNSHIP
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-02

ORDINANCE OF HEIDELBERG TOWNSHIP, YORK COUNTY, PENNSYLVANIA,
AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN
THE TOWNSHIP AND COMCAST OF SOUTHEAST PENNSYLVANIA, LLC
(COMCAST).

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 and any future amendments thereto (hereinafter collectively referred to as the “Cable Act”), the regulations of the Federal Communications Commission (hereinafter referred to as the “FCC”) and Pennsylvania law, Heidelberg Township (hereinafter the “Township”) is authorized to grant and renew franchises to construct, operate and maintain a Cable System utilizing public rights-of-way and properties within the Township’s jurisdiction; and

WHEREAS, Comcast, as a successor-in-interest to York Cable Television, Inc., currently holds a cable franchise from the Township dated June 15, 2004; and

WHEREAS, Comcast has requested that the Township renew Comcast’s franchises to maintain, construct, operate, and upgrade its cable system over, under and along the aforesaid rights-of-ways for use by the Township’s residents; and

WHEREAS, the aforesaid rights-of-way used by Comcast are public properties acquired and maintained by the Township on behalf of the citizens of the Township, and the right to use said rights-of-way is a valuable property right; and

WHEREAS, the Township desires to protect and manage the aforesaid rights-of-way, establish standards of customer service, maintain a technologically advanced cable system, receive franchise fees for Comcast’s use of the Township’s rights-of-ways as provided by federal law, reserve the use of an educational and governmental channel, establish certain reporting requirements, reserve certain services and provide for the current and future cable-related needs of its residents; and

WHEREAS, the Township has determined that Comcast has the financial, legal, and technical ability to provide cable services to subscribers located in the Township; and

WHEREAS, the Township, after affording the public notice and opportunity for comment, has determined that the public interest would be served by renewing a franchise with Comcast according to the terms and conditions contained in the Cable Franchise Agreement (“Agreement”), and that the process for consideration of these documents complies with all applicable federal, state and local laws and regulations.

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NOW THEREFORE, BE IT ORDAINED THAT

SECTION 1: Grant of Franchise

The Township Board of Supervisors does hereby approve the Agreement negotiated with Comcast, including all of the terms and conditions contained therein, and does hereby authorize the execution of such Agreement. A copy of the Agreement is attached hereto as Exhibit A.

SECTION 2: Repealer

All ordinances inconsistent with the attached Cable Franchise Agreement by and between the Township of Heidelberg and Comcast of Southeast Pennsylvania, LLC, are hereby repealed to the extent of any inconsistency.

SECTION 3: Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

SECTION 4: Effective Date

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED this 2nd day of August, 2023.

ATTEST:

TOWNSHIP OF HEIDELBERG:

Kate Holmes
Secretary

[Signature]
Timothy Hansen, Chairman