

BENNER TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA

ORDINANCE NO. 61

CABLE TV FRANCHISE -- TCI

AN ORDINANCE OF THE TOWNSHIP OF BENNER, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE TOWNSHIP, ON BEHALF OF THE TOWNSHIP, TO EXECUTE AN AGREEMENT WITH TCI OF PENNSYLVANIA, INC. TO PROVIDE FOR CONSTRUCTION AND OPERATION OF A CABLE SYSTEM WITHIN THE TOWNSHIP OF BENNER AND FURTHER PROVIDING FOR REGULATION BY THE TOWNSHIP.

WHEREAS, TCI of Pennsylvania, Inc. (hereafter TCIPA) currently provides cable television service and other services via a Cable System located within the boundaries of Benner Township; and

WHEREAS, such authority was granted to TCIPA in the form of the continuation of a Township Permit to expire the effective date of the new franchise; and

WHEREAS, the Board of Supervisors has found the terms, provisions and conditions of said proposal to be acceptable and therefore desire to have such proposal become a binding Cable System Franchise Agreement through formal approval by the Board and acceptance by TCIPA.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of Benner Township, as follows:

SECTION 1: That the TOWNSHIP OF BENNER enter into a Cable System Franchise Agreement in the form attached hereto, made part hereof and incorporated herein by this reference as if it had been set forth verbatim in this Section and a copy of which shall be filed with this Ordinance in the Township Ordinance Book.

SECTION 2: The Chair of the Board of Supervisors of the Township is hereby authorized and directed, on behalf of the Township, to sign and execute said Cable System Franchise Agreement, under the Municipal Seal of the Township.

SECTION 3: All Ordinances or parts of Ordinances, Resolutions or parts thereof, Permits or Licenses inconsistent or in conflict with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4: Unauthorized Reception. In addition to those criminal and civil penalties provided for by state and federal law, any person, firm or corporation who creates or makes use of any unauthorized connection, whether physically, electronically, acoustically, inductively or otherwise, with any part of the TCI franchised system without the

express consent of TCI of Pennsylvania, shall upon conviction thereof before any court of competent jurisdiction be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars plus costs of prosecution to be paid to the municipality; or, in default thereof, to be confined in jail for a period of not more than thirty (30) days. Each day of violation shall constitute a separate offense.

SECTION 5. This Ordinance shall become effective in five (5) days and the incorporated Cable System Franchise Agreement shall have a same effective date, pending acceptance by TCIPA.

Enacted and Ordained as an Ordinance by the Township of Benner this 21st day of March, 1994.

Benner Township Board of Supervisors

Michael R. Kelleher, Chairman

Richard C. Lahr, Vice Chairman

Helen Alters

ATTEST

Sharon Royer, Secretary

(Seal)