

**BARRETT TOWNSHIP  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 133**

**AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF MONROE, AND COMMONWEALTH OF PENNSYLVANIA, AMENDING BARRETT TOWNSHIP ORDINANCE NO. 68 AUTHORIZING AND REGULATING CABLE SYSTEMS IN BARRETT TOWNSHIP TO REVISE THE DEFINITION OF "COMMUNITY ANTENNA TELEVISION", TO CREATE A NON-EXCLUSIVE FRANCHISE FOR BLUE RIDGE CABLE TECHNOLOGIES, INC., TO PROVIDE FOR A FRANCHISE FEE TO BE PAID TO BARRETT TOWNSHIP AND TO EXTEND THE FRANCHISE FOR AN ADDITIONAL TERM OF FIVE (5) YEARS.**

WHEREAS, the Board of Supervisors of Barrett Township (the "Board") enacted Barrett Township Ordinance 68 on March 14, 1973, which granted a formal cable franchise to Blue Ridge Cable Television, Inc. for an initial ten (10) year term;

WHEREAS, the said Ordinance 68 has been extended for additional five (5) and ten (10) year terms pursuant to subsequent ordinances;

WHEREAS, the Board deems it to be in the best interests, and for the general welfare, of the citizens and residents of Barrett Township ("Township") to amend Ordinance 68 for the purposes described below.

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, to wit:

**SECTION 1: Short Title.** This Ordinance shall be known and may be cited as the "Barrett Township Amendments to Cable Franchise Ordinance No. 68."

**SECTION 2: Revision to Section 2(a).** Section 2(a) of Ordinance No. 68 is amended to read:

- a. "COMMUNITY ANTENNA TELEVISION" (CATV) shall mean a system designed to receive, transmit, amplify, and distribute TV, radio, and satellite signals, data, and electronic communications. This definition shall include those systems that do not cross municipal streets or right-of-way.

**SECTION 3: Revision to Section 3.** Section 3 of Ordinance No. 68 is amended to replace the term "exclusive" with "non-exclusive" throughout the section.

**SECTION 4: Revision to Section 7.** Section 7 of Ordinance No. 68 is amended to read:

The Company shall annually pay a franchise fee to the Township during the life of this franchise, said fee to be two (2%) percent of the gross annual receipts of the Company arising within the Township from monthly subscriber service charges and Township acknowledges that effective January 1, 2004, this franchise fee will be passed on to subscribers as permitted by law; said fee being for the regulation and privilege of using the streets and alleys of the Township for the operation of its system. The franchise fee shall be due and payable on the first day of April of each and every year hereafter.

**SECTION 5: Revision to Section 15.** Section 15 of Ordinance No. 68 is amended to read:

The franchise and rights herein granted shall take effect retroactively as of March 14, 2001, subject to the filing of the written acceptance of the terms of the franchise by the Company with the Secretary of the Township and shall continue in full force for a term of five (5) years until March 13, 2006, except as herein otherwise provided. At the option of either party, with the concurrence of the other party, the franchise may be extended for additional terms.

**SECTION 6: Provisions Unaffected.** Except as amended herein, Ordinance No. 68 shall remain in full force and effect.

**SECTION 7: Severability.** The provisions of this Ordinance shall be severable, and if any of the provisions hereof shall be found to be invalid or unenforceable, the remaining provisions of this Ordinance shall remain in effect.

**SECTION 8. Repealer.** All ordinances or parts of ordinances or resolutions conflicting or inconsistent with any of the provisions of this Ordinance are hereby repealed but only insofar as same are in direct conflict or directly inconsistent with this Ordinance.

**SECTION 9. Effective Date.** This Ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 12 day of Nov., 2003.

**BOARD OF SUPERVISORS OF  
BARRETT TOWNSHIP**

C. Brock Weiss  
C. Brock Weiss, Chairman

John Seese  
John Seese, Vice Chairman

Rick Scudato  
Rick Scudato, Secretary/Treasurer

