

BOROUGH OF WEST NEWTON
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NUMBER - 1990- 2

AN ORDINANCE RENEWING PERMISSION TO ERECT, MAINTAIN AND ATTACH WIRES, AERIAL CABLES AND ASSOCIATED APPLIANCES IN CONNECTION WITH WIRED TELEVISION SERVICE TO EXISTING POLES WITHIN THE BOROUGH OF WEST NEWTON, WESTMORELAND COUNTY, PENNSYLVANIA, SUBJECT TO THE CONSENT OF THE UTILITY COMPANIES OWNING SUCH POLES, AND TO ERECT NEW UTILITY POLES, AND FOR THE TRAVERSING AND CROSSING OF SUCH WIRES, AERIAL CABLES AND ASSOCIATED APPLIANCES ABOVE STREETS AND ALLEYS, AND REQUIRING PUBLIC LIABILITY AND PROPERTY DAMAGE, AND AUTHORIZING THE VICE PRESIDENT AND SECRETARY OF THE BOROUGH COUNCIL TO ENTER INTO A LICENSING AGREEMENT RENEWAL WITH WEST NEWTON T.V. CABLE COMPANY, INC.

WHEREAS, West Newton T.V. Cable Company, Inc., a Pennsylvania Corporation, having its principal place of business at Coudersport, Potter County, Pennsylvania, and the Borough of West Newton, by the President and Secretary of the Borough Council, entered into a Licensing Agreement Renewal on December 29, 1980 for the continued provision of wired television service to the Borough; and

WHEREAS, Borough of West Newton Ordinance No. 1980-2 authorized the President and the Secretary of the Borough Council to enter into such a

Licensing Agreement Renewal; and

WHEREAS, the parties have elected to renegotiate said prior Licensing Agreement Renewal and all other matters pertaining thereto.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of West Newton, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: Permission is hereby renewed to West Newton T.V. Cable Company, Inc., its successors and assigns, to traverse and cross above streets and alleys along presently existing public utility pole lines and newly erected pole lines within the Borough, with wire, aerial cables and associated appliances in connection with a wired television system, upon receiving consent from the Borough Council prior to the erection of new utility poles, to attach such wires, aerial cables and associated appliances to such poles of utility companies as are now erected or replacements thereof, or to such newly installed poles, upon approval of the Borough Council, and to operate and maintain such wires, aerial cables and associated appliances.

SECTION 2: That the wires, aerial cables and associated appliances hereby permitted shall at all times be maintained in good and safe order and condition.

SECTION 3: That prior to the erection or continued use of said wires, aerial cables, appliances or poles, under the renegotiated Licensing Agreement Renewal which Borough officers are empowered to negotiate and enter into by this Ordinance, there shall be filed with the Borough Council a public liability Bond against liability due to injury or death of persons with limits of not less than FIVE HUNDRED THOUSAND AND NO/CENTS (\$500,000.00) DOLLARS as to any one person and ONE MILLION AND NO/CENTS (\$1,000,000.00) DOLLARS as to any one accident and a property damage Bond against liability due to damage to property with limits of not less than FIVE HUNDRED THOUSAND AND NO/CENTS (\$500,000.00) DOLLARS as to any one person and SEVEN HUNDRED FIFTY THOUSAND AND NO/CENTS (\$750,000.00) DOLLARS as to any one accident, or one Bond combining both such coverages, with a good and sufficient corporate surety or sureties approved by the Borough Council, and maintained in full force and effect during the entire time the corporation, its successors or assigns, function within the Borough; conditioned to fully and completely indemnify and save harmless the Borough of and from any and all actions, claims, suits and demands of whatever kind, and against all damages of whatever kind arising from or in any way incident to the erection, maintenance and operation of the said wires, aerial cables, poles, associated appliances or any other aspect of the

wired television system.

SECTION 4: The Vice President of the Borough Council and the Secretary of the Borough Council are hereby authorized to execute a Licensing Agreement Renewal for and on behalf of the Borough of West Newton, and to and with the West Newton T.V. Cable Company, Inc., renewing the license and franchise of the said West Newton T.V. Cable Company, Inc., to operate and maintain a wired television system in accordance with said contract and the provisions of this Ordinance for a term of ten (10) years from July 9, 1990.

SECTION 5: The permission granted by this Ordinance is under and subject to all other ordinances, rules and regulations now in force or which may hereafter be passed relative to the use of the streets and alleys of the Borough.

SECTION 6: If any one or more sections, subsections, sentences, clauses or phrases of this ordinance is for any reason held to be unconstitutional, unlawful or invalid, such decision shall not effect the constitutionality, legality or validity of the remaining portions of this ordinance. The Council of the Borough of West Newton declares that it would have passed this ordinance or any one or more remaining sections, subsections, sentences, clauses and phrases thereof, irrespective of the

fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, unlawful or invalid.

SECTION 7: All Ordinances, or parts of Ordinances, are repealed insofar as they are inconsistent with this Ordinance.

SECTION 8: This Ordinance shall take effect immediately.

ORDAINED AND ENACTED THIS 9th day of JULY, 1990.

ATTEST:

BY Armond N. Luzi
Armond N. Luzi, Vice President

Mary K. Willis
Mary K. Willis, Secretary

EXAMINED AND APPROVED by me this 9th day of JULY, 1990.

George J. Thuransky
George J. Thuransky, Mayor