

BOROUGH OF FAWN GROVE
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 89- 1

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAWN GROVE, YORK COUNTY , PENNSYLVANIA, GRANTING TO STARVIEW CATV, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND AUTHORITY TO CONSTRUCT, ACQUIRE, MAINTAIN, AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE BOROUGH OF FAWN GROVE; GRANTING TO STARVIEW CATV, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND AUTHORITY TO SELL COMMUNITY ANTENNA TELEVISION SERVICE TO PERSONS, FIRMS, ORGANIZATIONS, AND CORPORATIONS LOCATED WITHIN THE BOROUGH OF FAWN GROVE; GRANTING TO STARVIEW CATV, INC. THE RIGHT AND AUTHORITY TO USE AND OCCUPY THE STREETS, ALLEYS, PUBLIC PLACES, AND PUBLIC WAYS IN THE BOROUGH OF FAWN GROVE; AND ESTABLISHING THE TERMS AND CONDITIONS OF THE GRANTING OF SUCH RIGHTS

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained, by the Council of the Borough of Fawn Grove, York County, Pennsylvania, as follows:

SECTION 1: Starview CATV, Inc. , its successors and assigns, hereinafter referred to as "Starview", is granted the nonexclusive right and authority to build, construct, install , maintain, own, acquire, equip, and operate a community antenna television system (CATV) within the corporate limits of the Borough of Fawn Grove, hereinafter referred to as "Municipality" Starview is granted the right and authority to construct, install , maintain, and operate towers, antennas, poles, conduit, wire, cable, lines, amplifiers, connectors , and any and all other plant, fixtures, appurtenances , equipment, or apparatus as are reasonably necessary for operating a CATV system in Municipality, and providing CATV service to persons, firms, organizations, and corporations, living or located within or near Municipality. Starview is further granted the right and authority to enter upon, use, and occupy the bridges, avenues, streets, alleys , lanes, roadways , sidewalks, public grounds, and public ways, as they exist now or shall exist in the future, for the above purposes and all other purposes reasonably necessary for the proper operation of such CATV system.

SECTION 2: The right and authority granted to Starview herein shall continue for a period of fifteen (15) years from the effective date of this ordinance; providing, however, that this right and authority shall terminate one (1) year from the effective date of this ordinance unless Starview has, during the one(1) year period, commenced CATV service with Municipality, and

this right and authority shall terminate two (2) years from the effective date of this ordinance, unless during such two (2) year period, Starview has provided CATV service to all residents of Municipality who wish to subscribe to such service; and provided furthers this right and authority shall be forfeited and terminated in the event Starview fails to comply with the terms and conditions of the Franchise Agreement referred to in Section 3 of this ordinance.

SECTION 3: The terms and conditions of this grant of right and authority to Starview shall be as more fully provided in a Franchise Agreement entered into between Municipality and Starview, which agreement is made a part of this ordinance and incorporated herein by reference.

SECTION 4: Any ordinance or resolution, or part of an ordinance or resolution, in conflict with this ordinance is hereby repealed. Any provision of this ordinance which is now or may be superseded by state or federal laws or regulations is hereby declared to be null and void.

SECTION 5: This ordinance shall be effective upon its final passage and enactment and upon being signed, attested, and approved by the proper officials of Municipality, and upon the acceptance of and execution by Municipality and Starview of the Franchise Agreement.

SECTION 6: This ordinance shall be known as the Fawn Grove Borough Cable TV Ordinance.

ENACTED AND ORDAINED this 6th day of February, 1989.

ATTEST:

A. Nelson Herbert
Secretary

FAWN GROVE BOROUGH COUNCIL

BY *J. Gordon McFadden*
President

APPROVED

BY *Robert L. Sechrist*
Mayor