

ORDINANCE NO. 123

AN ORDINANCE GRANTING A RIGHT, PRIVILEGE OR FRANCHISE FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF A TELEVISION CABLE SYSTEM WITHIN THE BOROUGH OF NEW MILFORD, SUSQUEHANNA COUNTY, PENNSYLVANIA.

NOW THEREFORE, BE IT ORDAINED by the Borough of New Milford, Susquehanna County Pennsylvania, as follows:

1. That a right, privilege or franchise is hereby granted to Howard Wilmarth of New Milford, Pennsylvania, for himself, his heirs, personal representatives, successors, and assigns, to construct, maintain and operate a television cable system and to cross above streets and alldys presently existing within the Borough of New Milford, to set poles, to traverse and cross over and under streets and alleys within the Borough, and/or utilize existing utility poles within the Borough, with cables and associated appliances in connection with a television cable system and to operate and maintain such wires, cables, associated appliances, and poles, and upon receiving consent from the utility company whose poles may be used to attach wires, aerial cables and associated appliances to such poles of utilities companies as are now erected, or replacements thereof, and to operate and maintain such wires, aerial cables and associated applicances.

2. That the wires, cables, and associated appliances and poles set by him, his heirs, personal representatives, successors and assigns, shall be at all times in good and safe order and condition.

3. Installations made hereunder or previously made shall remain until the expiration of five (5) years from the date of this permission and five (5) years thereafter, at the option of the permittee and shall continue thereafter from year to year until and unless either the licensor or the licensee shall give ninety (90) days notice in writing prior to the end of any license year of its intention to terminate the same. Said licensee shall pay unto the Borough so long as the installation remains, an annual license fee of \$1.00 Payable on the first day of August of each year.

ORDINANCE NO. 123 (cont'd)

4. The licensee shall at his own expense remove, alter, rearrange, improve or repair such television cable system in such manner as the Borough may direct, when the same endangers the employees of the Borough or interferes with the purposes and uses of the poles, power lines, telephone lines and streets and alleys within the Borough.

5. Licensee shall carry public liability and property damage insurance in the sum of \$100,000 -- \$300,000, and \$20,000 -- \$40,000, respectively, to protect the Borough against claims or damage suits, expenses and liabilities which may result by reason of any loss, injury, or damage. Such insurance shall extend for the full term of this franchise and any extension thereof, and satisfactory evidence of the securing of such insurance shall be furnished unto the Borough. The licensee shall save harmless the Borough from any and all loss resulting from injury or damage to persons or property including injuries to the employees or damage to the property of the Borough arising out of or resulting in any manner from the presence, use, or maintenance of such television cable system or from the act or omissions of the licensee's agents or employees while engaged in the work of placing, maintaining, renewing or removing the television cable system, as well as any payments made by the Borough to any of its injured employees or relatives or representatives in conformity with the provisions of the Workmen's Compensation Act or any act creating liability of an employer to pay compensation for personal injury to an employee.

6. In the event and in those locations where the poles of other utilities are not practical, the licensee may erect poles or cables underground, Such installations shall be performed in a neat, safe and substantial manner, and shall be kept in good order and repair.

7. Licensee shall obtain written permission from an authorized representative of the Borough prior to setting any poles or placing cables underground, pursuant to this ordinance.