

**ORDINANCE NO. 09-10**

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING CHAPTER A150 OF  
THE TOWNSHIP CODE OF THE TOWNSHIP OF  
JACKSON, ENTITLED “CABLE TELEVISION  
FRANCHISE”**

**WHEREAS**, the Township Council adopted Ordinance 10-08 which granted municipal consent for the operation of a cable television system within the Township of Jackson to Cablevision of Monmouth, Inc.; and

**WHEREAS**, on January 21, 2010, the State Board of Public Utilities (“BPU”) issued the Renewal Certificate of Approval to Cablevision of Monmouth, Inc.; and

**WHEREAS**, the BPU found the last paragraph of § 19, which is entitled “Equitable Terms,” to not be in compliance with N.J.S.A. 40A:5A-1 et seq., and, therefore, found that it shall be removed from the ordinance; and

**WHEREAS**, the BPU Renewal Certificate of Approval struck said provision from the Township’s ordinance; and

**WHEREAS**, said provision provided that Cablevision’s obligation to provide an annual grant to the Township shall cease if another provider obtained the right to provide service within the Township without having to provide an annual grant of equal or greater amount than Cablevision; and

**WHEREAS**, the deletion of the provision by the BPU is favorable to the Township; and

**WHEREAS**, in order to avoid confusion and to have the Township’s official Cable Television Ordinance conform to the Renewal Certificate of Approval issued by the BPU, the Township desires to adopt this clarifying ordinance.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Chapter A150 of the Township Code of the Township of Jackson, entitled “entitled “Cable Television Franchise,” is hereby amended and supplemented so as to revise § 19, entitled “Equitable Terms,” which shall read in its entirety as follows:

**SECTION 19. EQUITABLE TERMS**

In the event that the service of another multi-channel video program provider not subject to the Township’s regulatory authority within the Township creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Township lawful amendments to its franchise that relieve it of the burdens which create the unfair competitive situation. Should the Company seek such amendments to its franchise, the parties agree to negotiate in good-faith appropriate changes to the franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Township agrees to support the Company’s petition to the Board for modification of the consent in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Township acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Township shall be under no obligation to support Cablevision’s request for such relief from the Board.

In any subsequent municipal consent, the Township shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Town’s regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Township agrees to support the Company’s petition to the Board for modification of the consent in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7 to relieve the Company of competitive disadvantages indentified in the Company’s petition.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Date: \_\_\_\_\_

\_\_\_\_\_  
MAYOR MICHAEL REINA

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Jackson, in the County of Ocean, State of New Jersey, held on **March 9, 2010**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **23<sup>rd</sup> day of March, 2010**, at 7:30 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 95 W. Veterans Highway, Jackson, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

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**ANN MARIE EDEN, RMC**  
Township Clerk, Township of Jackson

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