

ORDINANCE NO. 285

AN ORDINANCE OF THE BOROUGH OF CLYMER, COUNTY OF INDIANA AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 89, 132, AND 246 TO PROVIDE FOR INCREASES IN FINES FOR OVER-TIME VIOLATIONS.

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

Section 3 of Ordinance No. 89 and Section 2 of Ordinance No. 132 are hereby amended to read as follows:

Any person violating any provision of this Ordinance as amended or aiding and abetting or assisting in the violation thereof, shall upon conviction thereof, for the first violation shall be sentenced to pay a fine of \$2.00 plus costs of prosecution and in the default of the payment of such fine and costs, imprisonment for not more than five days. For any second violation occurring in the same day, said violator upon conviction, shall be sentenced to pay a fine of \$4.00 together with costs of prosecution and in default of payment of the such fine and costs, imprisonment for not more than five days. Any person violating any provision of this Ordinance for a third time or any subsequent time during the same twenty-four hour period, shall be sentenced, upon conviction, to pay a fine of \$10.00 together with costs of prosecution and in default of payment of the such fine and costs, imprisonment for not more than five days.

In all other respects, Ordinance No. 89 and Ordinance 132, as amended, shall remain in full force and effect.

This Ordinance shall take effect immediately.

ORDAINED AND ENACTED this 2nd day of December, 1997.

ATTEST:

BOROUGH OF CLYMER

Conny L. Carter
Secretary

By John Bracken
President of Council

APPROVED this 2nd day of December, 1997

Joseph E. Kostich
Mayor

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RESOLUTION

A RESOLUTION APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE FOR THE BOROUGH OF CLYMER.

WHEREAS, the Borough of Clymer ("Clymer") of Indiana County, Pennsylvania, granted a franchise to operate a cable television system pursuant to the Franchise Agreement between Clymer and Indiana Cablevision Inc. ("Indiana"), d/b/a Adelpia Cable Communications ("Adelpia"), granted by Clymer to Indiana Cablevision, Inc. dated January 1, 1983;

WHEREAS, Indiana transferred substantially all of the assets of its cable television system serving Clymer (the "System"), including its rights under the Franchise, to Mt. Lebanon Cablevision, Inc.;

WHEREAS, the Franchise requires that the Borough of Clymer grant its consent to an assignment of the Franchise by Indiana; and

WHEREAS, Indiana and Mt. Lebanon Cablevision, Inc. have requested that the Borough of Clymer consent to the assignment and transfer of the Franchise by Indiana to Mt. Lebanon Cablevision, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF CLYMER, COUNCIL OF THE BOROUGH OF CLYMER, PENNSYLVANIA:

1. The Borough of Clymer does hereby consent to the transfer of the franchise and all of Indiana's rights, powers, and privileges under the Franchise from Indiana to Mt. Lebanon Cablevision, Inc.;
2. The Borough of Clymer hereby releases Indiana and its predecessors from all obligations and liabilities under the Franchise that relate to periods from and after the date of this Resolution.
3. The Franchise Agreement granted by the Borough of Clymer, and hereby transferred to Mt. Lebanon Cablevision, Inc. will expire on January 1, 2003.
4. Adelpia Communications Corporation shall execute and provide to the Borough a Corporate Guaranty ensuring the performance of Mt. Lebanon Cablevision, Inc.'s obligations under the Franchise.

Adopted by the Council of the _____ of _____,
The Borough of Clymer, Pennsylvania on this _____ day of _____,
1997.

RESOLUTION

WHEREAS, the Hon. Thomas Ridge, Governor of the Commonwealth of Pennsylvania, signed into law Act 66 of 1995 (SB 282) on November 22, 1995, effective immediately, which adopted 18 Pa. C.S. Sec. 7328 (related to operation of certain establishments prohibited without local option).

WHEREAS, the effect of the new law is to allow a referendum question to be placed on the ballot concerning whether establishments commonly referred to as "bottle clubs" should be prohibited within a municipality.

WHEREAS, the Borough Council of Clymer, Indiana County, believe that it is in the best interest of its citizens to place such a referendum question on the ballot of the next primary election.

AND NOW this fourth day of February 1998, at a duly constituted meeting, it is hereby resolved as follows:

Clymer Borough Council requests that a question be placed on the ballot for a referendum prohibiting the operation of establishments commonly referred to as bottle clubs and that the Indiana County Board of Elections cause such a question to be placed on the ballot or on the voting machine board and submitted at the next primary election.

The Indiana County Board of Elections shall place the referendum question in a form substantially following 18 Pa. C.S. Sec. 7328 (b) (1):

Do you favor the prohibition of the operation of establishments,
commonly referred to as bottle clubs in the Borough of Clymer?

It is further resolved that a certified copy of this resolution be filed with the Indiana County Board of Elections forthwith and that the Borough Secretary is authorized to perform whatever administrative acts are necessary to carry out the intent of this resolution.

ATTEST:

CLYMER BOROUGH


Borough Secretary


Council President