

ORDINANCE 226

AN ORDINANCE OF THE BOROUGH OF ALBURTIS SETTING FORTH THE RULES AND REGULATIONS FOR THE OPERATION OF CABLE TV SERVICE WITHIN THE BOROUGH OF ALBURTIS.

BE IT ORDAINED BY THE COUNCIL OF THE BOROUGH OF ALBURTIS AS FOLLOWS:

SECTION I: Title. This ordinance shall be known as Borough of Alburttis Community Antenna Television Systems (CATV) Ordinance.

SECTION II: Definitions. The following words or phrases when used in this ordinance shall have the meaning ascribed to them in this section, except when the context indicated to them a different meaning:

A. "Community Antenna Televisions Systems" (CATV) shall mean an arrangement or combination of apparatus whereby television signals broadcast over the air are received at one or more towers, antennas or other devices from television stations licensed by the Federal Communications Commission and which for a consideration are transmitted by means of co-axial cable or other suitable device to television receiving sets of subscribers to such service.

B. "Person" and "Applicant" shall mean any individual or individuals, partnership, firm, limited partnership, association, corporation, company or organization of any kind.

C. "Public Utility" shall mean any person or corporation now or hereafter owning or operating in the Commonwealth of Pennsylvania equipment or facilities or producing, generating, transmitting, distributing or furnishing electricity for the production of light, heat or power, to or for the public for compensation; or conveying passengers or property or both by railroad or railway for public use and the facilities thereof.

D. "Streets" shall mean and include all public streets, alleys, rights of way, roads, highways and utility areas within the Borough of Alburttis, Lehigh County, Pennsylvania.

E. "Borough" shall mean the Borough of Alburttis, Lehigh County, Pennsylvania.

SECTION III: Registration; Requirements and Conditions. On and from the 11th day of May, 1983, it shall be unlawful for any person within the Borough of Alburttis to engage in the business of community antenna television systems (CATV) without first registering with the said Borough for such privilege and fully complying with the terms, conditions, fees and penalties accompanying the grant of privileges to engage in such activities as hereinafter set forth.

SECTION IV: Installation of Facilities Regulated. On and after the effective date of this ordinance, no poles, cables, equipment, apparatus or wires for the construction, maintenance and operation of community antenna television systems (CATV) shall be installed on, in or upon any streets within the confines of the Borough of Alburttis unless it be upon poles and rights of way of a public utility presently operating within the said Borough, and there be filed in the office of the Borough Secretary proper written permission therefor from the said public utility.

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SECTION V: Public Utilities Only to Erect Poles. Only public utilities shall be permitted to erect poles upon any of the streets and rights of way of the Borough, and any poles as well as any and all wires, cables, apparatus or equipment thereon shall be deemed to be under the license, operation and control of the public utility owning the said poles.

SECTION VI: Registration and Filing of Application Required. Any person or applicant desiring to operate community antenna television systems (CATV) in the Borough of Alburtis shall register therefor by filing an application for this privilege with the Borough Secretary, which application shall contain the following information, and be accompanied by the following documents:

A. A detailed list of the owners, and if applicant is a corporation the names and addresses of all officers, directors and shareholders.

B. Written authority from public utility for applicant to use public utility poles and licensing and approving applicant's installation thereon of all cables, wires, apparatus, equipment and facilities.

C. Certified copies of any and all licenses and contracts by and between applicant and public utility or public utilities.

D. Written assurance that applicant agrees:

1. To comply with any and all future regulations of CATV operations by the Federal Communications Commission and the Pennsylvania Public Utility Commission.

2. That all wires, cables, equipment, apparatus and facilities shall be at such minimum heights, quality and specifications as are or may be required by the Pennsylvania Public Utility Commission and the Pennsylvania Department of Highways.

3. To file and keep current with Borough a map or plan showing the location within the Borough of its lines and other facilities; a schedule of uniform tariffs covering installations and hook-up charges for both commercial and residential buildings and service charges relating thereto; and any subsequent changes in said maps, plans and tariffs.

4. Not to sell, transfer or assign the privilege certificate without the written approval of the Borough.

E. A bond with good and sufficient surety to be approved by the Borough in the amount of fifty thousand dollars (\$50,000.00), conditioned that said person or applicant shall pay or cause to be paid any sums which may become due and payable because of failure:

1. To install and maintain in good, proper and safe order and condition its cables, wires, equipment, apparatus or facilities within the Borough;

2. To remove its cables, wires, equipment, apparatus or facilities in the event that either the said business should be discontinued or that the privilege to conduct such business permitted under this ordinance shall be revoked by the Borough:

3. To comply with any and all of the terms of this ordinance under which the privilege certificate is issued.

F. A comprehensive liability insurance policy of maximum limits completely protecting the Borough of Alburdis from any and all claims for damage to property and/or personal injury, including death which may occur from the operation of CATV within the Borough.

SECTION VII: Issuance of Certificate of Privilege. Upon compliance with all of the foregoing registration requirements, the Borough Secretary is authorized to issue a certificate of privilege to applicant.

SECTION VIII: Levy of Borough Privilege Fee. A Borough privilege fee of the sum of three (3%) percent of the annual gross service income for the privilege of using the Borough streets is herewith levied.

SECTION IX: Books and Records. For the purpose of administering this ordinance, the applicant shall:

A. Keep and render its books and records in a manner which will permit the drawing off of a detailed statement therefrom clearly disclosing the amount of rentals received by the applicant in arriving at the determination of the gross receipts rental as heretofore set forth.

B. Within thirty (30) days after the close of the calendar year, the applicant shall file with the Borough Secretary a verified statement of the gross service income received by it from rentals in the Borough of Alburdis for the preceding year, together with payment of the privilege fee in the sum of three (3%) percent of the annual gross service income for that year.

C. Permit the Borough Secretary, Treasurer or auditors, the right at reasonable times to inspect the books and records of the company for the purpose of verifying the aforesaid gross service income.

SECTION X: Forfeiture of Privileges. Any failure by applicant to comply with the provisions contained in this ordinance shall be deemed and considered to work a forfeiture of any of the privileges that may have been granted.

SECTION XI: Penalty for Violation. Any person violating any of the provisions of this ordinance shall be guilty of a summary offense and upon conviction thereof be ordered to pay a fine of not more than three hundred dollars (\$300.00) and, in default of payment of fine and costs, imprisoned not more than thirty (30) days. Each day's violation shall constitute a separate offense.

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ORDAINED AND ENACTED by the Council for the Borough of Alburtis
this 11th day of May, 1983.

BOROUGH OF ALBURTIS

Arthur R. Paves
President of Council

ATTEST:

Joyce Schiller
Borough Secretary

APPROVED this 11th of May, 1983.

Charles C. Paves
Mayor