
Chapter 69 — Cable Television

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Article I — Title and Definitions

§ 69-101 Short Title.

This Chapter shall be known, and may be cited, as the “Alburtis Community Antenna Television Systems (CATV) Ordinance.”

§ 69-102 Definitions – In General.

For purposes of this Chapter, the terms defined in the remaining sections of this Article I shall have the meanings indicated, whether with or without initial capital letters, unless the context in which they are used clearly indicates a different meaning.

§ 69-103 Borough.

The term “Borough” shall mean the Borough of Alburtis, Lehigh County, Pennsylvania.

§ 69-104 Community Antenna Television Systems (CATV).

The term “Community Antenna Television Systems” or “CATV” shall mean an arrangement or combination of apparatus whereby television signals broadcast over the air are received at one (1) 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 coaxial cable or other suitable device to television receiving sets of subscribers to such service.

§ 69-105 Person or Applicant.

The term “person” or “applicant” shall mean any individual or individuals, partnership, firm, limited partnership, association, corporation, company, or organization of any kind.

§ 69-106 Public Utility.

The term “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.

§ 69-107 Streets.

The term “streets” shall include all public streets, alleys, rights-of-way, roads, highways, and utility areas within the Borough.

Article II — Registration and Grant of Privilege

§ 69-201 Registration and Requirements.

On and from the 11th day of May, 1983, it shall be unlawful for any person within the Borough to engage in the business of community antenna television systems (CATV) without first registering with the 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 set forth in this Chapter.

§ 69-202 Application.

Any person or applicant desiring to operate community antenna television systems (CATV) in the Borough 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 the public utility for the 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 the 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 Transportation.

(3) To file and keep current with the 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 hookup 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 said business should be discontinued or that the privilege to conduct such business permitted under this Chapter shall be revoked by the Borough.

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

(f) A comprehensive liability insurance policy of maximum limits completely protecting the Borough 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.

§ 69-203 Issuance of Certificate of Privilege.

Upon compliance with all of the registration requirements set forth in § 69-202, the Borough Secretary is authorized to issue a certificate of privilege to the applicant.

§ 69-204 Levy of Borough Privilege Fee.

A Borough privilege fee of the sum of five percent (5%) of the annual gross service income for the privilege of using the Borough streets is herewith levied. Payment of the fee is to be made as set forth in § 69-205(b).

§ 69-205 Books and Records.

For the purpose of administering this Chapter, the applicant shall:

(a) Keep and render its books and records in a manner which will permit the preparation of a detailed statement clearly disclosing the amount of rentals received by the applicant in arriving at the determination of the gross receipts rental as set forth in § 69-204.

(b) Within thirty (30) days after the close of each 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 for the preceding year, together with payment of the privilege fee in the sum of five percent (5%) 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.

Article III — Facilities

§ 69-301 Installation of Facilities.

On and after May 11, 1983, 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 unless it is upon poles and rights-of-way of a public utility presently operating within the Borough, and there is filed in the office of the Borough Secretary proper written permission therefor from the public utility.

§ 69-302 Erection of 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 said poles.

Article IV — Enforcement

§ 69-401 Forfeiture of Privileges.

Any person violating any of the provisions of this Chapter shall be guilty of a summary offense and, upon conviction thereof, work a forfeiture of any of the privileges that may have been granted.

§ 69-402 Penalties.

Any person violating any of the provisions of this Chapter shall be guilty of a summary offense and, upon conviction thereof shall 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.

Appendix

¶ 69-A Disposition of Ordinance 226.

<u>Ordinance 226</u>	<u>2003 Codified Ordinances</u>
§ I	§ 69-101
§ II (intro)	§ 69-102
§ II(A)	§ 69-103
§ II(B)	§ 69-104
§ II(C)	§ 69-105
§ II(D)	§ 69-106
§ II(E)	§ 69-107
§ III	§ 69-201
§ IV	§ 69-301
§ V	§ 69-302
§ VI	§ 69-202
§ VII	§ 69-203
§ VIII	§ 69-204
§ IX	§ 69-205
§ X	§ 69-401
§ XI	§ 69-402

¶ 69-B Source Ordinances.

Ordinance 226	05-11-1983
Ordinance 252	03-11-1987
Ordinance 415	10-29-2003

¶ 69-C Derivation of Unofficial Appendix Chapter A145 to 1981 Code.

In 1984 and 1988, General Code Publishers Corp. printed an unofficial codification of Ordinance 226 (as amended by Ordinance 252) to Appendix Chapter A145 of the 1981 Code. Borough Council did not formally add Ordinance 226 to the 1981 Code, and did not formally adopt any of the numbering and stylistic changes made by General Code Publishers Corp. However, Ordinance 252 did cross-reference Appendix Chapter A145 as well as cite to Ordinance 226.

A copy of the GCP unofficial Appendix Chapter A145 (after Ordinance 252) is provided with the on-line and CD-ROM versions of the Codified Ordinances.

The provisions of the GCP unofficial Appendix Chapter A145 were derived from Ordinance 226 (as amended by Ordinance 252) as follows:

<u>Unofficial Appendix Chapter A145</u>	<u>Ordinance 226 (as amended by Ord. 252)</u>
§ A145-1	§ I
§ A145-2	§ II
§ A145-3	§ III
§ A145-4	§ IV
§ A145-5	§ V
§ A145-6	§ VI
§ A145-7	§ VII
§ A145-8	§ VIII
§ A145-9	§ IX
§ A145-10	§ X
§ A145-11	§ XI