

Chapter A145

CABLE TELEVISION

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[HISTORY: Adopted by the Borough Council of the Borough of Alburdis 5-11-83 as Ord. No. 226, approved 5-11-83. Amendments noted where applicable.]

Be it ordained by the Council of the Borough of Alburdis as follows:

§ A145-1. Title.

This ordinance shall be known as the "Borough of Alburdis Community Antenna Television Systems (CATV) Ordinance."

§ A145-2. Definitions.

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

**BOROUGH** — The Borough of Alburdis, Lehigh County, Pennsylvania.

**COMMUNITY ANTENNA TELEVISION SYTEMS (CATV)** — 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.

**PERSON and APPLICANT** — Any individual or individuals, partnership, firm, limited partnership, association, corporation, company or organization of any kind.

**PUBLIC UTILITY** — 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.

**STREETS** — Shall include all public streets, alleys, rights-of-way, roads, highways and utility areas within the Borough of Alburdis, Lehigh County, Pennsylvania.

**§ A145-3. Registration; requirements and conditions.**

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

**§ A145-4. 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 Alburdis unless it is upon poles and rights-of-way of a public utility presently operating within said borough, and there is filed in the office of the Borough Secretary proper written permission therefor from said public utility.

**§ A145-5. Public utilities 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 said poles.

**§ A145-6. Registration and filing of application required.**

Any person or applicant desiring to operate community antenna television systems (CATV) in the Borough of Alburdis 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 Highways.
- (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.), 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 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 Albury 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.

**§ A145-7. 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 the applicant.

**§ A145-8. Levy of borough privilege fee. [Amended 3-11-87 by Ord. No. 252, approved 3-11-87]**

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.

**§ A145-9. Books and records.**

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

- A. Keep and render its book 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 Albury 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. [Amended 3-11-87 by Ord. No. 252, approved 3-11-87]

- 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.

**§ A145-10. Forfeiture of privileges.**

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

**§ A145-11. Violations and penalties.**

Any person violating any of the provisions of this ordinance 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.) 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.