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PART 1

CABLE TELEVISION

A. Twin County Television.

§13-101. Short Title.

This Part 1A shall be known and may be cited as the "Twin County Television Franchise Ordinance." (Ord. 604, 10/14/1986, §1)

§13-102. Definitions.

For the purpose of this Part 1A the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

BOROUGH — the Borough of Coplay in the County of Lehigh and the State of Pennsylvania.

CABLE TELEVISIONS SYSTEM OR SYSTEM — a system of antennas, cables, wires, lines, towers, waveguides or other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, amplifying and distributing, audio, video and other forms of electronic or electrical signals, located in the said Borough;

COMPANY — the grantee of rights under this Part 1A awarding a franchise;

GROSS SUBSCRIBER REVENUES — those revenues received by the Company from monetary shares of any character whatsoever, including donations, contributions, dues, membership fees or service charges (whether periodical or otherwise) charged or paid in any manner from and by the general public, directly or indirectly, for the privilege of receiving any television signal or electronic impulse which is transmitted through the cables or wires of the Cable Television System of the Company which pass on, over, under or along the streets, alleys and public ways of the Borough and which are paid by the subscribers/residents located within the said Borough. Gross Subscriber Revenues shall not include the revenues received by the Company as installation charges and shall not include fees for reconnections, inspections, repairs or modifications of any installations or fees from advertising.

PERSON — any person, firm, partnership, association, corporation, company or organization of any kind.

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(Ord. 604, 10/14/1986, §2)

§13-103. Qualifications of Grantee and Grant of Authority.

A public hearing concerning the application for the franchise herein granted to the Company was held on October 14, 1986, at the Borough Hall. Public notice of said hearing was given in the Call-Chronicle Newspapers, a local newspaper, which notice invited interested parties to participate in said hearing and comment upon the legal, financial, technical and other qualifications of the Company to operate a Cable Television System in the Borough. Said hearing having been held on the date and place stated hereinabove, and said hearing having been fully open to the public, and the Borough having received at said hearing all comments regarding the qualifications of the Company to receive this franchise, the Borough hereby finds that the Company possesses the necessary legal, technical, financial and other qualifications and that the Company's construction arrangements are adequate and feasible, and that, therefore, the Borough hereby grants to the Company a non-exclusive franchise, right and privilege, subject to the provisions of existing Borough ordinances pertaining to streets and roads, other ordinances and resolutions of the Borough and the Federal Communication Commission rules and regulations, to construct, erect, operate, modify and maintain in, upon, along, across, above and over and under the highways, streets, alleys, sidewalks, public ways and public places not laid out or dedicated and all extensions thereof, and additions thereto, in and of the Borough, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the Borough of Cable Television System for the purpose of distributing television and radio signals and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth, and does not confer any exemption from Federal, state or local taxes. The term of this grant of authority shall commence on the date hereof, and shall continue for a period of fifteen (15) years from the date that the cable television system is operable, and shall renew for additional ten (10) year periods thereafter. (Ord. 604, 10/14/1986, §3)

§13-104. Local, State and Federal Regulations.

The franchise so granted to the Company herein shall remain subject always to the ordinances, resolutions, rules and regulations of this Borough, the Pennsylvania Public Utilities Commissions (where applicable), the Federal Communications Commission, the Cable Communications Policy Act of 1984, and all and any other local, State and Federal rules and regulations that may be applicable. Specifically, the Company shall, at all times, comply with the rules and regulations governing the CATV operations promulgated by the FCC, as so modified in the future. This shall include adherence by the Company to FCC rules regarding technical and engineering specifications involved in the construction of the CATV system and carriage therein. Nothing herein contained shall be so construed as to diminish or limit or void any other franchise heretofore or

hereafter ordained and effective prior to or after the passage of this Part 1A. (Ord. 604, 10/14/1986, §4)

§13-105. Payments to the Borough.

The Company shall, for and in consideration of the privileges and rights granted herein, during each year of operation under this franchise, pay to the Borough, five (5%) percent of the annual gross subscriber revenues received by the company as herein defined. The said payment shall be made annually. At the time of this annual payment, the Company shall furnish the Borough with an operating report showing the Company's annual gross subscriber revenues during the preceding year and such other information as the Borough shall reasonably require with respect to the Company's services within the Borough for such period. The five (5%) percent rate may be increased by subsequent resolution of the Borough, subject to FCC regulations governing the same. (Ord. 604, 10/14/1986, §5)

§13-106. Records and Reports.

The Company shall keep full, true, accurate and current books of account, which books and records shall be made available for inspection and copying by the Borough Director of Public Services or his authorized representative at all reasonable times. (Ord. 604, 10/14/1986, §6)

§13-107. Rates.

All rates for service shall be reasonable, compensatory and non-discriminatory. All and any reasonable and justifiable rate increases effected by the Company shall not be unreasonably or arbitrarily opposed by the Borough. (Ord. 604, 10/14/1986, §7)

§13-108. Liability and Indemnification.

The Company shall pay, and by its acceptance of this Franchise the Company expressly agrees that it will pay, all damages and penalties which the Borough may legally be required to pay as a result of the Company's installation, operation or maintenance of the Cable Television System authorized herein. The Company further agrees as follows:

1. The Company shall carry Workmen's Compensation Insurance, with statutory limits, and Employer's Liability Insurance with coverage of at least one hundred thousand (\$100,000.00) dollars, which shall cover all operations to be performed by the Company as a result of this Part 1A;
2. The Company shall carry Comprehensive General Liability and Comprehensive Automobile Liability Insurance with bodily injury coverage of at least one hun-

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dred thousand (\$100,000.00) dollars per occurrence and property damage coverage of at least three hundred thousand (\$300,000.00) dollars per occurrence;

3. The Company's Workmen's Compensation, Comprehensive General Liability and Comprehensive Automobile Liability Insurance shall be written by an insurance company with a capital and/or surplus of at least three million (\$3,000,000.00) dollars and the Company agrees to furnish the Borough with certified copies or certificates of insurance of said policies, which shall provide that said insurance may not be cancelled unless ten (10) days prior notice thereof is given by the insurance carrier to the Borough.

(Ord. 604, 10/14/1986, §8)

§13-109. System Construction, Maintenance and Procedures.

1. Upon grant of this Franchise to construct and maintain a community television system in the Borough, the Company may enter into contracts with any light, gas and water and sewer divisions of the Borough, any public utilities companies or any other owner or lessee of any utility pole located within or without the Borough to whatever extent such contract or contracts may be expedient and of advantage to the Company for use of poles and posts necessary for proper installation of the system, obtain right-of-way permits from appropriate Borough, State, County and Federal officials necessary to cross highways or roads under the respective jurisdictions to supply main trunk lines from the Company's receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the system, and its subscribers and obtain whatever other permits a Borough, County, State or Federal Agency may require. In the construction, installation and maintenance of its system, the Company will use steel, cable and electronic devices, all of specialized and advanced design and type, in the operation of its system, the Company will employ personnel with training, skill and experience in electronics and communications. It is understood, under FCC regulations, that such material and personnel may not be available to the Company for its system in the event of a war or other similar national emergency;
2. The Company's system, poles, wires, appurtenances and all other of its equipment and facilities shall conform to Borough ordinances, the National Electric Code, The Pennsylvania Public Utility Commission and the F.C.C. and shall be so located, erected and maintained so that none of its facilities shall endanger or interfere with the lives of persons, or interfere with any improvements the Borough may deem proper to make, or unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or public property;
3. In the event that the Borough shall annex further territory as authorized by law or new areas of the Borough are developed, the Company shall extend energized trunk cable to these portions of the Borough within one (1) year thereafter, unless additional time is granted by the Borough Council upon request of the Company

for good cause shown. Extension of service shall not be required into any area which does not meet the requirement set for in §13-110 of this Part 1A;

4. All transmission and distribution structures, lines and equipment erected by the Company within the Borough shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights of reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places;
5. In case of any disturbance of pavement, sidewalk, lawn, driveway, or other surfacing, the Company shall, at its own cost and expense, in a manner approved by the Borough and as set in this Part 1A, replace and restore all paving, sidewalk, driveway, lawn or surface of any street or alley disturbed, in as reasonably good condition as before said work was commenced;
6. In the event that at any time during the period of this Franchise the Borough shall lawfully elect to alter or change the grade of the street, alley or other public way, the Company, upon reasonable notice by the Borough, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense;
7. The Company shall not place poles or other fixtures where the same will interfere with gas, electric, sewer or telephone fixtures, water hydrant or main, and all such poles or other fixtures placed in any street shall be placed and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel on said streets, alleys and public ways;
8. The Company shall, on the request of any person holding a building moving permit, issued by the Borough, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. The Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes;
9. The Company shall, subject to the Borough Shade Tree Commission Rules, have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company, all trimming to be done under the supervision and direction of the Borough and at the expense of the Company;
10. The Company shall provide, upon request and without charge, basic service to any Borough buildings owned and operated by the Borough and to any public or parochial school located within the Borough by providing an energized cable to such building for basic service. The cost of any internal wiring shall be borne by the in-

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stitution. If the Borough fire alarms or emergency communications systems can make use of the cable system without interference with the Company's usage such use shall be permitted free of charge. (Ord. 604, 10/14/1986, §9)

§13-110. Line Extensions.

It shall be the obligation of the Company to serve all residents of the Borough except to the extent that a lack of density of homes, adverse terrain or other factors render providing service impracticable, technically infeasible or economically non-compensatory. For purposes of determining compliance with the provisions of this §13-110, and to provide for a reasonable and non-discriminatory policy governing extensions of cable service within the Borough, which policy was subject to public review in the public proceeding leading to the award of this Franchise, the Company shall extend service to such new subscribers, at the normal installation charge and monthly rate for customers of that classification, under the following terms and conditions:

1. Where the new subscriber, or nearest subscriber or a group of new subscribers is located within five hundred (500') feet of the existing trunk cable, and
2. Where the number of homes to be passed by such new extension cable plant bears the same proportionable ratio to the total amount of new cable plant as the average number of homes passed per mile of existing cable plant.

(Ord. 604, 10/14/1986, §10)

§13-111. Company Rules and Regulations.

The Company shall have the authority to promulgate such reasonable rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and perform its obligations under this Franchise, and to assure an uninterrupted service to each and all of its customers. Provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of Federal and State laws. (Ord. 604, 10/14/1986, §11)

§13-112. Procedures.

No increase in rates and charges nor changes in procedure shall be effective except pursuant to a public notice sixty (60) days prior thereto. The Company shall be a part to any proceedings in which its rights, privileges or interests would be affected and shall be fully entitled to such due process rights as may be available under applicable laws, ordinances, rules or regulations, especially the Cable Communications Policy Act of 1984. (Ord. 604, 10/14/1986, §12)

§13-113. Approval of Transfer.

The Company shall not sell or transfer its system to another company, person or any other entity, nor transfer any of its rights, duties, privileges or obligations under this Franchise without written approval by the Borough, provided, that such approval shall not be unreasonably withheld if the vendee, assignee or lessee of the Company has filed with the appropriate official of the Borough an instrument duly executed, reciting the fact of such sale, assignment or lease, accepting the terms of this Franchise and agreeing to perform all conditions thereof. (Ord. 604, 10/14/1986, §13)

§13-114. Franchise Costs.

The Company shall pay to the Borough a sum of money sufficient to reimburse for the expense incurred by it in connection with the publication, preparation and passage of this Part 1A and the rights granted to the Company hereunder. Such payment shall be made by the Company to the Borough within thirty (30) days after the Borough shall furnish the Company with a written statement of such expense. (Ord. 604, 10/14/1986, §14)

§13-115. Activities Prohibited.

1. The Company shall not allow its cable or other operations to interfere with television reception of persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Borough;
2. The Company shall not, as to rates, charges, service, facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage;
3. No landlord shall charge tenants a rate, as rental or otherwise, for such cable television service in excess of the rate being charged by the Company for comparable service to single-family homes.

(Ord. 604, 10/14/1986, §15)

§13-116. Revocation.

1. For the purpose of compelling compliance with their grant and franchise, and to secure efficiency of public service at reasonable rates, and the maintenance of the community cable system in good condition during the full term of the grant, it is provided that (A) upon failure of the company or its successors or assigns to comply with any of the provisions of the grant, or (B) upon default by the Company in any of its obligations hereunder, except for causes beyond the reasonable control of the Company, then upon the failure of the Company within thirty (30) days af-

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ter written notice from the Borough, to commence, and within a reasonable time, complete the correction of such default or noncompliance, the Borough shall have the right to revoke and declare terminated this Part 1A and all rights of the Company hereunder. In the event the Company shall be adjudged bankrupt or placed in receivership, the Borough may declare the special rights granted herein to be forfeited and terminated. It is understood that during the reasonable interim period while transfer of the system is being arranged, such period being no less than six (6) months and no greater than twenty-four (24) months, the Company shall be required to continue service to the public as a trustee for its successors in interest, subject to an accounting for net earnings or losses during the interim period which are applicable to the Company's operation in the Borough.

2. The Company shall, at its own expense and cost, promptly remove or cause to be removed from the streets, alleys and public ways of the Borough, and from all public property all of the wires, poles and installations of any kind or nature whatsoever which have been installed under the authority of this Franchise upon the revocation or termination of this Franchise, or the cessation of operation under this Franchise by the Company, its successors and assigns. In the event of such removal, the Company shall restore the streets or other area from which such property has been removed to a condition satisfactory to the Borough. Any property of the Company permitted by the Borough to be abandoned in place, shall be abandoned only in such manner as the Borough may prescribe.

(Ord. 604, 10/14/1986, §16)

§13-117. Acceptance.

The Company shall indicate its acceptance of the terms of this Part 1A and the granting of this Franchise within thirty (30) days after it receives notification of its adoption, which notice shall be given to the Company by the Borough Solicitor, by certified mail, return receipt requested, with a certified copy of this Part 1A enclosed herewith. (Ord. 604, 10/14/1986, §17)

§13-118. Noncompliance.

If the Borough discovers that the Company has engage in pronounced and continuous violations of the terms and provisions of this Part 1A and/or any other applicable local, State, or Federal regulations, the Borough may file the appropriate action against the Company in a court of competent jurisdiction, seeking monetary damages, equitable relief and/or any other appropriate remedy, including but not limited to, the revocation of the Franchise herein granted. (Ord. 604, 10/14/1986, §18)

B. Service Electric Cable T.V.

§13-121. Definitions.

For the purpose of this Part 1B the following terms, phrases and words shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory.

BOROUGH — the Borough of Coplay, located in Lehigh County, Pennsylvania.

CABLE TELEVISION SYSTEM OR "SYSTEM" — a system of antennas, cables, wires, lines, towers, waveguides, or other conductors, converters, equipment or facilities, designed and constructed for the purpose of producing, receiving, amplifying, and distributing, audio, video and other forms of electronic or electrical signals located in the Borough.

COMPANY — Service Electric Cable T.V., Inc.

GROSS SUBSCRIBER REVENUES — only those revenues derived from the monthly service charges by subscribers located within the Borough for the regular cable television reception service, which service includes only the transmission signals on VHF Channels 2 through 13. As required by the Federal Communications Commission, Gross Subscriber Revenues shall not include any revenues received:

- A. As reimbursement of expense in the operation of any access channels;
- B. As advertising payments;
- C. From the leasing of cable channels;
- D. From programs for which a per-channel or per-program charge is made;
- E. From furnishing other communications and nonbroadcast services either directly or as a carrier for another party or any other income derived from the system.
- F. Gross subscriber revenues shall not include revenues received as installation charges and fees for reconnections, inspection, repairs or modifications of any installations.

PERSON — any person, firm, partnership, association, corporation, company or organization of any kind, and the partners in partnerships and officers of corporations.

(Ord. 575, 11/11/1980, §1)

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§13-122. Qualifications of Grantee and Grant of Authority.

A public hearing concerning the granting of the franchise herein granted to the Company was held on the eleventh day of November, 1980, at 7:30 o'clock, at Coplay Borough Municipal Building, 129 South Second Street, Coplay, Lehigh County, Pennsylvania. Public notice of said hearing was given by advertisement in the Morning Call, a newspaper of general circulation in the Borough of Coplay, on October 31, 1980, which notice invited interested parties to participate in said hearing and comment upon the legal, character, financial, technical and other qualifications of the Company to continue to operate a Cable Television System in the Borough. Said hearing having been held on the date and at the place stated above, and said hearing having been fully open to the public, and the Borough having received at said hearing all comments regarding the qualifications of the Company to receive this franchise, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's construction arrangements are adequate and feasible, and that therefore the Borough hereby grants to the Company a nonexclusive franchise, right and privilege to construct, erect, operate, modify and maintain, in, upon, along, across, above and over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto, in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the Borough of a Cable Television System for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth but does not include or purport to include the right to utilize the private property, real or personal, of any other person or firm. (Ord. 575, 11/11/1980, §2)

§13-123. Franchise Term.

The franchise granted herein shall terminate fifteen (15) years from date of grant, subject to renewal for periods of reasonable duration on the same terms and conditions as contained herein, or on such different or additional terms and conditions as may be lawfully specified by the Borough Council and as are consistent with the requirements of relevant regulations of the Federal Communications Commission. The Company's application for franchise renewal shall be granted, provided:

1. The Company shows that its CATV service during the preceding franchise period has reflected a good-faith effort to serve the needs and interests of its subscribers and service area, and;
2. The Company has not demonstrated a disregard of the law or relevant regulations or ordinances.

(Ord. 575, 11/11/1980, §3)

§13-124. Payments to the Borough.

The Company shall, during each year of operation under this Part 1B, pay to the Borough an amount equal to three (3%) percent of the annual gross subscriber revenues received by the Company for regular monthly cable television rendered to customers located within the Borough. Each annual payment shall be made the first day of March for the preceding calendar year and along with said payment, the Company shall furnish the Borough with an operating report showing the Company's annual gross subscriber revenues during the preceding year and such other information as the Borough shall reasonably require. (Ord. 575, 11/11/1980, §4)

§13-125. Books and Reports.

The Company shall keep full, true, accurate and current books of account, which books and records shall be made available for inspection and copying by an authorized representative of the Borough at all reasonable times. (Ord. 575, 11/11/1980, §5)

§13-126. Local Office; Complaint Procedures.

1. During the term of this Part 1B, and any renewal thereof, the Company shall maintain within the Borough a local business office or agent for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions, and similar matters. The provisions of this §13-126 shall be deemed to be complied with if the Company maintains a local business headquarters office within twenty-five (25) airline miles of the principal coordinates of the Borough, which office may be reached by a local, toll-free telephone call, and provides the Borough Manager's Office with the name, address and phone number of a person who will act as the Company's agent to receive complaints regarding quality of service, equipment malfunctions and similar matters. The local office shall be open to receive inquiries or complaints from subscribers during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday. Any complaints from subscribers shall be investigated and acted upon as soon as possible, but at least within three (3) business days of their receipt. The Company shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. This log shall be made available for periodic inspection by the Borough.
2. The Company shall, by appropriate means such as a card or brochure, as subscribers are connected or reconnected to the system furnish information concerning the procedures for making inquiries and/or complaints, including the name, address and local telephone number of the employee or employees or agent to whom such inquiries or complaints are to be addressed. The Borough appoints its

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Manager or his designated Borough employee as responsible for implementation of the complaint procedures and continuing administration of the franchise.

(Ord. 575, 11/11/1980, §6)

§13-127. Liability and Indemnification.

The Company shall pay, and by its acceptance of this Part 1B expressly agrees that it will pay all damages and penalties which the Borough may legally be required to pay as a result of the negligence of the Company, its agents, contractors, or subcontractors, in the installation, operation, or maintenance of the Cable Television System authorized herein. The Borough shall notify the Company's representative within fifteen (15) days after the presentation of any claim or demand to the Borough, either by suit or otherwise, made against the Borough, on account of any negligence or contract as aforesaid on the part of the Company. The Company further agrees as follows:

1. The Company shall carry Workmen's Compensation Insurance, with statutory limits, and Employer's Liability Insurance with limits of not less than one hundred thousand (\$100,000.00) dollars which shall cover all operations to be performed by the Company as a result of this Part 1B.
2. The Company shall carry Comprehensive General Liability and Comprehensive Automobile Liability Insurance with bodily injury and/or death coverage of not less than five hundred thousand (\$500,000.00) dollars per occurrence, and property damage limits of not less than three hundred thousand (\$300,000.00) dollars.
3. The Company shall carry Contractual Liability Insurance coverage for all liability which the Company has contractually assumed hereunder, including the indemnification obligations assumed by the Company in this §13-127, the coverage under said policy to be the same as the limits set forth in Subsection (2) of this §13-127.
4. The Company's Workmen's Compensation, Comprehensive General Liability and Comprehensive Automobile Liability insurance and all other insurance which the Company is obliged under the terms of this Part 1B to carry shall be written by an insurance company authorized to do business in Pennsylvania with capital and/or surplus of not less than three million (\$3,000,000.00) dollars. The Company agrees to furnish the Borough with certified copies or certificates of insurance of said policies, which shall provide that insurance shall not be cancelled unless ten (10) days prior written notice shall first be given to the Borough. The Borough shall be given a certified copy of the policy written to provide the contractual liability coverage required by Subsection (3) of this §13-127.

(Ord. 575, 11/11/1980, §7)

§13-128. System Construction, Maintenance and Procedures.

1. Upon grant of this franchise to construct and maintain a community television system in the Borough, the Company may enter into contracts with any public utility companies or any other owner or lessee of any poles located within or without the Borough to whatever extent such contract or contracts may be expedient and of advantage to the Company for use of poles and posts necessary for proper installation of the system, obtain right-of-way permits from appropriate State, County, and Federal officials necessary to cross highways or roads under their respective jurisdictions to supply main trunk lines from the Company's receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the system and its subscribers and obtain whatever other permits a Borough, County, State, or Federal Agency may require. In the construction, installation and maintenance of its system, the Company will use steel, cable and electronic devices, all of specialized and advanced design and type; in the operation of its systems, the Company will employ personnel with training, skill and experience in electronics and communications. Material and/or personnel of this sort may not be available to the Company for its system in the event of war or other similar national emergency.
2. The Company's system, poles, wires, and appurtenances shall be located, erected and maintained so that none of them shall endanger or interfere with the lives of persons, or interfere with any improvements the Borough may deem proper to make, or unnecessarily hinder or obstruct the free use of the streets, alleys, bridges, easements or public property.
3. The Borough acknowledges that the proposed system of the Company will serve an acceptable portion of the Borough. However, in the event that the Borough should annex further territory as authorized by law and if the Company's system is in the area of the Borough which abuts the annexed territory, the Company shall extend energized trunk cable to the remaining portions of the Borough so annexed within one (1) year thereafter, unless additional time is granted by the Council of the Borough upon request of the Company for good cause shown. Extension of service shall not be required into an area which does not meet the requirements of §13-129 of this Part 1B.
4. All transmission and distribution structures, lines and equipment erected by the Company within the Borough shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places.
5. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Company shall, at its own cost and expense and in a manner approved by the Borough, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good condition as before said work was commenced.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

6. In the event that at any time during the period of this franchise, the Borough shall lawfully elect to alter or change the grade of any street, alley or other public way, the Company upon reasonable notice by the borough, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.
7. The Company shall not place poles or other fixtures where the same will interfere with any gas, electric or telephone fixture, water hydrant or main, or sewer main or appurtenance, and all such poles or other fixtures placed in any street shall be placed at the outer edge of the sidewalk and inside the curb line and those placed in alleys shall be placed close to the line of the lot abutting on said alley, and then in such manner as not to interfere with the usual travel on said streets, alleys and public ways.
8. The Company shall, on the request of any person holding a building moving permit issued by the Borough, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal, raising, or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. The Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.
9. The Company shall have the authority to trim trees located within the legal right-of-way of any streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cables of the Company, all trimming to be done under the supervision and direction of the Borough and at the expense of the Company. As a condition for granting approval for the cutting of any trees, if such cutting could result in liability on the part of the Borough, the Borough may require to save harmless the Borough from and indemnify the Borough for any such liability and, in any event, the Company does hereby agree to save harmless and indemnify the Borough of and from any claims for damages arising out of any such cutting, whether or not the Borough has requested security in advance.
10. The Company shall provide, upon request and without charge, service to any Borough buildings owned and operated by the Borough and to any public or parochial elementary or secondary school. This shall mean only an energized cable to such building. The cost of any internal wiring shall be borne by the institution.

(Ord. 575, 11/11/1980, §8)

§13-129. Line Extensions.

1. It shall be the obligation of the Company to serve all residents of the Borough except to the extent that density of homes, adverse terrain or other factors render providing service impracticable, technically infeasible or economically noncompensatory. For purposes of determining compliance with the provisions of this

§13-129, and to provide for a reasonable and nondiscriminatory policy governing extensions of cable service within the Borough, which policy was subject to public review in the public proceeding leading to the award of this franchise, the Company shall extend service to new subscribers, at the normal installation charge and monthly rate for customers of that classification, under the following terms and conditions:

- A. Where the new subscriber or nearest subscriber or nearest subscriber of a group of new subscribers is located within five hundred (500') feet of existing trunk cable, and;
 - B. Where the number of homes to be passed by such new extension cable plant bears the same proportional ratio to the total amount of new cable plant as the average number of homes passed per mile of existing cable plant.
2. In the event that the requirements of Subsections (A) and (B) are not met, the installation cost per subscriber shall be determined in accordance with the Company's rate schedule in effect at the time, which rate schedule shall be fair and reasonable in the circumstances.

(Ord. 575, 11/11/1980, §9)

§13-130. Compliance with Standards.

All facilities and equipment of the Company shall be constructed and maintained in accordance with the requirements and specifications of the National Electrical Safety Code and such applicable ordinances and regulations set forth by the Borough and/or any other local, State or Federal Agencies. (Ord. 575, 11/11/1980, §10)

§13-131. Company Rules and Regulations.

The Company shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and perform its obligations under this Part 1B, and to assure an uninterrupted service to each and all of its customers. Provided, however, that such rules, regulations, terms and conditions shall not be in conflict with the provisions hereof or of Federal and State laws. (Ord. 575, 11/11/1980, §11)

§13-132. Proceedings.

No renewal of this franchise shall be effective unless pursuant to a public proceeding affording due process. The Company shall be a party to any such proceedings and any other proceedings in which its rights, privileges or interests would be affected and shall be fully entitled to such due process rights as may be available under applicable laws, ordinances, rules or regulations. (Ord. 575, 11/11/1980, §12)

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§13-133. Approval of Transfer.

The Company shall not sell or transfer its system to another, nor transfer any rights under this Part 1B to another, without written approval by the Borough, provided, that such approval shall not be unreasonably withheld if the vendee, assignee or lessee has filed with the appropriate official of the Borough, in instrument duly executed, reciting the fact of such sale, assignment or lease and accepting the terms of this Part 1B and agreeing to perform all conditions thereof. (Ord. 575, 11/11/1980, §13)

§13-134. Compliance with FCC Rules and Regulations.

The Company shall, at all times, comply with the rules and regulations governing CATV operations promulgated by the Federal Communications Commission ("FCC"). This shall include adherence by the Company to FCC rules regarding technical and engineering specifications involved in the construction of the CATV system and signal carriage therein. (Ord. 575, 11/11/1980, §14)

§13-135. Publication Costs.

The Company shall assume the costs of the publication of all notices in connection with the grant of this franchise, the adoption of this Part 1B and the public hearing held in connection therewith. (Ord. 575, 11/11/1980, §15)

§13-136. Legal Costs.

All expenses for legal services reasonably incurred by the Borough in connection with the grant of this franchise, the adoption of this Part 1B, and the proceedings held in connection therewith shall be reimbursed to the Borough by the Company. (Ord. 575, 11/11/1980, §16)

§13-137. Activities Prohibited.

1. The Company shall not allow its cable or other operations to interfere with television reception of persons not served by the Company, nor shall the system interfere with, obstruct or hinder in any manner, the operation of the various utilities serving the residents of the Borough.
2. Except for the service to be supplied to the Borough itself and to schools in the Borough, the Company shall not, as to rates, charges, service facilities, rules, regulations, or in any other respect, make or grant any preference or advantage to any person, nor subject any person to any prejudice or disadvantage. Provided, however, that nothing in this Part 1B shall be deemed to prohibit the establish-

ment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled.

(Ord. 575, 11/11/1980, §17)

§13-138. Landlord; Tenant.

1. No landlord shall demand or accept payment from the Company for permitting the Company to provide cable television service on or within said landlord's property or premises. Provided, however, that such landlord may be entitled to reasonable reimbursement for any direct expenses incurred by him in connection with the installation of cable television service.
2. No landlord shall interfere with the installation of cable television facilities upon his property or premises nor shall such landlord discriminate in rental charges, or otherwise, between tenants who receive cable service and those who do not. No landlord shall demand or accept payment from any tenant, in any form, for permitting cable television service on or within his property or premises.

(Ord. 575, 11/11/1980, §18)

§13-139. Theft of Services and Tampering.

1. No person, whether or not a subscriber to the cable system, shall willfully, maliciously or otherwise damage or cause to be damaged any wire, cable, conduit, apparatus, appurtenance, or equipment of a Company operating a cable television system within the Borough, or commit any act with intent to cause such damage, or to tap, tamper with or otherwise connect any wire or device to a wire, cable, conduit, apparatus, appurtenance or equipment of such franchisee with the intent to obtain a signal or impulse from the cable system without authorization from or compensation to such Company, or to obtain cable television or other communications service with intent to cheat or defraud said Company of any lawful charge to which it is entitled.
2. Any person who violates any provision of this §13-129 shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not to exceed six hundred (\$600.00) dollars plus costs of prosecution and in default of payment thereof, or any part thereof, shall be sentenced to undergo imprisonment for a period not to exceed thirty (30) days.

(Ord. 575, 11/11/1980, §19; as amended by Ord. 623, 2/13/1990)

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

C. Requirements for All Cable Operators.

§13-141. Line Extensions in New Subdivisions or Developments.

In extending lines to new subdivisions and/or land development within the Borough, each cable operator shall accept from the developer only those easements which provide non-exclusive rights to operate a cable system within such subdivision and/or land development. No such easement shall prevent any other cable operator authorized to operate within the Borough, then or in the future, from using such easement to extend other and further lines to such subdivision and/or land development. The developer shall, upon notifying public utilities of the opportunity to serve such subdivision and/or land development, also notify all cable operators licensed to operate a cable system in the Borough of the opportunity to install cable facilities to serve the subdivision and/or land development. Each owner of a separate tract of land of record in such subdivision and/or land development and all persons within the Borough shall have the right to freely choose any cable operator permitted in the Borough to serve such person with such cable operator's cable system.

(Ord. 755, 7/11/2006, §1A)

§13-142. Changes Required by Public Improvements.

The cable operator shall, upon reasonable notice and at its reasonable expense, temporarily disconnect, relocate or remove from the street or other public place any of its property when required by the Borough by reason of traffic conditions, public safety, street vacation, street construction, installation of sewers, drains, water pipes, or any other type of structure or improvements by public agencies.

(Ord. 755, 7/11/2006, §1B)

§13-143. Requests for Removal or Change to Permit Moving of Buildings.

The cable operator shall, on the request of any person holding a building or moving permit, temporarily raise or lower its wires to permit the moving of said building. The expense of such temporary removal, raising or lowering of wires shall be paid by the person requesting the same, and the cable operator shall have like authority to require such payment in advance. The cable operator shall be given not less than 15 days' advance written notice of any move contemplated to arrange for temporary wire changes.

(Ord. 755, 7/11/2006, §1C)

PART 2

YARD AND GARAGE SALES

§13-201. Permit Required.

From and after the passage of this Part 2, it shall be unlawful for any person, either as principal or agent, to conduct a yard or garage sale anywhere within the Borough of Coplay without first obtaining from the Borough Secretary a permit for such sale. (Ord. 589, 7/12/1983, §1)

§13-202. Permit Number and Duration Limited.

Permits issued under the terms of this Part 2 shall not be valid for more than two consecutive days. No person shall be issued more than a total of two permits per calendar year not shall more than a total of two permits per calendar year be issued for any one location. In determining when the maximum number of permits has been issued to a particular person or for a particular location, permits for yard sales and garage sales shall be counted together. (Ord. 589, 7/12/1983, §2)

§13-203. No Fee for Permit.

There shall be no charge for any permit issued under this Part 2. (Ord. 589, 7/12/1983, §3)

§13-204. Definitions.

The following terms shall be defined as follows:

GARAGE SALE — the selling or offering for sale of any goods, wares, merchandise or personal property which is displayed in a garage, tent or other structure, whether temporary or permanent, which is not primarily designed for residential or business occupancy.

PERSON — any person, partnership, firm or corporation and shall include both the singular and the plural.

YARD SALE — the selling or offering for sale of any goods, wares, merchandise or personal property which is displayed on any lawn, yard, driveway or other open area;

(Ord. 589, 7/12/1983, §4)

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§13-205. Violations.

Any person, firm or corporation violating any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars; and costs, or in default of payment thereof shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this part 2 continues shall constitute a separate offense. (Ord. 604, 10/14/1986, §5; as amended by Ord. 623, 2/13/1990)

PART 3

PEDDLERS

§13-301. Peddlers to Obtain Licenses.

No person shall engage in the peddling of goods, wares or merchandise within the Borough of Coplay, without first having taken out a license, which license shall be issued by the Police Department.

1. The fees for such license, as established from time to time by resolution, shall be for the use of the Borough.
2. The minimum license fee shall also be established from time to time by resolution.
3. No license issued under this Part 3 shall be transferable from one person to another person.
4. The Police Department, upon due cause shown, shall have the right to refuse to issue a license hereunder. Such refusal is subject to review by the Mayor, who shall have the right to overrule the Police Department and direct that a license be issued in the event he finds there is no just cause for a refusal to license in the first instance.

(Ord. 428, 5/19/1964, §1; as amended by Ord. 623, 2/13/1990)

§13-302. Definitions and Interpretation.

PEDDLER — any person who shall engage in peddling as herein defined.

PEDDLING — engaging in selling, canvassing, soliciting or taking of orders, either by sample or otherwise, for any goods, wares or merchandise, upon any of the streets or sidewalks or from house to house within the Borough of Coplay. This definition shall not apply to the following who are definitely excluded from this Part 3:

- A. Farmers selling their own produce.
- B. The sale of goods, wares or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purposes.
- C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk or milk products.
- D. Any person engaged in the insurance business.

LICENSES, PERMITS AND GENERAL BUSINESS REGULATIONS

- E. It is not intended by this Part 3 to levy any license upon persons taking orders for merchandise by sample from dealers or merchants, as individuals or companies who pay a license or mercantile tax at their chief place of business.

PERSON — any natural person, association, partnership, firm or corporation.

In this Part 3 the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 428, 5/19/1964, §2)

§13-303. Peddlers to Carry License at All Times; Exhibit upon Request.

Every peddler shall, at all times when engaged in peddling within the Borough, carry such license upon his person, and shall exhibit such license upon request to all police officers, Borough officials and citizens of the Borough. (Ord. 428, 5/19/1964, §3)

§13-304. Hawking and Crying of Wares, Use of Noise-Making Devices by Peddlers Prohibited.

No peddler shall hawk or cry his wares upon any of the streets or sidewalks of the Borough, nor shall he use any loudspeaker or horn or other device for announcing his presence by which the public is annoyed. (Ord. 428, 5/19/1964, §4)

§13-305. Prohibited Acts of Peddlers.

No peddler shall park any vehicle upon any of the streets or alleys of the Borough in order to sort, rearrange or clean any of his goods, wares or merchandise; nor may any peddler place or deposit any refuse upon any of the streets or alleys; nor may any peddler maintain or keep a street or curb market by parking any vehicle for longer than necessary in order to sell there from to persons residing in the immediate vicinity. No peddler shall occupy any fixed location upon any of the streets, alleys or sidewalks of the Borough for the purpose of peddling, with or without any stand or counter. (Ord. 428, 5/19/1964, §5)

§13-306. Suspension of Licenses.

The Mayor or the Chief of Police is hereby authorized to suspend any license issued under this Part 3, when he deems such suspension to be beneficial to the public health, safety or morals or for violating any of the provisions of this Part 3, or for giving false information upon any application or applications for a license hereunder. (Ord. 428, 5/19/1964, §6)

§13-307. Penalty for Violation.

Any person who shall violate any of the provisions of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars and costs or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 428, 5/19/1964, §7; as amended by Ord. 623, 2/13/1990)

PART 4
UTILITY POLES

§13-401. License Fee on Electric Poles.

From and after the enactment of this Part 4, every company or corporation owning, erecting, maintaining, using or permitting to stand upon or along any of the streets or alleys in the Borough of Coplay any pole designed and intended to bear wires for the transmission of electric current shall pay to the Borough of Coplay, annually, a license fee, as established from time to time by resolution, for every such electric pole. (Ord. 83, 8/5/1904, §1; as amended by Ord. 390, 6/11/1963, §2; and by Ord. 623, 2/13/1990)

§13-402. Additional Fee for Poles Used by Other Companies.

Any corporation or company having poles erected, maintained, used or permitted to stand upon such highways, renting or allowing the use of their poles as provided for in §13-401 by any other company or corporation shall pay into the Borough Treasury a fee, as established from time to time by resolution, for each additional pole of said company or companies, or corporations so using their poles. (Ord. 83, 8/5/1904, §2; as amended by Ord. 623, 2/13/1990)

§13-403. Determination of Amount Due.

The Borough shall, annually, in the month of August, determine the number of such poles and the company or corporation liable for the license fee imposed for every pole. (Ord. 83, 8/5/1904, §3; as amended by Ord. 390, 6/11/1963, §3)

§13-404. Payment of License Fee; Penalty Added to Delinquent Amounts; Collection of Delinquent Amounts.

The annual license fee required under this Part 4 shall be due and payable to the Borough Treasurer on or before the first day of September of each and every year, and if not paid by the first day of October in any year, five (5%) percent shall be added. All such license fees remaining unpaid on the first day of October shall be certified by the Borough Treasurer to the Borough Solicitor, who shall proceed to collect the same by action of assumpsit or otherwise as provided by law. (Ord. 83, 8/5/1904, §4; as amended by Ord. 390, 6/11/1963, §4)

PART 5

POLICE PROTECTION SERVICES

§13-501. Mayor to Assign Police Protection Services.

Whenever the Mayor shall determine that police protection service shall be needed for any activity for which the Borough shall issue a permit or license, the Mayor shall assign a sufficient number of police to perform such service. (Ord. 592, 3/13/1984, §1)

§13-502. Payment for Protection Services.

Whenever any number of policemen are assigned to perform police protection services under §13-501 of this Part 5, the holder of the Borough permit or license shall be required to pay into the Borough Treasury, in payment for the services of each policeman assigned thereto, a sum, as established from time to time by resolution, based on a daily rate or a fraction thereof. (Ord. 592, 3/13/1984, §2; as amended by Ord. 623, 2/13/1990)

PART 6

NEW BUSINESS VENTURES

§13-601. New Business Enterprise Application; Fees; Penalty.

1. Each new business or commercial enterprise establishing a business or vending location within the Borough of Coplay shall complete a new business enterprise application and submit it, together with the required fee, as established by resolution from time to time by the Borough Council.
2. Said new business enterprise application shall require of the applicant the nature of the business, the responsible parties connected with the business, the building, land or portion thereof upon which the business will be conducted and shall indicate the number of employees, hazardous chemical storage and handling expectations, and such other information as may be deemed necessary for the protection of the public health, safety and welfare.
3. Said new business enterprise must file said application and fee at least thirty (30) days prior to the first sale or transaction within the Borough.
4. Any person, corporation or business entity violating any of the requirements of this Part shall be fined not more than three hundred dollars (\$300.00) per day per occurrence, in addition to all costs of court proceedings and reasonable legal fees to implement the terms and conditions of this Part.
5. This Part shall be in addition to, and not instead of, all other business regulations and ordinances applicable to business entities in the Borough.
6. Approvals by the following officers and inspectors appointed by the Borough of Coplay must be completed prior to the first sale or transaction of the new business enterprise:
 - a. Zoning Officer
 - b. Building Inspector
 - c. Electrical Inspector
 - d. Fire Chief
 - e. Health Inspector (if necessary, depending on the type of business and issuance of health license)

(Ord. 695, 2/9/1999, §§A-E; as amended by Ord. 819, 9/8/2015, §§1-2)

