

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE FOR THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, AMENDING UPPER BERN TOWNSHIP'S ORDINANCE AUTHORIZING THE GRANTING OF NON-EXCLUSIVE FRANCHISE TO OPERATE AND MAINTAIN COMMUNITY TELEVISION SYSTEMS AND CLOSED CIRCUIT TELEVISION SYSTEMS IN THE TOWNSHIP OF UPPER BERN.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Upper Bern, Berks County, Pennsylvania, as follows:

SECTION 1. That Section 9 of an Ordinance "Authorizing the Granting of Non-Exclusive Franchise to Operate and Maintain Community Television Systems," more commonly known and hereinafter referred to as "the Cable Television Ordinance," adopted October 4, 1989, is hereby amended to read as follows:

SECTION 9.

Payment to Township. Any qualifying company holding a franchise pursuant to the terms of this ordinance shall pay to the Township for the privilege of operating its community television system under such franchise the sum of five percent (5%) of the annual gross basic cable television service receipts each year thereafter.

The qualifying company shall make payment to the Township of such fee on an annual basis within thirty (30) days following the anniversary date of the grant of its franchise. Such payments shall be accompanied by written proof of the factual basis for computation of payment. Failure to make payments as required may result in the Township's imposition of penalties including those set forth in Section 10 below.

SECTION 2. That Section 12(a) of the Cable Television Ordinance is hereby amended to read as follows:

(a) A qualifying company will be required to protect or remove the cable system, at the company's own expense, whenever the Township determines that the system, or parts of the system, in any way interferes with any present or future municipal service or public works provided in the Township.

SECTION 3. That Section 12(b) of the Cable Television Ordinance is hereby amended, in part, to read as follows:

(b) Upon initial application for franchise, all prospective qualifying companies will submit a \$50,000.00 construction completion bond, subject to forfeit to the Township if the system is not built as proposed pursuant to the terms of this Ordinance and any other applicable law as well as the application for franchise submitted by the qualifying company to the Township. Upon completion, and prior to operating the system, the requirement for the \$50,000.00 construction bond will be removed. A \$25,000.00 performance bond, subject to forfeiture to the Township upon violations of this Ordinance, applicable law, or any of the terms and conditions of the application for franchise submitted by the qualifying company, may be required by the Township, if the Township determines that such a bond is necessary for satisfactory operation of the cable system by the qualifying company within the Township.

SECTION 4. That Section 12(j) of the Cable Television Ordinance is hereby amended to read as follows:

(j) All qualifying companies will provide for prompt service calls which, during regular business hours, shall be responded to within a maximum of twenty-four (24) hours from the time of complaint, and will provide for same day response for any complaint relating to complete loss of service to three or more houses located within one-half mile of each other and received by qualifying companies prior to 5:00 p.m.

SECTION 5. That Section 12(k) of the Cable Television Ordinance is hereby amended to read as follows:

(k) Weather permitting, installation of individual service will take place within ten (10) days of the application in the cases of aerial installations and within sixty (60) days in cases of underground installations.

SECTION 6. That Section 12(l) of the Cable Television Ordinance is hereby amended to read as follows:

(l) Each qualifying company will provide free installation and basic service to at least one outlet in each municipal building, public school building, public library, and police and fire stations, as long as each such building is within two hundred (200) feet of underground or aerial cable provided by the qualifying company. The distribution of additional cable facilities inside each such building shall be at the option and expense of the building owner.

SECTION 7. That Section 12(n) of the Cable Television Ordinance is hereby amended to read as follows:

(n) In the event that, for any reason within the control of the qualifying companies, service is discontinued to any subscriber for a period of more than twenty-four (24) hours, the qualifying company will rebate, at the time of the next billing, the pro rata amount of such bill that corresponds to the period of lost service.

SECTION 8. That Section 12(p) of the Cable Television Ordinance is hereby deleted in its entirety.

SECTION 9. All other provisions of the Cable Television Ordinance as hereby amended are ratified and confirmed.

SECTION 10. All other ordinances or parts of ordinances inconsistent with the terms and conditions of this Ordinance are repealed to the extent of the inconsistency.

ENACTED and ORDAINED this 5 day of Dec, 1989.

BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF UPPER BERN

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