

Chapter 74
CABLE TELEVISION

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[HISTORY: Adopted by the Council of the Borough of Berwick 6-1-1992 by Ord. No. 92-3. Amendments noted where applicable.]

§ 74-1. Short title.

This chapter shall be known and may be cited as the "Borough of Berwick Cable Television Franchise Ordinance."

§ 74-2. Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the plural number include the singular number, words in the singular number include the plural number, and words in the masculine gender shall include the feminine gender. The word "shall" is always mandatory and not merely directory.

BOROUGH OF BERWICK — The Borough of Berwick, Columbia County, Pennsylvania, acting through its duly constituted governing body.

CABLE TELEVISION SYSTEM or SYSTEM — Any facility or group of facilities which, in whole or in part, receives, modifies or originates television, FM radio or other electrical signals for the purpose of transmitting or distributing such signals by wire, cable or other means to subscribing members of the public or to selective customers, as herein contemplated.

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

OPERATOR — Any person who operates a cable television system.

§ 74-3. Grant of authority.

The Borough of Berwick hereby requires and shall require all persons who operate a cable television system within the Borough of Berwick to obtain a franchise for the continued right and privilege within the Borough of Berwick to construct, erect, operate and maintain, in, upon, along, across, over, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additions thereto, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the Borough of Berwick of a cable television system.

§ 74-4. Acceptance of franchise.

- A. If any person who currently operates a cable television system or desires to exercise the rights and privileges set forth in this chapter, it shall file in writing its unequivocal acceptance of all the terms and provisions hereof with the Borough of Berwick within 14 days after its receipt of this chapter.
- B. Any person who desires to operate a cable television system after the effective date of this chapter shall accept the franchise prior to beginning operating its system. Such an acceptance shall constitute an agreement on the part of any person to comply with all of the terms, conditions and provisions of this chapter for the term of the franchise granted hereunder.

§ 74-5. Compliance with applicable laws and ordinances.

All operators shall, at all times, during the duration of their respective franchises, be subject to all lawful exercise of the police power of the Borough of Berwick and to such reasonable regulation, not inconsistent with the Cable Communications Policy Act of 1984, 47 U.S.C. § 521 et seq., as amended, as the Borough of Berwick shall hereafter lawfully provide.

§ 74-6. Duration of franchise.

- A. The duration of the rights, privileges and authority hereby granted shall be five years from the date of the acceptance of the franchise pursuant to this chapter by the cable television operator.

- B. Any renewal of the franchise shall be governed by the procedures, rights and remedies set forth in Section 606 of the Communications Act of 1934, as amended by the Cable Communications Act of 1984.
- C. At least 15 months prior to the expiration of the franchise, the operator shall inform the Borough of Berwick, in writing, of its intent to seek renewal of the franchise and thereupon file with the borough a proposal for services.
- D. After giving public notice, the borough shall proceed to determine whether the operator has satisfactorily performed its obligations under the franchise. To determine satisfactory performance, the borough shall consider technical developments and performance of the system, programming, other services offered, cost of services and any other particular requirements set forth in the ordinance; also, the borough shall consider the company's proposal and its annual reports made to the borough and the FCC. Industry performance on a national basis shall also be considered. Provision shall be made for public comment at a public hearing on the company's request for renewal, which shall be held at least six months prior to the expiration of the franchise.
- E. The borough shall then prepare any amendments to this chapter that it believes necessary.
- F. Renewal of the company's franchise shall be at the sole discretion of the Council of the Borough of Berwick.

§ 74-7. Rates.

- A. The subscriber basic service rates shall be in accordance with the rate deregulation provisions of the Cable Communications Policy Act of 1984.
- B. When more than 150 feet of distance from cable to connection is involved, the subscriber shall be charged for installation on the basis of cost of material, labor and equipment as required by franchise. A written agreement between the subscriber and operator regarding any extra installation cost shall be executed prior to the installation of subscriber hookup.
- C. The charges for service and connection to commercial establishments such as hotels, motels, apartment houses and the like will be determined by individual contractual arrangements, however, the monthly fee for each family unit of an apartment house cannot exceed the rates as established in the franchise.
- D. The operator agrees to provide, without charge for installation or service, single hookups to the system for each municipal building, fire, police and public and parochial educational facility within the community. Such installation shall be made at such reasonable location as shall be requested by the respective units of government or educational institutions. Any charge for the relocation of such installations at the same location may be made at cost plus 10%.

§ 74-8. Payment to Borough of Berwick.

- A. For the use of the streets and other facilities of the Borough of Berwick in the operation of the cable television system and for the municipal supervision thereof, any operator shall pay to the Borough of Berwick an amount equal to 5% of the operator's gross revenues,

including pay cable revenues from operations within the Borough of Berwick, during each twelve-month period ending on the last day of May (the "annual fee"). For the purpose of this chapter, "gross revenues" shall mean those revenues derived by the operator from periodic service charges made, which should not include any refunds or credits made to subscribers, or any taxes imposed on the services furnished by operator. "Pay cable revenues" shall mean those revenues derived by the operator from delivery over the cable television system of video signals to subscribers for a fee or charge (over and above the charge for basic cable service) on a per-program, per-channel or other subscription basis.

- B. Payment of such annual fee shall be made within 30 days of the conclusion of the twelve-month period. The operator shall keep full, true, accurate and current account books reflecting the operations under this chapter, which books and records shall be made available for inspection and copying at the operator's office during regular business hours by the Borough of Berwick at no cost. Further operator shall provide the means and manner of calculation of the annual fee concurrently with the payment to the Borough of Berwick. During the initial year of this chapter, the twelve-month period shall be deemed to have commenced on June 1, 1992, and conclude on May 31, 1993.
- C. In addition to the aforesaid annual license fee, the operator shall reimburse the borough for its initial costs for attorneys' fees in connection with the establishment of this franchise, and reasonable engineering fees concerning the establishment of standards in connection with the franchise, and such other reasonable professional fees in the course of modification of the terms of this franchise as may be necessary from time to time. The operator shall be responsible for the payment of any professional fees where the borough is attempting to, or has attempted to, enforce the provisions of this chapter against any recalcitrant operator.
- D. The operator shall file with the borough, within 90 days of the expiration of any fiscal year during which this franchise is in force, a financial summary report showing gross annual revenues as defined herein, certified by the chief executive officer or chief financial officer of the operator. The report shall contain assurance that the operator is in compliance with the financial terms and provisions of this chapter.
- E. The operator is required to file an annual report with the borough within 30 days after the first anniversary date following its acceptance of the terms of this chapter and within 30 days after each succeeding anniversary date, setting forth the operator's gross revenues for the preceding year. The payments required of the operator pursuant to this section shall be made at the time of filing the report. Any noncompliance with this section shall permit the Secretary of the borough, or the borough's authorized representative, to examine or have examined the books and records of the operator to assure compliance with the terms and provisions of this chapter and to charge the reasonable cost thereof to the operator. Failure to pay any sums due on the date due will result in a five-percent penalty on the amount overdue.
- F. The operator shall keep records of account showing payments and dates received. The duly authorized agent of the borough shall have the right to inspect and audit the current records of gross revenues of the operator during normal business hours after written notice of the same is conveyed to the operator. The borough shall have the right, at its own expense, to audit the records of gross revenue of the operator for any annual period at any reasonable

time within three years after expiration of such anniversary. The gross revenue records of the operator for any annual period shall be closed to the borough after three years from the said anniversary date or after an audit of such records has been made.

§ 74-9. Indemnification.

- A. The operator shall hold the Borough of Berwick harmless and indemnify it from all claims for damages arising out of the construction, maintenance or operation of the cable television system or other apparatus under the control of the operator.
- B. The operator shall pay and, by its acceptance of the franchise, the operator specifically agrees that it will pay all damages and penalties which the borough may legally be required to pay as a result of activities by the operator. These damages or penalties shall include but shall not be limited to damages arising out of copyright infringements and all other damages arising out of the installation, operation or maintenance of the system authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this chapter.
- C. The operator shall pay and, by its acceptance of the franchise, specifically agrees that it will pay all expenses incurred by the borough in defending itself with regard to all damages and penalties mentioned above. These expenses shall include all out-of-pocket expenses, such as attorneys' fees, and shall also include the reasonable value of any service rendered by the Borough Solicitor or his assistance or any employees of the borough.
- D. The operator shall maintain and, by its acceptance of this franchise, specifically agrees that it will maintain, throughout the terms of this franchise, liability insurance insuring the borough and the operator with regard to all damages mentioned above in the minimum amounts of:
 - (1) \$1,000,000 combined single limit bodily injury or death, and property damage liability for any one occurrence under a comprehensive general liability/automobile policy or policies.
 - (2) Statutory workers' compensation insurance and employers liability limits of \$100,000.
 - (3) \$500,000 for infringement of copyrights.
- E. The operator shall maintain and, by its acceptance of the franchise, specifically agrees that it will maintain throughout the terms of this franchise a faithful performance bond running to the borough in the penal sum of \$50,000, conditioned that the operator shall well and truly observe, fulfill and perform each term and condition of this chapter and that, in case of any breach of condition of the bond, the amount thereof shall be recoverable from the principal and surety thereof by the borough for all damages resulting from the failure of the operator to well and faithfully observe and perform any provisions of this chapter. The operator may request a reduction in the bond, or that it be relieved therefrom entirely, one year from the date the operator renders full service to the customers in the borough. Relief from the bonding provision shall be exclusively within the discretion of the Council of the Borough of Berwick.

- F. The insurance policies and bond obtained by the operator in compliance with this section must be approved by the Council of the Borough of Berwick. Such insurance policies or acceptable evidence thereof and bond, along with written evidence of payment of required premiums, shall be filed and maintained with the Borough Secretary during the term of the franchise. Each applicable insurance policy and bond shall contain a thirty-day cancellation clause, with the provision that the borough receive a thirty-day direct notification by the insurance companies in the event of cancellation or nonrenewal of such insurance policies.
- G. All expenses of the above noted insurance and bond shall be paid by the operator.

§ 74-10. Standards of service.

- A. The operator shall render efficient service, make repairs promptly and interrupt service only for good cause and for the shortest possible time. Interruptions within the operator's control (for repairs and similar services), insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system.
- B. Insofar as possible, the operator shall investigate subscriber complaints within 24 hours following the receipt of the complaint and shall resolve complaints promptly. The operator shall maintain a toll-free business telephone number so as to receive requests for repairs of service or complaints during regular business hours.
- C. The operator shall, at all times during the term of the franchise, maintain a current map of its cable television system in the Borough of Berwick, which map shall be available at reasonable times for inspection by the Borough of Berwick by its designated agents or officers.
- D. The operator shall also:
- (1) Produce a picture, whether in black and white or in color, that is undistorted, free from ghost images and accompanied with the proper sound of typical television production sets.
 - (2) Transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing cross-modulation of the cables or interfering with other electrical or electronic systems.
 - (3) Maintain at all times the technical standards provided in Federal Communications Commission (FCC) regulations, as currently in effect and as amended, and shall conduct performance tests as provided in FCC regulations, as currently in effect and as amended. All said tests shall be made available to the borough.
 - (4) Transmit signals of adequate strength to produce good pictures and good sound at all outlets without interfering with other electrical or electronic systems or equipment or with television reception of sets in the area not connected to the operator's cable system.
 - (5) Whenever it is necessary to interrupt service for the purpose of making repairs, adjustments or installation, do so at such time as will cause the least amount of inconvenience to subscribers. Unless such interruption is unforeseen and immediately necessary, the operator shall give reasonable notice to affected subscribers. The

requirement for maintenance of equipment contained in this provision shall not apply to the subscriber's television receiver.

- (6) Keep a log listing by category all complaints and trouble calls received, the number of second or subsequent calls on the same complaint, the remedial action taken, the period of time required to satisfy each reported complaint and credits (if any) to subscribers. The operator shall also furnish, upon request of the borough, copies of proof of performance reports and financial reports of the operator when they are required to be filed with the FCC, together with copies of any and all other FCC filings.

§ 74-11. Construction and restoration.

- A. All transmission and distribution structures, lines and equipment erected by the operator within the Borough of Berwick shall be so located as to cause minimum interference with the reasonable use of the streets, alleys and other public ways and places and cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of said streets, alleys or other public ways and places.
- B. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the operator shall, at its sole cost and expense and in a manner approved by the Township Engineer, replace or restore all paving, sidewalk, driveways or surface of any street or alley disturbed to the same condition as before said work was commenced.
- C. The operator shall be required to obtain borough permits for any construction. The location of any poles or other objects constructed to operate the cable system shall be subject to the written approval of the borough. The operator agrees to comply with all lawful ordinances of the Borough of Berwick now or hereinafter in force.
- D. The operator's rights and privileges shall be subordinate to any prior lawful use or occupancy of the streets or other public property and shall not be so used as to interfere with existing improvements or with new improvements this borough may deem proper to make, or as to hinder or obstruct the free use of the streets, alleys, bridges or other public property. In the event that any equipment or facilities of the operator shall interfere with any such improvement existing or intended to be made by the borough, the operator shall, upon notice from the borough, forthwith relocate said equipment and facilities at operator's expense so as to eliminate said interference.
- E. In the case of disturbance of any streets, sidewalk, alley, public way, paved area or other surface, the operator shall, at its own cost and expense and in a manner approved by the borough's appropriate authority, remove, replace and restore such street, sidewalk, alley, public way, paved area or other surface so disturbed in as good a condition as before the work involving such disturbance was done.
- F. If at any time during the period of the franchise, the borough shall lawfully elect to alter or change the grade or alignment or rerouting of any street, sidewalk, alley or other public way, the operator, upon reasonable notice by the borough, shall remove, re-lay and relocate its poles, wires, cable, underground conduits, manholes and other fixtures at its own expense.

- G. Any poles or other fixtures placed in any public way by the operator shall be placed in such manner as not to interfere with the usual travel on such public way.
- H. The operator shall have the authority, under the supervision of the borough's appropriate authority, and only after prior approval thereof, to trim trees upon and overhanging streets, alleys, sidewalks and public ways and places of the borough so as to prevent the branches of such trees from coming in contact or interfering with the wires and cable of the operator.
- I. The operator shall, at 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 the building. The cost, to be determined by the operator at the rate of fair time and expense, for such temporary raising or lowering of wires shall be chargeable to the permit holder.
- J. The operator shall at all times keep on file with the Borough Manager true and accurate maps or plats of all existing and proposed aerial and underground feeder lines, trunk lines and subtrunk lines and a list of educational and municipal buildings to which special services are being provided.
- K. Construction and maintenance of the transmission distribution system shall be in accordance with the provisions of the most current National Electrical Safety Code or any amendments or revisions thereof, and in compliance with any applicable rules, regulations or orders now in effect or hereinafter issued by any federal or state commission or any other public authority having jurisdiction.
- L. All installations of equipment shall be durable, of a permanent nature and installed in accordance with good engineering practice as outlined by the National Bureau of Standards, American Institute of Electrical Engineers and American Society of Mechanical Engineers or consistent with industry standards. The operator shall comply with all borough regulations, ordinances, state and federal laws now existing or hereinafter enacted, and so as not to interfere with the right of the public or individual property owner, and so as not to unduly interfere with the travel and use of public places by the public during the construction, repair or removal of its facilities.
- M. All structures and all lines, equipment and connections in or over, under and/or upon the streets, sidewalks, alleys and public ways or places of the borough, wherever situated or located, shall be kept and maintained at all times in a safe, suitable and substantial condition and in good order and repair.
- N. In the construction, conduct, maintenance and operation of its business, the operator shall comply with all requirements of the borough's ordinances, resolutions, local laws, rules, regulations and specifications heretofore or hereafter enacted or established, including but not limited to those concerning street work, street excavation, use and removal and relocation of property within a street.
- O. The operator shall not begin any construction, modification, addition, replacement, removal or any change whatever of its facilities in any public place (except ordinary and necessary repairs) without filing with the borough and the Engineer a plan of such work and receiving written approval therefor. The review of the Engineer and the borough shall be to assure compliance with the terms of this chapter. The operator shall also, in connection with any work requiring modification of any borough facilities (including borough streets), enter into an agreement with the borough with surety satisfactory to the

borough providing for reasonable engineering and inspection fees and legal fees, if any, occasioned as a result of the work or preparation of an escrow agreement. Such escrow shall not be less than 120% of the cost of the work effecting the borough's improvements as estimated by the Borough Engineer. The operator, should it desire to do so, may submit its own estimate to the borough for consideration and review. Any such escrow agreement shall provide that the cost of repairing the borough's improvements, or restoring them to their original condition prior to the commencement of the work, may be deducted from any cash escrow placed with the borough pursuant to such agreement. The borough reserves the right to conduct periodic reviews of the escrow amount to assure the adequacy of such funds. Upon completion of such review, the borough may require the operator to place additional cash escrow aside to cover the aforementioned improvements.

§ 74-12. Franchise limitation.

- A. This franchise authorizes only the installation and operation of a cable television system and does not take the place of any other franchise, license or permit which may be required by law.
- B. The operator shall, at all times during the duration of this franchise, be subject to all lawful exercise of the police powers of the community and to such other reasonable regulations as the franchising authority shall hereafter provide.
- C. If there is any interference on any television set, radio or other electronic device not on the conductors or fixtures of the operator caused by the conductors or fixtures of the operator, the operator shall immediately, at its own expense, eliminate such interference. If such interference cannot be eliminated within 48 hours, the borough shall have the right to suspend wholly or partially the operations of the operator within the municipality until such interference is eliminated.

§ 74-13. Borough use of facilities.

The operator shall grant to the borough, free of expense, joint use of any and all poles owned by it for any proper borough purpose, provided that it may be done without interfering with the free use and enjoyment of the operator's own facilities and in compliance with the National Electric Safety Code.

§ 74-14. Emergency use.

In case of any emergency or disaster, the operator shall, upon request of the borough or its Civil Defense Authority, make its facilities available to the borough or the said authority during the emergency or disaster period without charge.

§ 74-15. Operator maintenance of office in borough.

The operator shall maintain office facilities, preferably in the borough.

§ 74-16. Right of revocation.

- A. The Borough of Berwick shall have the right to rescind or revoke the rights herein granted upon any substantial violation by the operator of any of the obligations contained herein after written notice by the Borough of Berwick to the operator and continuation of such violation. Such written notice to the operator shall specify precisely the manner in which the operator is in violation of the chapter or franchise.
- B. The notice given by the Borough of Berwick shall give the operator a specified, reasonable amount of time within which to correct the violation, but in no event shall the time period be less than 60 days from the date of receipt of the notice by the operator.
- C. The operator shall have the right to demand that, prior to any revocation of the rights granted herein, the Borough of Berwick shall hold a public hearing regarding any alleged violation that forms the basis for such allegations, at which the operator shall have the right to respond to such allegations and to present to the Borough of Berwick evidence on its own behalf.

§ 74-17. Removal of facilities from subscriber premises.

Upon termination of service to any subscriber, the operator shall promptly remove all its overhead facilities and electronic equipment from the premises of such subscriber at the subscriber's request with no charge to the subscriber. Any subscriber may terminate service at any time.

§ 74-18. Removal of facilities from borough.

At the expiration of the term for which this franchise is granted, or any extension thereof, or upon its termination and cancellation as provided for herein, the borough shall have the right to require the operator to remove at its own expense all aerial portions of the system from all public ways within the borough.

§ 74-19. Cancellation or termination of franchise.

- A. In addition to all other rights and powers pertaining to the borough by virtue of this chapter or otherwise, the borough reserves the right to terminate and cancel the franchise hereby granted and all rights and privileges of the operator hereunder in the event that the operator:
 - (1) Violates any provisions of this chapter or any rule, order or determination of the borough made pursuant to this chapter.
 - (2) Becomes insolvent, unable or unwilling to pay its debts or is adjudged a bankrupt.
 - (3) Fails to adhere to this chapter.
- B. It is provided, however, that no notice of any proposed termination and public hearing shall be given unless the operator shall have been furnished notification by the borough in

writing of its failure, act or omission and shall have been allowed 30 days in which to effect a cure..

- C. Such termination and cancellation shall be by ordinance duly adopted after 30 days' notice to the operator and in no way affects any of the borough's rights under this franchise or any provision of law. In the event that such termination and cancellation depends upon a finding of fact, such finding shall be made by the Council of the Borough of Berwick.
- D. The operator hereby releases the borough from all claims arising by reason of termination or cancellation of this franchise under the terms of this section.
- E. No ordinance terminating and canceling the franchise shall be enacted without the operator being first given the right to be heard before the Council of the Borough of Berwick at a public meeting.

§ 74-20. Continuation of service after termination of franchise.

In the event of expiration, cancellation or transfer of the franchise, the operator is required to continue to operate the system for a period of nine months, but in the capacity of a trustee for its successor in interest, and subject to an accounting for net earnings or losses during this interim period.

§ 74-21. Violations and penalties.

- A. After January 1, 1992, it shall be unlawful for any person to operate, construct, install or maintain within the Borough of Berwick any cable television system unless a franchise authorizing such use as provided hereunder has first been obtained and remains in full force and effect.
- B. In addition to the seeking of injunctive relief by the Borough of Berwick, any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of \$300 and, in default of payment, to undergo imprisonment for a term not to exceed 90 days. Each day that a violation of this chapter continues shall constitute a separate offense.

§ 74-22. Installation and extension of system.

- A. It shall be the obligation of the operator to serve residents of the Borough of Berwick except to the extent that density of homes, adverse terrain or other factors render providing services impracticable or technically or economically unfeasible.
- B. For purposes of determining compliance with the provisions of this section and to provide for a reasonable and nondiscriminatory policy of granting extensions of cable service within the Borough of Berwick, the operator 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:
 - (1) The number of homes to be passed by such new extension shall be or exceed 20 homes per linear mile or the equivalent thereof. The operator shall not be required to

provide service to those areas of the Borough of Berwick which have a density of less than 20 homes per linear mile.

§ 74-23. Regulatory and statutory action.

- A. The performance by operators under the franchises granted hereunder is subject to limitations, restrictions or requirements now existing or which may henceforth be imposed by law, rules or order of the Federal Communications Commission or any other government, board, commission or authority of any kind. No operator shall be deemed in breach of any of the requirements of this chapter or the franchises granted hereunder to the extent it performs in accordance with or refrains from doing anything prohibited by law, rules or order.
- B. In the event that the Cable Communications Policy Act of 1984 is amended hereafter during the term of any franchise which authorizes or grants to the Borough of Berwick the power and ability to regulate the rates of the operator, then the provision of said Act or amendment thereto is automatically incorporated into the terms of the franchise and this chapter and shall authorize the Borough of Berwick to regulate the rates of the operator effective upon the adoption of said amendment or statute.

§ 74-24. Filings and communications with regulatory agencies.

Copies of all petitions, applications and communications submitted by the operator to the Federal Communications Commission, Securities and Exchange Commission or any other federal or state regulatory commission or agency having jurisdiction in respect to any matter affecting the operator's operations authorized pursuant to this franchise, shall also be submitted simultaneously to the Council of the Borough of Berwick.

§ 74-25. Borough rights in franchise.

- A. The right is hereby reserved to the borough to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power, provided that such regulations, by ordinance or otherwise, shall be reasonable and not in conflict with the rights herein granted.
- B. The borough shall have the right to inspect the books, records, maps, plans, income tax returns and other like materials of the operator at any time during normal business hours, after reasonable notice to the operator.
- C. The borough shall have the right to inspect all construction or installation work performed subject to the provisions of this franchise and make such inspections as it shall find necessary to ensure compliance with the terms of this franchise and other pertinent provisions of law.

§ 74-26. Publication costs.

The operator shall assume the costs of publication of this chapter as required by law.

§ 74-27. Effective date.

- A. This chapter shall become effective upon its enactment by the Borough of Berwick.
- B. It was enacted and ordained the first day of June 1992.

