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PART 1

MECHANICAL AMUSEMENT DEVICES

§13-101. Effective Date of License Requirement.

On or after July 1, 1958, no person or persons, firm, association or corporation shall at any time have in his, its or their possession or under control within the City of Lock Haven any music box, juke box, phonograph, billiard table, pool table, gaming table or devices, machines or apparatus whatsoever, for the playing of games and amusement operated and played through the insertion therein of a coin or token, without first having secured a license therefor as hereinafter provided.

(*Ord. 429A*, 5/19/1958, §1; as amended by *Ord. 180B*, 6/27/1983, §1)

§13-102. Definitions .

COIN-OPERATED AMUSEMENT DEVICE - any amusement machine or device, whether for the playing of music or the playing of a game or games, operated by means of the insertion of a coin, token or similar object for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features.

OPERATOR - any person, firm, corporation, partnership or association who sets up for operation by another or leases or distributes for the purpose of operation by another any device as herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income derived from such device or otherwise.

PROPRIETOR - any person, firm, corporation, partnership, association or club who, as the owner, lessee or proprietor has under his, its or their control any establishment, place or premises in or at which such device is placed or kept for use or play, or on exhibition for the purpose of use or play.

(*Ord. 429A*, 5/19/1958, §2)

§13-103. License Required.

No person, firm or corporation shall engage in business as an operator or proprietor of coin-operated amusement devices, billiard tables, pool tables or gaming tables and devices, without first having obtained a proper license therefor.

(*Ord. 429A*, 5/19/1958, §3; as amended by *Ord. 180B*, 6/27/1983, §1)

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§13-104. Operator's License Fee.

The annual operator's license fee for each coin-operated table, machine or device shall be in an amount as established from time to time by resolution of City Council.

(*Ord. 429A, 5/19/1958, §4; as amended by Ord. 5B, 3/7/1977, §1; and by Ord. 670, 2/24/2003, §1*)

§13-105. Proprietor's License Fee.

The license fee for each proprietor as herein defined shall be in an amount as established from time to time by resolution of City Council.

(*Ord. 429A, 5/19/1958, §5; as amended by Ord. 814A, 1/17/1972, §1; by Ord. 180B, 6/27/1983, §I; and by Ord. 670, 2/24/2003, §1*)

§13-106. Application for License.

1. Application for license hereunder shall be filed, in writing, with the Chief of Police of the City of Lock Haven, on a form to be provided by the City of Lock Haven and shall specify:
 - A. The name and address of the applicant and, if a firm, corporation, partnership or association, the principal officers thereof and their addresses.
 - B. The address of the premises where the licensed device or devices are to be operated, together with the character of the business as carried on at such place.
 - C. The trade name and general description of the device or devices to be licensed, the name of the manufacturer and the serial number and, if the applicant is a proprietor, the number of devices to be licensed.
 - D. The name and address of the operator of the device or devices, if other than the proprietor.
2. The proper license fee shall accompany such application. Upon receipt of an application for license hereunder, the Chief of Police shall cause to be made such investigation as he shall deem necessary. If the application is approved by the Chief of Police, a license shall be issued by him and he shall remit the fee to the City Treasurer. If the license is denied the fee shall be returned to the applicant. All licenses under this Part shall expire on June 30 following their issuance. The license shall be posted in a conspicuous place in the establishment of the licensee. Such license shall be nonassignable and nontransferable, and in the case of a proprietor shall apply only to the premises for which such license is issued.

(*Ord. 429A, 5/19/1958, §6; as amended by Ord. 814A, 1/17/1972, §2*)

§13-107. Increasing Number of Devices.

In case a proprietor licensed under this Part desires, after the expiration of any portion of any license year, to increase the number of devices to be used or played, or exhibited for use or play in his establishment, he shall surrender his license to the Chief of Police who shall issue a new license showing the number of devices licensed thereunder, upon payment of the proper license fee therefor.

(*Ord. 429A*, 5/19/1958, §7; as amended by *Ord. 814A*, 1/17/1972, §3)

§13-108. Evidence of Ownership to be Filed with Chief of Police.

Any proprietor who owns such device or devices at the time this Part becomes effective shall file with the Chief of Police evidence of such ownership prior to the issuance of a license; and any proprietor purchasing a device or devices after the effective date of this Part shall file with the Chief of Police evidence of ownership thereof before exhibiting or placing said device or devices for use or play.

(*Ord. 429A*, 5/19/1958, §8; as amended by *Ord. 814A*, 1/17/1972, §3)

§13-109. Revocation of License.

The Chief of Police shall have the right to revoke any license issued hereunder for the violation of any of the provisions of this Part.

(*Ord. 429A*, 5/19/1958, §10; as amended by *Ord. 814A*, 1/17/1972, §3)

§13-110. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 429A*, 5/19/1958, §11; as amended by *Ord. 5B*, 3/7/1977, §2; and by *Ord. 670*, 2/24/2003, §1)

§13-111. Penalty for Late Payment.

In the event the annual operator or proprietor license fee is not paid on or before July 1 of each year as aforesaid, there shall be added to said operator's license fee or proprietor's license fee a penalty of 10% of said fee for late payment in addition to any penalty set forth in §13-110.

(*Ord. 429A*, 5/19/1958, §11; as added by *Ord. 180B*, 6/27/1983, §II)

PART 2

TRANSIENT RETAIL BUSINESS

§13-201. Definitions and Interpretation.

1. As used in this Part, the following words and phrases shall have the meaning ascribed to them herein:

LEGAL HOLIDAY - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas.

PERSON - any natural person, partnership, association, corporation or other legal entity.

TRANSIENT RETAIL BUSINESS -

- (1) Engaging in peddling, soliciting or taking orders, either by sample or otherwise, for any goods, wares or merchandise upon any street, alley, sidewalk or public ground, or from house to house, within the City.
- (2) Selling, soliciting or taking orders for any goods, wares or merchandise from a fixed location within the City, on a temporary basis, which shall include, but shall not be limited to, such activities conducted at the time of special occasions or celebrations, for seasonal purposes or for or in advance of specific yearly holidays.

Provided, "transient retail business" shall not include any permanent business conducted from a fixed location in the City.

2. The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 20B, 3/7/1977, §1)

§13-202. License Required; Fee; Conditions Thereof.

1. No person shall engage in any transient retail business within the City of Lock Haven without first having obtained from the Chief of Police a license, for which a fee, in an amount as established from time to time, which shall be for the use of the City, shall be charged. Provided, no license fee shall be charged under this Section:
 - A. To farmers selling their own produce.
 - B. For the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

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- C. To any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.
- D. To children under the age of 18 years who take orders for and deliver newspapers, greeting cards, candy, bakery products and the like, or who represent the Boy Scouts or Girl Scouts or similar organizations.
- E. To the seeking or taking of orders by insurance agents or brokers licensed under the insurance laws of the Commonwealth of Pennsylvania.
- F. To a person who has complied with the provisions of the Solicitation of Funds for Charitable Purposes Act, 10 P.S. §162.1 *et seq.*, as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.
- G. For taking orders for merchandise, by sample, from dealers or merchants for individuals or companies who pay a license or business privilege tax at their chief place of business.

[Ord. 670]

2. But all persons exempted hereby from the payment of the license fee shall be required to register with the Chief of Police and obtain a license without fee. Provided, further, any person dealing in one or more of the above mentioned exempted categories and dealing with other goods, wares or merchandise not so exempted, shall be subject to the payment of the license fee fixed by this Section for his activities in connection with the sale of goods, wares and merchandise not in such exempted categories. Provided, further, the Chief of Police may similarly exempt from payment of the license fee, but not from registering with him, persons working without compensation and selling goods, wares or merchandise for the sole benefit of any nonprofit corporation. Provided, further, every license issued under the provisions of this Part shall be issued on an individual basis to persons engaging in such business; every individual shall obtain a separate license, issued to him in his name and the license fee hereby imposed shall be applicable to every such individual license, except that a representative of a charitable organization may obtain the licenses for the applicants therein.

(Ord. 20B, 3/7/1977, §2; as amended by Ord. 670, 2/24/2003, §1)

§13-203. Application for License.

Every person desiring a license under this Part shall first make application to the Chief of Police for such license. If such person shall also be required to obtain a license from any State or County officer, he shall, when making such application, exhibit a valid license from such State or County officer. The applicant shall state:

- A. His criminal record, if any.
- B. The name and address of the person by whom he is employed.

- C. The type of goods, wares and merchandise he wishes to deal with in such transient retail business.
- D. The length of time for which license is to be issued.
- E. The type and license number of the vehicle to be used, if any.

(Ord. 20B, 3/7/1977, §3)

§13-204. Issuance of License; Custody, Display, or Exhibit.

Upon receipt of such application and the prescribed fee, the Chief of Police, if he shall find such application in order, shall issue the license required under this Part. Such license shall contain the information required to be given on the application therefor. Every license holder shall carry such license upon his person if engaged in transient retail business from house to house or upon any of the streets, alleys, sidewalks or public grounds or shall display such license at the location where he shall engage in such business if doing so at a fixed location. He shall exhibit such license, upon request, to all police officers, City officials and citizens or residents of the City.

(Ord. 20B, 3/7/1977, §4)

§13-205. Prohibited Acts.

No person in any transient retail business shall:

- A. Sell any product or type of product not mentioned in his license.
- B. Hawk or cry his wares upon any of the streets, alleys, sidewalks or public grounds in the City.
- C. When operating from a vehicle, stop or park such vehicle upon any of the streets or alleys in the City for longer than necessary in order to sell therefrom to persons residing in the immediate vicinity.
- D. Park any vehicle upon any of the streets or alleys in the City for the purpose of sorting, rearranging or cleaning any of his goods, wares or merchandise or of disposing of any carton, wrapping material or of any stock or wares or foodstuffs which have become unsalable through handling, age or otherwise.
- E. Engage in any business activity prohibited in the City by general or special law applicable thereto.

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- F. Engage in any house-to-house activity, except by prior appointment, at any time on a Sunday or legal holiday or at any time before 9 a.m. or after 8 p.m. on any day of the week other than a Sunday or legal holiday.

(*Ord. 20B, 3/7/1977, §5*)

§13-206. Supervision; Records and Reports.

The Chief of Police shall supervise the activities of all persons holding licenses under this Part; he shall keep a record of all licenses issued hereunder and shall make a report thereof each month to the City Council.

(*Ord. 20B, 3/7/1977, §6*)

§13-207. Suspension and Revocation of License; Appeal.

The Chief of Police is hereby authorized to suspend or revoke any license issued under this Part when he deems such suspension or revocation to be beneficial to the public health, safety or morals, for violation of any provision of this Part or for giving false information upon any application for a license hereunder. Appeals from any suspension or revocation may be made to the City Council at any time within 10 days after such suspension or revocation. No part of a license fee shall be refunded to any person whose license shall have been suspended or revoked.

(*Ord. 20B, 3/7/1977, §7*)

§13-208. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 20B, 3/7/1977, §8; as amended by Ord. 670, 2/24/2003, §1*)

PART 3

ALARMS

§13-301. Definitions.

As used in this Part, the following terms shall have the meaning indicated, except where the context clearly indicates a different meaning:

ALARM SYSTEM - an assembly of equipment and devices, or a single device such as a solid state unit, which uses electrical energy to signal the presence of a hazard requiring urgent attention such as a burglar, robbery, fire, smoke or need for medical assistance within a building, structure or facility, or for alerting others to the commission of an unlawful act or hazard within the building, structure or facility and to which firemen, policemen or public safety officers are expected to respond, and which emits a sound or transmits a signal or message when actuated. "Alarm system" includes, but is not limited to, the terms "audible alarm system," "automatic hold-up alarm system," "burglar alarm system," "fire alarm system" and "manual hold-up alarm system," as those terms are hereinafter defined. Excluded from the definition of "alarm systems" are systems used solely to alert or signal persons within the premises in which the alarm system is located.

ALARM USER - any person, corporation, partnership or association owning, leasing, occupying or found in charge of any premises wherein an alarm system is located.

ANSWERING SERVICE - a telephone answering service providing the service of receiving emergency signals from an alarm system and thereafter relaying the emergency alarm by voice to the Clinton County Communication Center and/or the Police Department for the City of Lock Haven.

AUDIBLE ALARM SYSTEM - an alarm system which generates an audible sound on the premises when it is actuated, which sound can be heard by persons not on the premises although it may be also heard on the premises.

AUTOMATIC HOLD-UP ALARM SYSTEM - an alarm in which the signal transmission is initiated by the action of the robber or intruder.

BURGLAR ALARM SYSTEM - an alarm signaling an entry or an attempted entry in the area protected by the alarm system.

FALSE ALARMS - the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or his employees or agents.

FIRE ALARM SYSTEM - an alarm system signaling fire and/or smoke in the area protected by the alarm system and shall include, but not be limited to, all fire alarms, smoke alarms or sprinkler alarms.

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MANUAL HOLD-UP ALARM SYSTEM - refers to an alarm in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.

PUBLIC SAFETY ALARM - any one or more of the alarm systems described in this Section.

SUBSCRIBER - the person who buys or leases or otherwise obtains for use upon the premises within the City an alarm system or contracts with or hires an alarm business to monitor or service the alarm system.

(Ord. 352B, 8/6/1990, §I)

§13-302. Notification.

1. **Entry on Premises.** The alarm subscriber shall provide the Clinton County Communication Center with the names and residence telephone numbers of at least two persons who can be reached by telephone and who can provide entry into the premises wherein an alarm system is located for the purpose of terminating an alarm signal.

(Ord. 352B, 8/6/1990, §II)

§13-303. Testing of Alarm.

No alarm system shall be tested with a resulting transmission of an alarm without first notifying the Clinton County Communication Center.

(Ord. 352B, 8/6/1990, §III)

§13-304. Liability of the City of Lock haven.

The City of Lock Haven shall not be liable for the maintenance of any alarm system equipment, for answering any alarms or for any loss or damage relating to the alarm system or procedure; and, further, each subscriber shall hold harmless the City of Lock Haven, as well as its employees for the same and shall reimburse for any reasonable attorney's fees and cost incurred in the event the City of Lock Haven is made party to any such legal proceedings.

(Ord. 352B, 8/6/1990, §V)

§13-305. False Alarms, Penalties, Disconnection.

1. **Penalty.** Each subscriber shall pay to the City of Lock Haven a penalty in the event a false alarm is transmitted to the Clinton County Communication Center, as follows:

- A. For the first two false alarms in any calendar year. No Penalty
- B. For the third false alarm in any calendar year. \$25.00
- C. For the fourth false alarm in any calendar year. \$50.00
- D. For the fifth and each succeeding false alarm in any calendar year. \$100

(Ord. 352B, 8/6/1990, §VI)

§13-306. Notification.

1. When a false alarm occurs, the Lock Haven City Police Department or the Lock Haven Fire Department, within 10 days from the date of the false alarm, shall notify the subscriber of the alarm device from which the false alarm emanated that a false alarm charge is due and the amount thereof. Such notice shall be in writing and mailed (certified mail) to the subscriber at the location of the alarm. Failure of the Lock Haven Police Department or the Lock Haven Fire Department to mail notice of assessment of a false alarm charge within 10 days from the occurrence of a false alarm shall preclude the City from assessing a false alarm charge for said false alarm.
2. A false alarm charge shall be due and payable at the office of the Lock Haven City Police Department 15 days from the date of the mailing of the notice of assessment of the charge.
3. Failure of the subscriber causing a false alarm to pay a false alarm charge on or before the date due shall constitute a violation of this Part and shall be subject to termination of police or fire response.

(Ord. 352B, 8/6/1990, §VII)

§13-307. Circumstances Not Constituting False Alarms.

Alarm conditions caused by the following circumstances shall not constitute a false alarm for which a user fee is imposed. Alarm system malfunctions, if:

- A. A person who has accidentally caused a false alarm immediately calls the Clinton County Communication Center in time to prevent a response of the police or fire department to the premises.
- B. Alarm activated by storm conditions, motor vehicle-utility pole collisions or disruption of telephone company service or other natural disaster.

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- C. Corrective measures are instituted and written proof of repairs provided within 72 hours after the alarm has been transmitted. Written proof of repairs shall be provided to the Fire Chief for all false alarm notifications issued by the Fire Department and to the Chief of Police for all false alarm notifications issued by the Police Department.

(*Ord. 352B*, 8/6/1990, §VIII; as amended by *Ord. 611B*, 6/4/2001, §I)

§13-308. Termination of Response.

In the event the subscriber of an alarm device has been assessed with eight or more penalties per calendar year or has any unpaid penalties, the Chief of Police or the Lock Haven Fire Department Chief shall recommend to the City Manager that the City terminate responses until such time as the penalties are paid in full and/or the subscriber has his alarm system certified as repaired and functioning properly by a company which installs and maintains alarm systems.

(*Ord. 352B*, 8/6/1990, §IX)

PART 4

CABLE TELEVISION REGULATIONS

§13-401. Preliminary Provisions.

1. **Short Title.** This Part shall be known and may be cited as the "City of Lock Haven Cable Television Ordinance Amendments of 1993."
2. **Repealer.** All other ordinances of the City of Lock Haven are repealed to the extent inconsistent herewith. All franchise agreements between the City of Lock Haven and cable operators are abrogated to the extent, and only to the extent, inconsistent herewith, except to the extent abrogation is not required by the Federal Cable Television Consumer Protection and Competition Act of 1992 or the regulations promulgated thereunder.
3. **Purpose.** The purpose of this Part is to regulate cable television in the exercise of the power of City Council to (i) regulate telephone, telegraph and electric power poles, and other obstructions erected upon or in the streets and roads of the City; and (ii) provide for the maintenance of peace, good government, safety and welfare of the City and its trade, commerce and manufactures.
4. **Federal Law.** This Part is enacted under the Federal Cable Television Consumer Protection and Competition Act of 1992, which permits local franchising authorities to regulate cable television, subject to certain substantive and procedural limitations.
5. **Interpretation.** In interpreting and applying the provisions of this Part, these provisions shall be construed broadly as required for the maintenance of peace, good government, safety and welfare of the City and its trade, commerce and manufactures.
6. **Severability.** It is the intent of the City of Lock Haven that, if a court of competent jurisdiction declares any provisions of this Part to be invalid or ineffective, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Part shall continue to be separately and fully effective.
7. **Conflict with Federal Law.** It is the intent of City Council that this Part conform to the Federal law. If a court of competent jurisdiction declares any provision of this Part to be in conflict with the Federal law, the Federal law will control and this Part, to the extent that any provision is declared to be in conflict with the Federal law, shall not apply.
8. **Effective Date.** This Part shall become effective 10 days from the date of enactment.

(Ord. 462B, 3/21/1994, §A)

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§13-402. Definitions.

As used in this Part, the following terms shall have the following meanings:

ASSOCIATED EQUIPMENT - all equipment in a cable subscriber's home that is used to receive the basic service, regardless of whether such equipment is additionally used to receive other tiers of regulated programming service and/or unregulated service. Equipment shall include, but not be limited to:

- (1) Converter boxes.
- (2) Remote control units.
- (3) Connections for additional television receivers,
- (4) Other cable home wiring.

BASIC SERVICE RATE - the rate charged by a cable operator for basic service and associated equipment costs.

BASIC SERVICE - at a minimum, all signals of domestic television broadcast stations provided to any subscriber (except a signal secondarily transmitted by satellite carrier beyond the local service area of such station, regardless of how such signal is ultimately received by the cable system), any public, educational and governmental programming required by the franchise to be carried on the basic tier and any additional video programming signals a service added to the basic tier by the cable operator.

CABLE OPERATOR - any person or group of persons:

- (1) That provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system.
- (2) Who otherwise owns, controls or is responsible for, through any arrangement, the management and operation of a cable system.

CABLE SERVICE -

- (1) The one-way transmission to subscribers of (i) video programming, or (ii) other programming service.
- (2) Subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

CABLE SYSTEM - a facility, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but does not include:

- (1) A facility that serves only to retransmit the television signals of one or more television broadcast stations.
- (2) A facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless such facility uses any public right-of-way.
- (3) A facility of a common carrier, except to the extent that such facility is used in the transmission of video programming directly to subscribers.
- (3) Any facilities of any electric utility used solely for operating its electric utility systems.

CITY COUNCIL - the Lock Haven City Council.

FEDERAL LAW - the Federal Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, and all regulations promulgated by the FCC thereunder, as any of the foregoing may be amended from time to time.

FCC - the Federal Communications Commission.

MUNICIPALITY - the City of Lock Haven, a city of the third class; a political subdivision of the Commonwealth of Pennsylvania.

(Ord. 462B, 3/21/1994, §B)

§13-403. Administrative Provisions.

1. Appointment and Powers of Compliance Officer.

- A. For the administration of this Part, a compliance officer, who shall not hold any elective office in the City, shall be appointed by the City Council.
- B. The compliance officer shall meet the qualifications established by City Council and shall be able to demonstrate to the satisfaction of City Council a working knowledge of cable regulation under the Federal law and this Part.
- C. The compliance officer shall administer this Part in accordance with its literal terms.

2. Duties of Compliance Officer. This compliance officer shall be responsible for:

- A. Taking such action on behalf of the City as may from time to time be required to obtain or maintain the City's certification to regulate basic service rates.

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- B. Notifying all cable operators serving the City when the City has been certified by the FCC to regulate basic service rates.
- C. Notifying all cable operators serving the City that the City intends to enforce the minimum customer service standards established by the Federal law.
- D. Making all filings required or permitted to be made to the FCC by the City pursuant to the Federal law, subject to oversight and control of City Council.
- E. Receiving, filing in the public records of the City, reviewing for completeness and placing on the City Council's agenda for consideration, all submissions, petitions and other filings required or permitted to be made to the City pursuant to the Federal law. All submissions, petitions and other filings made to the City pursuant to the Federal law shall be made via first class mail, postage prepaid, to the following address:

City of Lock Haven
Attn: Cable Television Compliance Officer
City Hall, 20 East Church Street, Lock Haven, PA 17745.

- F. Receiving and transmitting to the proper officer of the City any filing fees paid pursuant to this Part. The filing of fees, as applicable to this Part, shall be in amounts established from time to time by resolution of City Council. [*Ord. 670*]
- G. Enforcing the provisions of this Part and all decisions of City Council made hereunder to the fullest extent permitted by the Federal law, subject to the oversight and control of City Council.
- H. Taking such other action as may be necessary from time to time, subject to the oversight and control of City Council, to protect the right of the City to regulate cable television to the fullest extent permitted by the Federal law.

(*Ord. 462B*, 3/21/1995, §C; as amended by *Ord. 670*, 2/24/2003, §1)

§13-404. Rate Regulation Provisions.

- 1. **Regulation of Basic Service Rates.** The City Council shall regulate basic service rates in accordance with the substantive and procedural provisions of the Federal law and any applicable state law or regulations or local ordinances.

A. Duties of Cable Operators.

- (1) Within 30 days of receiving written notification from the City that the City has been certified by the FCC to regulate rates for the basic service, a cable operator shall file its schedule of rates for the basic service and associated equipment with the City.

- (2) At least 30 days prior to increasing its rates for the basic service, a cable operator shall notify each subscriber of the proposed rate increase in billing envelopes and shall file a notice of its proposed rate increase with the City, together with the fee in an amount as established from time to time by resolution of City Council. [Ord. 670]
- (3) At the time of filing a schedule of rates or a proposed rate increase with the City, a cable operator shall (i) publish a summary of the rates or rate increase in a local newspaper of daily general circulation for at least 3 consecutive days in a block advertisement no smaller than 3 inches by 4 inches; and (ii) cablecast a summary of the rates or rate increase on its public information channel, at least twice daily at such times as are reasonably expected to reach the largest audience, over a 7 day period, in each case notifying interested parties that they must submit written comments by a certain date (within 15 days of the cable operator's filing with the City), at the municipal address.
- (4) A cable operator shall comply with all orders of the City, except that a cable operator shall not be required to comply with an order if the cable operator demonstrates that complying with the order would require the cable operator to disclose proprietary information.

B. Duties of the City.

- (1) Upon receipt of a cable operator's schedule of rates or a proposed rate increase, the City shall cablecast a summary of the rates or rate increase on the channel(s) allocated to the City at least twice daily at such times as are reasonably expected to reach the largest audience, over a 3 day period, along with a notice that interested parties shall submit written comments to the City by a date certain (within 15 days of the cable operator's filing with the City), at the City address.
- (2) The City shall make any decision on the reasonableness of current basic service rates and proposed rate increases pursuant to the procedural and substantive provisions of the Federal law.
- (3) In making a decision on the reasonableness of current basic service rates or proposed rate increases, the City shall have the authority to compel the production of proprietary information from cable operators and, in such circumstances, the City shall be subject to the confidentiality provisions set forth elsewhere in this Part.

- C. Enforcement.** In rendering its decisions, the City Council shall have the full authority granted to it pursuant to the Federal law to order a cable operator to take any and all actions as the Federal law permits including, without limitation:

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- (1) Ordering a cable operator to implement a reduction in basic service tier or associated equipment rates where necessary to bring rates into compliance with the standards set forth in the Federal law.
- (2) Prescribing a reasonable rate for the basic service tier or associated equipment after it determines that a proposed rate is unreasonable.
- (3) Ordering a cable operator to refund to subscribers that portion of previously paid rates determined to be in excess of the permitted tier charge or above the actual cost of equipment, unless the operator has submitted a cost-of-service showing which justified the rate charged as reasonable. Before ordering such a refund, however, the City shall give the operator notice and shall give the operator 15 days from the date such notice is given to submit written comments to the City. Any such refund order shall be further subject to the limitations contained in the Federal law.

D. **Penalties.** In the event that a cable operator does not comply with a decision made pursuant to this Part and directed specifically toward the cable operator, the City may assess a fine against the cable operator as set by resolution of the City of Lock Haven. [*Ord. 670*]

(*Ord. 462B, 3/21/1994, §D; as amended by Ord. 670, 2/24/2003, §1*)

§13-405. Customer Service Regulation Provisions.

1. **Federal Minimum Customer Service Standards Adopted.** It is the intent of the City to enforce the following minimum customer service standards as established by the Federal law.

A. Cable System Office Hours and Telephone Availability.

- (1) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, 7 days a week.
 - (a) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.
 - (b) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

- (2) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed 30 seconds. These standards shall be met no less than 90% of the time under normal operating conditions, measured on a quarterly basis.
- (3) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.
- (4) Under normal operating conditions, the customer will receive a busy signal less than 3% of the time.
- (5) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

B. Installation, Outages and Service Calls. Under normal operating conditions, each of the following four standards will be met no less than 95% of the time measured on a quarterly basis:

- (1) Standard installations will be performed within 7 business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.
- (2) Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.
- (3) The "appointment window" alternatives for installations, service calls and other installation activities will be either a specific time or, at maximum, a 4 hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)
- (4) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.
- (5) If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

C. Communications Between Cable Operators and Cable Subscribers.

- (1) **Notification to Subscribers.**

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- (a) The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request.
 - 1) Products and services offered.
 - 2) Prices and options for programming services and conditions of subscription to programming and other services.
 - 3) Installation and service maintenance policies.
 - 4) Instructions on how to use the cable service.
 - 5) Channel positions of programming carried on the system.
 - 6) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.
- (b) **Billing.**
 - 1) Bills will be clear, concise and understandable. Bills must be fully itemized with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.
 - 2) In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days.
- (c) Refunds. Refund checks will be issued promptly, but no later than either:
 - 1) The customer's next billing cycle following resolution of the request or 30 days, whichever is earlier.
 - 2) The return of the equipment supplied by the cable operator if service is terminated.
- (d) Credits. Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

D. **Definitions.**

NORMAL BUSINESS HOURS - those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

NORMAL OPERATING CONDITIONS - those service conditions which are within the control of the cable operator. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods and maintenance or upgrade of the cable system.

SERVICE INTERRUPTION - the loss of picture or sound on one or more cable channels.

2. **Enforcement.** In furtherance thereof, the compliance officer, 90 days after giving notice to the cable operators of the City's intent to enforce these standards, shall have the authority and responsibility to enforce these standards to the fullest extent permitted by the Federal law and in accordance with all substantive and procedural requirements of the Federal law. In furtherance thereof, the compliance officer may make any and all such orders and assess any and all such penalties for violations of these standards as are permitted by the Federal law, subject to the oversight and control of the City Council, including, without limitation:
 - A. Ordering the cable operator to pay credits or refunds to the subscribers to the cable operator's system.
 - B. Filing suit against a cable operator to compel specific performance.
 - C. Conducting performance evaluations at the time of renewal of the cable operator's franchise agreement.
3. **Other Customer Service Standards Not Affected.** All other customer service standards, whether established by franchise agreement, State law or regulation or local ordinance, and whether now or hereafter enacted, shall remain in full force and effect to the extent that such other customer service standards are not preempted by the Federal law.

(Ord. 462B, 3/21/1994, §E)

