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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1750

Session of  
1983

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INTRODUCED BY PHILLIPS, BALDWIN, COSLETT, BOWSER, SHOWERS,  
GLADECK, VROON AND HERMAN, DECEMBER 5, 1983

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, DECEMBER 5, 1983

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AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An  
2 act concerning townships of the second class; and amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," providing for a township's power as to cable  
5 television systems.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 702 of the act of May 1, 1933 (P.L.103,  
9 No.69), known as The Second Class Township Code, reenacted and  
10 amended July 10, 1947 (P.L.1481, No.567), is amended by adding a  
11 clause to read:

12 Section 702. Supervisors to Exercise Powers.--The corporate  
13 powers of townships of the second class shall be exercised by  
14 the township supervisors. Where no specific authority is given  
15 for the expenditures incident to the exercise of any power  
16 hereinafter conferred, or where no specific fund is designated  
17 from which such expenditures shall be made, appropriations for  
18 such expenditures shall be made only from the general township  
19 fund. In addition to the duties imposed upon them by section 516

1 hereof, they shall have power--

2 \* \* \*

3 LXXV. Regulation and Franchisement of Cable Television  
4 Systems.--To regulate by resolution or ordinance cable  
5 television systems; to grant and revoke a cable television  
6 system franchise or franchises; to prohibit the operation of a  
7 cable television system except in accordance with the conditions  
8 of such regulations and franchise agreements. If no responsible  
9 party applies for a cable television franchise in the township,  
10 the township may establish and operate a municipal cable  
11 television system. Any township-operated cable television system  
12 in operation on the effective date of this clause may continue  
13 to operate without the necessity of first offering the franchise  
14 to an outside party. Any franchise agreement entered into by a  
15 township and a cable television system prior to the effective  
16 date of this clause is hereby validated and the parties to such  
17 franchise agreement shall be bound by its provisions. Any cable  
18 television system in operation in a township on the effective  
19 date of this clause without a formal franchise agreement with  
20 the township shall be deemed to be franchised to provide cable  
21 television service in the township for a period of fifteen years  
22 from the effective date of this clause on the condition that  
23 adequate service is continued to be provided to the residents of  
24 the township during such fifteen-year period. The township may  
25 impose reasonable franchise fees and regulations on the cable  
26 television system operator during the fifteen-year period.

27 Section 2. Section 1156 of the act, amended March 1, 1974  
28 (P.L.88, No.23), is amended to read:

29 Section 1156. Permits.--No railroad or street railway shall  
30 hereafter be constructed upon any township road, nor shall any

1 railroad or street railway crossings, nor any gas pipe, water  
2 pipe, electric conduits, or other piping, be laid upon or in,  
3 nor shall any telephone, telegraph, or electric light or power  
4 poles, cable television lines, poles and appurtenant structures  
5 or any coal tipples or any other obstructions be erected upon or  
6 in, any portion of a township road except under such conditions,  
7 restrictions and regulations relating to the installation and  
8 maintenance thereof, as may be prescribed in permits granted by  
9 the township for such purpose. Each application shall be  
10 submitted to the township, in duplicate, or such larger number  
11 as the township may require. The township shall prescribe a fee  
12 as determined by the Department of Transportation payable to the  
13 township not exceeding the approximate reasonable cost of  
14 processing the application, and another fee payable to the  
15 township not exceeding the approximate reasonable cost of making  
16 the first inspection hereafter described. Each application shall  
17 be accompanied by both fees. When the township shall grant the  
18 permit applied for, the township supervisors shall inspect the  
19 work authorized by the permit upon the completion thereof, and  
20 when necessary, enforce compliance with the conditions,  
21 restrictions and regulations prescribed by the township. In  
22 addition to such inspection, the township supervisors may  
23 reinspect the work not more than two years after its completion,  
24 and if any settlement of the road surface or other defect shall  
25 appear in the work contrary to the conditions, restrictions and  
26 regulations of the township, it may enforce compliance  
27 therewith. If the applicant shall fail to rectify any such  
28 settlement or other defect, within sixty days after written  
29 notice from the township supervisors to do so, the township  
30 supervisors may do the work and impose upon the applicant the

1 cost thereof, together with an additional twenty percentum (20%)  
2 of such cost, which may be recovered by an action in assumpsit  
3 in the court of common pleas of the county. All fees received by  
4 the township shall be paid into the township treasury. Nothing  
5 in this section shall be construed to require a permit in  
6 advance for emergency repairs necessary for the safety of the  
7 public or the restoration or continuance of public utility or  
8 other public service, but application for such permit and the  
9 fees shall be submitted as herein prescribed within five days  
10 after completion of the work, and thereafter the remaining  
11 provisions of this section shall apply. Further, nothing in this  
12 section shall be construed to authorize or empower a township to  
13 regulate or control the operations of any permittee, except as  
14 provided for in this section.

15 Section 3. This act shall take effect in 60 days.