

**BOROUGH OF KULPMONT,
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-04

**AN ORDINANCE OF THE BOROUGH OF KULPMONT,
NORTHUMBERLAND COUNTY, PENNSYLVANIA, PROVIDING
FOR THE REGULATION OF OVERHEAD WIRES OVER STREETS
AND RIGHTS OF WAY WITHIN THE BOROUGH**

SECTION 1. The Council of the Borough of Kulpmont, Northumberland County, Pennsylvania, under the authority of the Pennsylvania Borough Code, hereby enacts this ordinance and shall be known as the Overhead Wire Ordinance of the Borough of Kulpmont.

SECTION 2. Definitions

Abandoned - means any line that has not been in operation for a period of at least twelve consecutive months.

Entity - means a person, municipality, Utility or corporation having ownership of a line in this Commonwealth, including ownership acquired by sale or corporate merger.

Line - means an above ground cable or wire attached to a pole, building or other structure, used for the provision of any telecommunications or Utility service and shall include any equipment or facility associated with that line attached to that pole, building or other structure.

Telecommunications service - means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point or between or among points.

Utility - means any “public Utility” regulated in the Commonwealth of Pennsylvania.

Days - calendar days.

Municipality - shall mean the Borough of Kulpmont, County of Northumberland, Commonwealth of Pennsylvania.

Right of Way As used herein shall refer to the surface of and the space along, above and below any street, road, highway, freeway, lane, sidewalk, alley, court,

boulevard, parkway, drive, Utility easement and/or road right of way now or hereafter held or administered by the Borough of Kulpmont.

SECTION 3. Section IX - Condition of Street Occupancy.

- a. All transmission and distribution structures, lines and equipment erected by a Utility within the Municipality shall be so located as to cause minimum feasible interference with the property use of streets, alleys and other public ways, roads and places and to cause minimum feasible interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways, roads and places. The Utility shall obtain any required permits prior to construction.
- b. In case of any disturbance of any Utility, pavement, sidewalk, driveway or other surfacing or other surfacing by Utility, Utility shall, at its expense and in a manner approved by the Municipality, replace and restore the same in as good condition as before said work commenced.
- c. Abandoned Lines.
 - 1. Utility shall not have any abandoned lines in or above the right of way without the prior written consent of the Borough of Kulpmont. As needed but no more than twice annually, Utility shall provide the Borough with written notice identifying lines that Utility designates as abandoned or will likely become abandoned lines due to non-use, prior to the lines being abandoned, along with a reasonable plan for removal of such lines. All necessary permits must be obtained prior to such removal work, which will be granted in an expeditious manner by the Borough.
 - 2. The Borough may request in writing that Utility provide a determination as to whether certain lines are abandoned lines. Such determination shall be made in Utility's sole discretion and Utility shall provide written notice to the Borough of its determination within thirty (30) days of the Borough's request.
- d.
 - 1. Notwithstanding any law, rule, regulation or order to the contrary and in accordance with federal law, an entity owning a line that is abandoned or permanently out of service shall remove that line from all points of attachment.
 - 2. Following sixty days of the effective date of this Ordinance an entity that installs or otherwise maintains a line over which the entity has ownership shall mark both ends of the

line with the initials of the entity's name, abbreviation of the entity's name, corporate symbol or other distinguishing mark or code by which ownership may be readily and ascertained.

SECTION 4. Penalties.

Any person, firm or corporation who shall violate any provision of this ordinance, upon conviction thereof in an action brought before a District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$500.00 plus costs and in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety days. Each day that a violation of this part continues or each section of this part which shall be found to have been violated shall constitute a separate offense.

SECTION 5. This ordinance shall take effect five days after its enactment.

Enacted and ordained this 12th day of July 2023.

This ordinance shall become effective five (5) days after the adoption hereof.

DULY ENACTED AND ORDAINED BY Borough Council, of the Borough of Kulpmont, Northumberland County, Pennsylvania, this 12th day of July 2023, in lawful session duly assembled.

ATTEST:

BOROUGH OF KULPMONT:

Secretary

Robert M. Slaby, Mayor

Stephen Bielskie, President