

SECTION 24 – CABLE TELEVISION
(Amended October 3, 1994, effective November 3, 1994)

24.01 **CONDITIONAL USE CERTIFICATES FOR CABLE TELEVISION.** The following shall require the issuance of a Conditional Use Certificate by the Board of Zoning Appeals.

1. The location, construction and reconstruction of lines, towers and related equipment for the operation of a cable television system when said cable television system is authorized by the Federal Communication Commission.

24.02 **APPLICATION AND NOTICE OF HEARING.** An application for the Conditional Use Certificate shall be filed with the Township Board of Zoning Appeals for the use herein set forth. The application will contain the following:

1. Plot plan drawn to scale showing location of all equipment and installations.
2. A comprehensive summary of data pertaining to the proposed use.

The Township shall conduct a public hearing on the application within thirty (30) days of the receipt thereof. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Township one (1) time which shall be not less than fifteen (15) days before the date of the public hearing. Said notice shall state the time and place and purpose of said hearing.

24.03 **HEARING, PERMIT AND ENFORCEMENT.** The Board of Zoning Appeals shall conduct the public hearing, as provided in Section 14 of the Resolution, and shall make a finding of fact and order thereon within thirty (30) days of the date of the public hearing, which finding and order shall be recorded in the minutes of the Board of Zoning Appeals. In the event the order of the Board of Zoning Appeals is favorable to the applicant, a Conditional Use Certificate shall be issued by the Zoning Inspector which clearly states all of the conditions and covenants which said permit is subject. A copy of the Certificate will be signed by the Zoning Inspector and the applicant, and the applicant will consent in written form and agree to abide by all conditions imposed by the Board of Zoning Appeals.

The Township Zoning Inspector shall enforce compliance with all conditions as set forth in the Certificate.

Any Certificate holder who violates one (1) or more of the conditions of this certificate shall be subject to the penalties set forth in Section 5, the Township Zoning Inspector may apply to a court of proper jurisdiction for an order enjoining the use covered under the Certificate, or for other equitable relief.

24.04 **STANDARDS, CONDITIONAL USE CERTIFICATE.** In determining the subject matter of the application for a Conditional Use Certificate the Board of Zoning Appeals shall consider how the effect of the issuance of such certificate will subsequently serve the interest of the community and the intent and purpose of this chapter whether such proposed use will be detrimental to the use of other premises in the immediate vicinity, and

whether the premises to which such Certificate would be applied will be denied any reasonable use thereof.

In the event such Conditional Use Certificate is granted, appropriate conditions shall be provided whereby the existing character and use of other premises in the vicinity affected will be best preserved and the purpose and intent of this and the general welfare be best served.

24.05 CERTIFICATE RENEWAL. As one of the conditions of the issuance of the Conditional Use Certificate the Board of Zoning Appeals requires a renewal application on a form to be prescribed by the Board of Zoning Appeals to be filed with the Board of Zoning Appeals by the applicant no less than once every five (5) years, and no more than once a year. The certificate will be renewed by the Board of Zoning Appeals without a public hearing, unless the Board of Zoning Appeals has reasonable grounds to believe that the applicant has not complied with the conditions upon which the certificate was issued, or there has been a change of conditions that make the intended use incompatible with the observance and conformity of this Zoning Resolution.

24.06 FEES. The Board of Zoning Appeals, as one of the conditions of a Conditional Use Certificate, shall require a fee to be paid to the Township according to fee schedule set by the Leroy Township Trustees for cable television.

In addition thereto, in the case of the use set forth in Section 24, the Board of Zoning Appeals may require the applicant to pay to the Township a fee not to exceed five (5) percent of the gross income received from the use permitted by the Conditional Use Certificate.

24.07 PENALTIES. Whosoever violates the provisions of this Resolution shall, in addition to other remedies as provided by law, be subject to the penalties as provided in Section 5 of this Leroy Township Zoning Resolution.