

CABLE TELEVISION ORDINANCE

Pursuant to 30 MRSA, Section 2158(2), THE TOWN OF GLENBURN, MAINE, acting by and through its Municipal Officers, HEREBY ORDAINS this Cable Television Ordinance.

SECTION 1 - PURPOSE

The purpose of this ordinance is to authorize the Municipal Officers to control the franchising and regulation of any CATV within the boundaries of the Town of Glenburn including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public areas now laid out or dedicated, and all future extensions thereof and additions thereto, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation of the CATV.

SECTION 2- DEFINITIONS

“CATS” shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.

“Cable Television Company” shall mean any person, firm, or corporation owning, controlling, operating, managing, or leasing a CATS’ system within the Town of Glenburn sometimes hereinafter referred to as “The Company.”

“Town” shall mean the Town of Glenburn, organized and existing under the laws of the State of Maine and the area within its territorial limits.

SECTION 3 - GENERAL REQUIREMENTS

Any cable television system shall be constructed and operated in accordance with Federal Communications Commission regulations.

No cable television company may abandon service or any portion thereof without having given six months’ prior written notice to the Town and to any other town which may be affected by the abandonment and having received the written consent of the Municipal Officers. Any cable television company which violates this paragraph shall be subject to a fine of \$50.00 a day, for each day that the violation continues.

Cable television systems, as a condition of franchise, shall be operated in such a manner as to provide a safe, adequate, and reliable service to subscribers. The Town shall be entitled to injunctive relief in addition to any other remedies available by law to protect any rights conferred upon the Town by this ordinance or State Law. (30 MRSA, Section 2158).

Cable television systems located in accordance with this ordinance, implementing regulations, and franchises are not considered defects in public ways.

SECTION 4- FRANCHISE REQUIRED

No person, firm, or corporation shall install, maintain, or operate within the Town or place or maintain along the Town's public ways or other public areas, any Cable television system and appurtenances, or parts thereof, unless a franchise authorizing the use of said public ways or other public areas has first been obtained pursuant to the provisions of this ordinance and unless said franchise is in full force and effect.

SECTION 5 - DETERMINATION OF PUBLIC NEEDS

In order to determine special local needs or interests, the Municipal Officers shall, prior to the issuance of a request for proposals from one or more cable television operators, hold a public hearing for the purpose of determining any special local needs or interests regarding cable television. Notice of the public hearing shall be published in the same manner as for town meetings at least 7 days prior to the hearing. During the two week period following the public hearing, the public may submit written comments on the proposed request for proposals.

SECTION 6- REQUEST FOR PROPOSALS

Subsequent to the close of the public hearing, the Municipal Officers may issue their request for proposals. Applications shall be in a format prescribed by the Municipal Officers and shall be submitted in accordance with the provisions of Section 7.

SECTION 7 - SUBMISSION OF APPLICATIONS

Applicants for a franchise shall pay a non-refundable filing fee to the Town of \$175.00 (one hundred seventy-five dollars) to defray the cost of public notice, advertising, and other expenses incurred in acting upon applications.

The application shall be filed with the Town Clerk and shall contain such information as the Municipal Officers may require, including but not limited to:

- a. a construction schedule;
- b. a written commitment to timely service;
- c. a general description of the applicant's proposed operation;
- d. the restoration of property;
- e. a schedule of proposed charges;
- f. a statement detailing its business or corporate organization; and
- g. a statement detailing the prior operational experience of the applicant in cable television systems and microwave services.

Upon filing, any franchise applications and related documents shall be open for inspection by the public during regular municipal office hours. The Municipal Officers shall insure that the public is given reasonable notice of the availability of the documents.

SECTION 8 - FRANCHISE AGREEMENTS OR CONTRACTS

Before authorizing the issuance of any franchise agreement, the Municipal Officers shall review the applicant's character, financial and technical qualifications, and the adequacy and feasibility

of its qualifications to operate a CATV system within the Town, and shall conduct a public hearing thereon after having giving at least seven days advertised notice of such public hearing.

The Municipal Officers may contract on such terms and conditions and impose such fees as its Municipal Officers determine to be in the best interests of the municipality and its residents., including the grant of exclusive or nonexclusive franchises for a period not to exceed fifteen (15) years for the placing and maintenance of cable television systems and appurtenances, or parts thereof, along public ways and including contracts with cable television companies which receive the services of television signal transmissions offered by any public utilities using public ways for such transmission. Each franchise shall contain the following provisions:

- (a) area or areas to be served;
- (b) a line extension policy;
- (c) a provision for renewal, the term of which shall not exceed fifteen (15) years;
- (d) procedures for the investigation and resolution of complaints by the cable television company;
- (e) procedures for revoking the franchise or contract by the Municipal Officers for good and sufficient cause after due notice to the cable television company and a public hearing thereon with the right of appeal to the Maine Superior Court under rule 80-B of the Maine Rules of Civil Procedure; and
- (f) such other terms and conditions which are in the best interests of the municipality.

SECTION 9- PERFORMANCE BOND & INSURANCE COVERAGE

Upon the execution of any such franchise contract the Cable Television Company shall file a surety company performance bond in an amount not less than \$25,000.00 conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, regulations governing said franchise, including cost of dismantling the system, and also evidence of such public liability, copyright infringement and other insurance coverage as the Municipal Officers may require. When the Cable Television Company has completed its proposed system as set forth in its proposal, and is in compliance with its franchise agreement, the Municipal Officers shall permit The Company to cancel said bond except for an amount to cover cost of dismantling the system.

SECTION 1.0 - EFFECTIVE DATE

Pursuant to 30 MRSA, Section 2158(2), this ordinance shall become effective immediately upon adoption by the Municipal Officers.

SECTION 11 - REPEAL OF CONFLICTING ORDINANCES

The “Community Antenna Television System Ordinance” of the Town of Glenburn, adopted on March 28, 1985 is hereby repealed in its entirety.

ORDINANCE HISTORY:

ADOPTED: 03/10/88

EFFECTIVE: 04/10/88