

# **Town of Appleton**

## **Cable Television Ordinance**

### **Section I Purpose**

The purpose of this ordinance is to provide for Town regulation and use of the community antenna television system, including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and all extensions thereof and additions thereto in the Town of Appleton, of the community antenna television system and to provide conditions accompanying the grant of franchise, and providing for the Town regulation of cable television operation.

### **Section II Definitions**

“Cable Television” 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, 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 dwellings under common ownership, control or management.

“Cable Television Company” shall be any person, firm or corporation owning, controlling, operating, managing, or leasing a cable television system within the Town of Appleton, hereinafter referred to as “the company.”

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

### **Section III Franchise Required**

No person, firm or corporation shall install, maintain or operate within the Town or any of its public ways or other public areas any equipment or facilities for the operation of a cable television system unless a franchise authorizing the use of said public ways or areas has first been obtained pursuant to the provisions of this ordinance and unless said franchise is in full force and effect.

### **Section IV Franchise Contract**

- A. The Board of Selectmen in the Town of Appleton may contract on such terms, conditions and fees as they deem in the best interests of the Town and its residents with one or more television companies for the operation of a cable television system within the Town, including the granting of a franchise or franchises for the operation thereof for a period not to exceed fifteen (15) years.
- B. Applicants for a franchise shall pay a non-refundable filing fee to the Town of \$50.00 to defray the cost of public notice and advertising expenses relating to such application. The application should be filed with the Town Clerk and shall contain such information as the Town may require, including but not limited to a general description of the applicant's proposed operation including a list of streets or areas of Town to be served or not to be served, a schedule of proposed charges, a statement detailing its previous two fiscal years, an estimated fifteen (15) year financial projection of its proposed annual Town franchise fee, if any, or the basis for same, and a statement detailing the prior operational experience of the applicant in both cable television and microwave service, including that of its officers, management, and staff to be associated with the operation.
- C. Any franchise contract may be revoked by the Board of Selectmen, Town of Appleton, for good and sufficient cause, after due notice to the company and a public hearing thereon, with the right to appeal to the Superior Court under Rule 80B of the Maine Rules of Civil Procedure.

## **Section V Public Comment Periods**

- A. The Selectmen may issue a request for proposals prior to issuing a franchise contract. Before issuance of a request for proposals, the Town should hold a public hearing with at least seven (7) days notice by posting in at least one public place or publication of at least one local newspaper for the purpose of determining any special local needs or interests regarding cable television. Copies of the proposed request for proposals shall be available at the Town Office at least seven (7) days prior to said hearing for review by interested parties.
  
- B. Any proposal submitted by a prospective cable television company shall be filed with the Town Clerk's office, shall be deemed a public record, and shall be available for a period of not less than fourteen (14) days prior to the Town taking any formal action thereon.
  
- C. Before authorizing the issuance of any franchise contract, the Board of Selectmen, Town of Appleton, shall review the applicant's character, financial and technical qualifications, and the adequacy and feasibility of its qualifications to operate a cable television system within the Town and shall hold a public hearing thereon with at least seven (7) days notice by posting in at least one public place and publication in at least one local newspaper.

## **Section VI Performance Bond & Insurance**

Upon the execution of any such franchise contract, the company shall file such surety performance bond and evidence of such public liability insurance coverage as the Board of Selectmen, Town of Appleton, may require. Said performance bond may be reduced upon the completion of the installation of said system as per said contract as allowed by the Board of Selectmen, Town of Appleton.

## **Section VII Regulation**

In the administration of this ordinance and the regulation of a cable television, the Board of Selection, Town of Appleton, shall have the authorization to adopt such rules and regulations as they deem necessary for monitoring and regulating and to hold any public hearings and issue such appropriate orders as they may deem necessary to correct any deficiencies in the operation of said system, which decisions, and findings shall be final and binding upon all parties including the company, except such a decision or finding may be appealed to Superior Court under said Rule 80B.

## **Section VIII Enforcement**

Any violation of the ordinance by any company is a civil violation subject to a civil penalty of \$100.00 per day for each day that said violation continues. The Code Enforcement Officer, Town of Appleton, is authorized to prosecute said violations in the Maine District Court pursuant to law.

## **Section IX Adoption**

This ordinance is effective upon its adoption by the Board of Selectmen, Town of Appleton.

Approved this 10<sup>th</sup> day of March 1992.

Town of Appleton by its Selectmen:

John Fancy

Keith J Rose

J. Arthur Clark