

Ordinance Number Assigned: **1992-800**

CABLE TELEVISION ORDINANCE

THE CITY OF CALAIS, MAINE, acting by and THROUGH its municipal officers, HEREBY ORDAINS the following Cable Television Ordinance:

Section 1. PURPOSE.

The purpose of this ordinance is to provide for City 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 public places now laid out or dedicated, and all extensions thereof and additions thereto in the City of Calais , including poles, wires, cables underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the City of Calais, of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the City regulation of CATV operation.

Section 2. DEFINITIONS.

a. "CATV" 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.

b. "Cable Television Company" shall mean any person, firm or corporation owning, controlling, operation, managing or leasing a CATV system within the City of Calais, sometimes hereinafter referred to as "the company."

c. "City" shall mean the City of Calais, organized and existing under the laws of the State of Maine and the area within its territorial limits.

Section 3. FRANCHISE REQUIRED.

No person, firm or corporation shall install, maintain or operate within the City or any of its public ways or other public areas any equipment or facilities for the operation of a CATV 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 4. FRANCHISE CONTRACT.

a. The municipal officers of the City may contract on such terms, conditions and fees as they deem in the best interests of the City and its residents with one or more Cable Television Companies for the operation of a CATV system with the City including the granting of a franchise or franchises for the operation thereof for a period not to exceed ten (10) years.

b. Applicants for a franchise shall pay a non—refundable filing fee to the City of \$500.00 to defray the cost of public notice, any attorney's fees and advertising expenses relating to such application. The applications shall be filed with the City Clerk and shall contain such information as the City may require including, but not limited to, a general description of the applicant's proposed operation, a schedule of proposed charges, a statement detailing its previous two fiscal years, and estimated ten year financial projection of its proposed system, its proposed annual City franchise fee, if any, or the basis for same, and a statement detailing the prior

operational experience of the applicant in both CATV and microwave service including that of its officers, management, and staff to be associated with the proposed operation.

c. Any franchise contract may be revoked by the municipal officers 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 5 PUBLIC COMMENT PERIODS.

a. Before issuance of a request for proposals, the City shall hold a public hearing with at least seven (7) days advance notice for the purpose of determining any special local needs or interests regarding cable television.

b. Any proposal submitted by a prospective CATV franchise shall be filed in triplicate with the city Clerk's office, shall be deemed a public record, shall be available for a period not less than fourteen (14) days prior to the City's taking any formal action thereon, and public notice of the filing shall be given.

c. Before authorizing the issuance of any such franchise contract, 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 City, and shall conduct a public hearing thereon with at least seven (7) days advertised notice prior to said public hearing.

Section 6. PERFORMANCE BOND AND 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 \$ 1,000,000 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 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.

Adopted: 9/24/1992

Amended:

Repealed: