

**Cable Television Ordinance
for
The Town of Sidney**

The Town of Sidney, acting by and through its Board of Selectpersons, hereby ordains the following 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 Sidney, 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

- A. "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, 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 be any person, firm or corporation owning, controlling, operating, managing or leasing a cable television system within the Town of Sidney, sometimes hereinafter referred to as "the company."
- C. "Town" shall mean the Town of Sidney, 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 or 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 Selectpersons in the Town of Sidney 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 cable televisions system within the Town, 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 Town of \$250 to defray the cost of public notice and advertising expenses relating to such application. The applications shall be filed with the Town Clerk and shall contain such information as the Town may require, including, but not limited to, a schedule of proposed charges, a statement detailing its previous two fiscal years, and estimated ten (10) 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 proposed operation.
- C. Any franchise contract may be revoked by the Board of Selectpersons, Town of Sidney, 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 municipal officers may issue a request for proposals prior to issuing a franchise contract. Before issuance of a request for proposals, the Town shall hold a public hearing with at least seven (7) days notice by posting in at least one public place and publication in 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 to 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 in triplicate with the Town Clerk's office, shall be deemed a public record, and shall be available for a period of not less than thirty (30) days prior to the Town taking any formal action thereon. The public notice required by Subsection of this Ordinance shall include notice to the public of the availability of these records for inspection.
- C. Before authorizing the issuance of any franchise contract, the Board of Selectpersons, Town of Sidney, 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 conduct a public hearing thereon, one public place and publication in at least one local newspaper prior to said public hearing.

Section VII. Regulation

In the administration of this Ordinance and the regulation of the maintenance and operation of a CATV system, the Municipal Officers of the Town shall have the authority and duty to:

- A. Adopt such rules and regulations as they deem necessary for monitoring and regulating the operation of the system; and
- B. Make recommendations to the cable television company concerning educational and local interest programming; and
- C. Include in the franchise contract a complaint procedure for the resolution of complaints, disputes or disagreements between subscribers and the Company; and

- D. Have the authority to conduct 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 the Kennebec County Superior Court under said Rule 80-B.

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 or the Municipal Officers are authorized to prosecute said violations in the Maine District Court pursuant to law.

This Ordinance is effective upon its adoption by the Municipal Officers, which date is March 18, 1989.