

**CATV ORDINANCE**  
**Adopted November 28, 1988**

The Town of Pownal, 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 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 public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Pownal, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Pownal, of the Community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town 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 dwelling 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 Town of Pownal, sometimes hereinafter referred to as "the company."
- c. "Town" shall mean the Town of Pownal, 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 Town 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 Town 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 Television Companies for the operation of a CATV 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 nonrefundable filing fee to the Town of \$250.00 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 general description of the applicant's proposed operation, a schedule of proposed charges, a statement detailing its previous two (2) fiscal years and estimated ten (10) year financial projection of its proposed system, 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 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 Town shall hold a public hearing with at least seven (7) days advance notice for the purpose of determining any specific local needs or interests regarding Cable Television or
- b. Any proposal submitted by a prospective CATV franchise shall be filed in triplicate with the Town Clerk's office, shall be deemed a public record, shall be available for a period of not less than ten (10) days prior to the Town'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 Town, and shall conduct a public hearing thereon with at least seven (7) days advertising notice prior to said public hearing.

## **Section 6. 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 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 may permit the company to cancel said bond except for an amount to cover cost of dismantling the system.