

CABLE TELEVISION ORDINANCE

FOR THE

TOWN OF WINDSOR, MAINE

Adopted: Special Town Meeting October 11, 1988

CABLE TELEVISION ORDINANCE

Section 1 Purpose

This ordinance authorizes the municipal officers to control the franchising and regulation of cable television systems using public ways in the Town of Windsor (hereinafter "the Town") in order to assure that the needs and interests of the local citizens are adequately met; and to determine, according to the judgment of the municipal officers, the type and degree of regulations deemed to be in the best interests of the citizens of the Town. Cable television systems located in accordance with this ordinance, implementing regulations and franchises are not considered defects in public ways.

Section 2 General Requirements

A This ordinance and any amendment thereto requires a seven-day notice of the meeting at which the ordinance or amendments to ordinance, are to be proposed and acted upon. Said notice shall be given in the manner provided for town meetings and such ordinances shall be effective immediately upon adoption.

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

C. No cable television company, notwithstanding any provision in a franchise, may abandon service or any portion thereof without having given 6 months' prior written notice to the Town and to any other town which may be affected by the abandonment. 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

D. 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.

E. The Town shall be entitled to injunctive relief in addition to any other remedies available by law to protect any rights conferred by this ordinance or State Law (30 M.R.S.A. Section 2158).

Section 3 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, any cable television system and appurtenances, or parts thereof, unless a franchise authorizing the use of said public ways has first been obtained pursuant to the provisions of this ordinance and unless said franchise is in full force and effect.

Section 4 Determination of Public Needs

In order to determine special local needs or interests, the Town shall, prior to the issuance of a request for proposals from one or more cable television operators, maintain the proposed request for proposals on the agenda of its governing body for a period of two weeks during

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which two-week period the citizens of the Town may comment on the proposed request for proposals. All needs and interests to the governing body shall be in writing. Subsequent to the close of the two-week comment period, the Town shall issue its request for proposals and applications shall be submitted in accordance with the provisions of Section 5.

Section 5 Franchise Procedures

Applicants for a non-transferable franchise shall pay a non-refundable filing fee to the Town of \$25.00 (twenty-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 Town may require, including but not limited to a construction schedule; a general description of the applicant's proposed operation; a written commitment to timely service; the restoration of property, and a schedule of proposed charges; a statement detailing its business or corporate organization; and a statement detailing the prior operational experience of the applicant in cable television systems and/or microwave services.

Before authorizing the issuance of any such franchise, the Town shall allow a reasonable opportunity for public input. Upon filing, any franchise application and related documents are public records. Such applications and related documents shall be open for inspection by the public during reasonable hours.

Section 6 Franchise Agreements or Contracts

The Town 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 non-exclusive 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 transmissions. 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 Town 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.

PROCEEDINGS ON TOWN WARRANT

Windsor, Maine
October 11, 1988

The Special Town Meeting for the Town of Windsor was called to order by the Town Clerk, Laura F. Gray at 7:00p.m. at the all purpose room of the Windsor School.

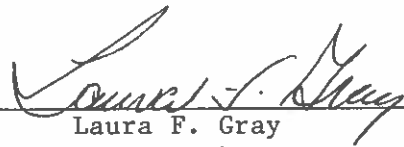
The Articles in the Warrant were acted upon as follows:

- Article 1: The Clerk asked for nominations for a moderator, no nomination was made and the clerk asked if anyone would volunteer to consider being moderator. Mark Brown volunteered and a motion was made and seconded in favor of Mark Brown for moderator. Another motion was duly made and seconded that nominations cease. A motion was made and seconded that the Clerk cast one ballot. One Ballot was cast in favor of Mark Brown and Mark Brown was declared elected moderator and was sworn in by the Town Clerk, Laura F. Gray.
- Article 2: Upon motion duly made and seconded voted to appropriate from 1988 Excise Taxes \$7,500.00 for Town Dump Expenses. A voice vote in favor.
- Article 3: Upon motion duly made and seconded voted YES to adopt a Cable Television Ordinance. A voice vote in favor.

Upon motion duly made and seconded voted to adjourn at 7:32p.m.

A true copy of the proceedings of Town Warrant.

ATTEST:



Laura F. Gray
Town Clerk
Town of Windsor