

TOWN OF EDDINGTON

CATV ORDINANCE

Enacted: December 13, 1983

TITLE I: PURPOSE

An Ordinance providing for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, above, over and under the streets, alleys, public ways, and public places not laid out or dedicated, and all extensions thereof and additions thereto in the Town of Eddington, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Eddington of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV operation.

TITLE II: DEFINITIONS

- a) **“C.A.T.V.”** 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 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 Co.,”** shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Eddington, sometimes hereinafter referred to as the “company”.
- c) **“Town”** shall mean the Town of Eddington, Maine, organized and existing under the laws in the State of Maine and the area within its territorial limits.

TITLE III: FRANCHISE REQUIRED

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

TITLE IV: FRANCHISE CONTRACT

- a) The Eddington Board of Selectmen may contract on such terms, conditions and fees as are in the best interests of the municipality and its residents with one or more Cable Television Companies for the operation of a CATV system throughout 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 \$25.00 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 detailed description of the service area to be served, with the areas shown on a map of the Town, a projected time schedule for each service area, and a general description of the applicant's proposed operations, a schedule of proposed charges, a statement detailing its business or corporate organization with a financial statement for the two previous fiscal years, an estimated fifteen (15) year financial projection of its proposed system and its proposed annual town franchise fee 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) Said Franchise Contract may be revoked by the Eddington Board of Selectmen for good and sufficient cause after due notice to the company and a public hearing thereon; with the right to appeal to the Penobscot County Superior Court under Rule 80-B of the Maine Rules for Civil Procedure.

TITLE V: PUBLIC HEARING

Before authorizing the issuance of any such franchise contract or contracts, the Eddington Board of Selectmen shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a CATV system throughout the Town, and shall conduct a public hearing thereon with at least seven days advertised notice prior to said public hearing.

TITLE VI: PERFORMANCE BOND AND INSURANCE COVERAGE

The (CATV Co.) shall provide sufficient insurance to indemnify and hold harmless the Town of Eddington, its agents and its employees from and against all claims, damages, losses, and expenses including attorney's fees arising out of or resulting from the performance of the work, maintenance of the system, and damages caused by components or portions thereof, provided that any such claims, damage, loss or expenses is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting therefrom, and is caused in whole or in part by any negligent or willful act or omission of the (CATV Co.) and anyone directly or indirectly employed by them or anyone for whose acts any of them may be liable.

Upon the execution of any such franchise the Cable Television Company shall file a Surety Company performance bond in the amount of \$100,000. conditional upon the faithful performance of said contract and full compliance with any laws, ordinances or regulations governing said franchise.