CHAPTER 502

CATV ORDINANCE
Town of Yarmouth, Maine
Recodified: 1/15/98
CATV ORDINANCE

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CATV ORDINANCE

ARTICLE I

A. TITLE
   This ordinance shall be known and may be cited as the CATV Ordinance of the Town of Yarmouth, Maine.

B. DEFINITIONS
   1. “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 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.

   2. “Cable Television Co.” shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Yarmouth, sometimes hereinafter referred to as “the company”.

   3. “Town” shall mean the Town of Yarmouth organized and existing under the laws in the State of Maine and the area within its territorial limits.

ARTICLE II

A. 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 street or areas has first been obtained pursuant to the provisions of this Ordinance and unless said franchise is in full force and effect.

B. FRANCHISE CONTRACT
   1. The Municipal Officers of the Town may contract on such terms, conditions and fees as are in the best interest of the municipality 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 ten years.

   2. Applicants for a franchise shall pay a non-refundable filing fee to the Town of $100 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 fiscal years, an estimated ten 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.

3. Said Franchise Contract may be revoked by the Municipal officers for a good and sufficient cause after due notice to the company and a public hearing thereon; with the right to appeal to the Cumberland County Superior Court under Rule 80-B of the Court Rules of Civil Procedure in accordance with due process.

ARTICLE III

A. CATV REGULATORY BOARD

The Town Manager is hereby authorized to enter into interlocal agreement with the Town of Cumberland for the purpose of establishing a CATV Regulatory Board.

B. DUTIES OF THE BOARD

1. The CATV Regulatory Board shall have a chairman, vice-chairman, and a secretary and shall have the following duties:

2. Adopt such rules and regulations as it may deem necessary for monitoring and regulating of the system, said rules and regulations being subject to the approval of the Town Council of each Town which is the signatory to the interlocal agreement mentioned in ARTICLE III, Section III.A.

3. Make recommendations to the Cable Television Company concerning educational and local interest programming.

4. Resolve complaints, disputes, or disagreements between subscribers and the company.

5. Have the authority to conduct public hearings and issue such appropriate orders as it may deem to correct any deficiencies in the operation of said system. The Board’s 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 Municipal Officers and/or to the Cumberland County Superior Court under said Rule 80-B.
6. Regulate rates and charges to subscribers of the Cable Television Company, pursuant to such terms, conditions and criteria as are agreed upon in the franchise agreement.

7. Shall prepare specifications for bids for CATV franchises and invite bids for said franchise receipt of bids, it shall study same and make recommendations being subject to the approval of each Town Council of each town which is the signatory to the interlocal agreement mentioned in ARTICLE III, Section III.A.

8. After the awarding of the franchise, shall negotiate the franchise agreement between the company and the municipalities who are signatories to the agreement mentioned in ARTICLE III, Section III.A, said recommendations being subject to the final and full approval of each municipality.