

TOWN OF Sorrento  
CATV ORDINANCE

THE TOWN OF Sorrento, 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, operations 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 Sorrento, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Sorrento, 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. 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. (Title 30, M.R.S.A., Section 2158).

SECTION 3. 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 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

ellings under common ownership, control or management.

B. "Cable Television Company" shall mean any person, firm or corporation owning, controlling, operations, managing or leasing a CATV system within the Town of Sorrento, sometimes hereinafter referred to as "the company."

C. "Town" Shall mean the Town of Sorrento, organized and existing under the laws of the State of Maine and the area within its territorial limits.

#### SECTION 4. 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 operations 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 5. FRANCHISE CONTRACT

A. 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 transmission. 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) such other terms and conditions which are in the best interest of the municipality.

B. Applicants for a franchise shall pay a non-refundable filing fee to the Town of Sorrento to defray the cost of public notice and advertising expenses relating to such application. 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 general description of the applicant's proposed operation, a written commitment to timely service and the restoration of property, a schedule of proposed charges, a statement detailing its previous two fiscal years, and estimated ten 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.

Dennis E. Perry 10/12/88  
Bruce Clark 10/12/88