**CHAPTER 6**

**COMMUNITY ANTENNA TELEVISION ORDINANCE**

**OF FREEPORT, MAINE**

 REFERRED TO AS: CATV ORDINANCE OF FREEPORT, MAINE

 SECTION I PURPOSE

The purposes of this Ordinance are to provide for Town regulation and use of community antenna television systems including all aspects of their construction, installation, maintenance, and operation, and any additions or extensions thereto in the Town of Freeport; and to provide rules, regulations, and conditions for the granting of

franchises or any part thereof for the construction, installation, maintenance, and operation of community antenna television systems in the Town of Freeport, in the best interests of the Town of Freeport and its citizens.

 SECTION II DEFINITIONS

A. Board - shall mean the CATV Regulatory Board of the Town of

 Freeport as established by this Ordinance.

B. Community Antenna Television System (referred to in this

 Ordinance as "CATV System" - shall mean any facility which

 receives television or radio signals or originates its own signal

 or signals and transmits them to subscribers paying a fee for

 such service, but shall not include any such facility serving

 only the residents of one or more apartment dwellings under

 common ownership, control, or management.

C. Company - shall mean any person, persons, firm, partnership, or

 corporation granted a CATV System Franchise by the Town of

 Freeport.

D. Franchise - shall mean the written agreement between the

 Company and the Town which defines the rights, duties, and

 liabilities of the parties regarding the construction,

 installation, maintenance, and operation of a CATV System within

 the Town, as set forth by the Town.

E. Municipal Officers - shall mean those persons duly elected as

 the governing body of the Town of Freeport.

F. Subscriber - shall mean any person or group electing to have

 CATV System services on their premises.

G. Town - shall mean the Town of Freeport, organized and existing

 under the laws of the State of Maine, and the area within its

 territorial boundaries.

 SECTION III FRANCHISE REQUIRED

No person, persons, firm, partnership, corporation, or other entity

shall construct, install, maintain, operate, or own a CATV System or

any part thereof within the Town unless it has obtained a franchise

from the Town pursuant to the terms and provisions of this Ordinance.

 SECTION IV REGULATORY BOARD

A. Upon adoption of this Ordinance, the Municipal Officers shall

 appoint five (5) residents of the Town to form a CATV Regulatory

 Board. Board members will serve staggered three (3) year terms.

B. The Board shall have the following responsibilities and duties:

 1. Create, revise, and update the application form for CATV

 Systems;

 2. Recommend regulations to the Municipal Officers concerning

 CATV Systems;

 3. Review and recommend to the Municipal Officers all

 applications and any renewals or extensions for CATV Systems

 within the Town;

 4. Review the performance of the Company and its compliance with

 the franchise agreement at least once a year;

 5. Review the rates, fees, and deposits for CATV System services

 at least once a year;

 6. Review all applications for rate increases and make

 recommendations to the Municipal Officers;

 7. Review and recommend to the Municipal Officers local

 programming and services, if applicable;

 8. Review and settle disputes and grievances concerning CATV

 Systems;

 9. Assume other CATV related duties as designated by the

 Municipal Officers or this Ordinance.

C. Grievance Procedure

 1. This section shall regulate the Grievance Procedure

 concerning CATV Systems.

 2. All complaints and disputes concerning the Company regarding

 any aspect of the CATV System shall be submitted in writing

 to the Board.

 3. The Board shall investigate the complaint, hear all parties,

 and shall file a written report stating its findings of

 facts, and either dismiss the complaint or direct the Company

 to remedy the complaint, which remedy may include the

 ordering of a refund or rebate to any subscriber. The Board

 shall give reasonable notice to all parties of the time and

 place of the hearing.

 4. The decision of the Board shall be binding unless appealed to

 the Municipal Officers within ten (10) days after the

 decision of the Board is announced. Said appeal shall be in

 writing and filed with the Town Clerk.

 SECTION V PROCEDURES FOR OBTAINING A FRANCHISE

A. Any person, firm, partnership, or corporation desiring to obtain

 a franchise to establish or operate a CATV System must apply only

 in response to a Request for Applications issued by the Town.

B. An applicant must first complete an application form furnished by

 the Town and in addition to this form, the applicant shall

 furnish any information requested by the Town or the Board.

C. Upon receipt of all applications pursuant to its Request for

 Applications, the Municipal Officers shall hold a public hearing

 to review the Applications. The public hearing shall be

 advertised and conducted in accordance with the Freeport Town

 Charter.

 SECTION VI FRANCHISE CONTRACT TERMS

A. The terms of the franchise shall be set forth in the franchise

 agreement. The Company shall abide by the terms of this

 Ordinance and the franchise agreement, including but not limited

 to programming and expansion of CATV System services.

B. The Municipal Officers may grant an exclusive or non-exclusive

 contract for a period not to exceed ten (10) years, on such terms

 and conditions as are in the best interests of the Town and its

 citizens.

C. The company shall report all information requested by the Board

 or the Municipal Officers concerning the construction,

 installation, maintenance, or operation of the CATV System.

 Further, the Company shall submit any information requested by

 the Board or the Municipal Officers necessary for reviewing

 rates, determining rate increases, settling disputes or

 grievances, or evaluating the general performance of the company.

D. All fees, rates, deposits, or charges to subscribers shall be

 fair and reasonable, and shall be filed with and approved by the

 Municipal Officers prior to becoming effective. The Company may

 apply to the Municipal Officers for changes in rates, fees,

 deposits, or charges. The Board shall review the application for

 such request and make recommendations to the Municipal Officers.

 A public hearing shall be held upon each such application after

 notice as described in Section V, Subsection D of this Ordinance.

 The burden is on the Company to prove that the current rates are

 not adequate to provide for a fair return. The Municipal

 Officers may approve, increase, or decrease the rates, fees,

 deposits, or charges requested by the Company and shall set forth

 the reasons for its actions.

E. The Municipal Officers shall have the right, in addition to any

 other remedy contained herein or in the franchise agreement, to

 revoke a franchise for cause after notice to the Company and a

 public hearing thereon. The Company may appeal such action to

 the Cumberland County Superior Court under Rule 80B of the Maine

 Rules of Civil Procedure.

 SECTION VII PERFORMANCE BOND

Upon the signing of the franchise agreement, the Company shall file

and maintain a surety company performance bond in an amount which the

Municipal Officers deem fair and appropriate, conditioned on its

performance of the franchise contract and its compliance with any

rule, regulation, ordinance, or law concerning the franchise and CATV

Systems. The amount of this bond may be reduced at the discretion of

the Municipal Officers as construction of the CATV System is

completed.

 SECTION VIII INSURANCE

The Company awarded a franchise shall carry public liability insurance

covering its activities in constructing, installing, maintaining, and

operating a CATV System in the Town, in an amount and on such terms as

set forth in the franchise agreement.

 SECTION IX ENFORCEMENT

Any person, persons, partnership, firm, or corporation violating any

provision of this Ordinance shall be punished by a fine not to exceed

Two-Hundred Dollars ($200.00) for each such violation. In addition,

this Ordinance and any franchise agreement awarded hereunder may be

enforced by injunctive relief or any other legal means of enforcement.

 SECTION X SEPARABILITY

In the event a Court declares any provision of this Ordinance invalid,

illegal, or unconstitutional, such provision shall be deemed to stand

alone and all other provisions shall remain in full force and effect.

*Amended 12/5/2023-change Regulatory Board members from 7 to 5.*

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