

**TOWN OF NEWBURGH, MAINE  
CATV ORDINANCE**

**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 Newburgh; 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 Newburgh, in the best interests of the Town of Newburgh and its citizens.

**SECTION II: DEFINITIONS**

A. Community Antenna Television System (referred to in this Ordinance as "CATV System" - shall mean any facility that, in whole or part, 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, unless such facility operates in the municipal right of way.

B. Company - shall mean any person, persons, firm, partnership, or corporation granted a CATV System Franchise by the Town of Newburgh.

C. 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.

D. Municipal Officers - shall mean those persons duly elected as the governing body of the Town of Newburgh.

E. Subscriber - shall mean any person or group electing to have CATV System services on their premises.

F. Town - shall mean the Town of Newburgh, 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 and unless said franchise is in full force and effect.

## **SECTION IV: PROCEDURES FOR OBTAINING A FRANCHISE**

- A. An incumbent operator must notify the Town in accordance with Section 626 of the Cable Act.
- B. If requested by the Town, an applicant must first complete an application form furnished by the Town and in addition to this form, the applicant shall furnish any information reasonably 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 Newburgh Town Charter.
- D. Applications for a franchise to operate a CATV system in the Town and related documents are public records maintained by the Town Administrator pursuant to the State Freedom of Access Law (1 M.R.S.A. Sec. 401 et seq. as amended from time to time) and the public has the right to inspect and copy such applications and documents during the regular business hours of the Newburgh Town Administrator's office.
- E. The assessment of reasonable fees to defray the costs of public notice, advertising and other expenses incurred by the municipality in acting upon applications.

## **SECTION V: 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.
- B. The Municipal Officers may grant a non-exclusive franchise for a period not to exceed fifteen (15) years, on such terms and conditions as are in the best interests of the Town and its citizens to include:
  - 1. A statement of the area or areas to be served by the Cable Television Company;
  - 2. A line extension policy;
  - 3. Provision for renewal;
  - 4. Procedures for the investigation and resolution of the complaints by the Cable Television Company; and
  - 5. Any other terms and conditions that are in the best interests of the Town.
- C. All fees, rates, deposits, or charges to subscribers shall be imposed in accordance with applicable law.

**SECTION VI: INSURANCE**

The Company 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 VII: ENFORCEMENT**

This Ordinance and any franchise agreement awarded hereunder may be enforced in accordance with the terms of the franchise agreement, by injunctive relief or any other legal means of enforcement.

**SECTION VIII: 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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brian Carlisle

\_\_\_\_\_  
Renee O`Donald

\_\_\_\_\_  
Jessica Wiltbank