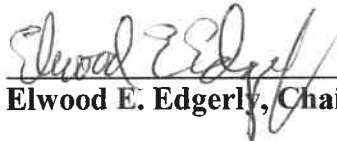


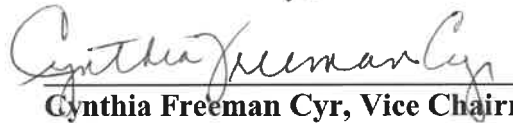
TOWN OF DOVER-FOXCROFT

Cable Television System Ordinance of the Town of Dover-Foxcroft

**Resolved by Order of the Municipal Officers
Adopted: October 27, 2014**

Certified by:


Elwood E. Edgerly, Chairman

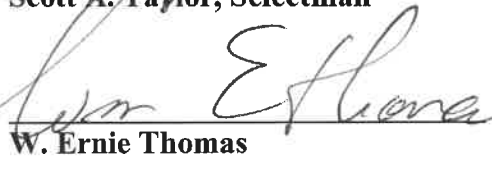

Cynthia Freeman Cyr, Vice Chairman


Jane K. Conroy, Selectman


Gail D'Agostino, Selectman

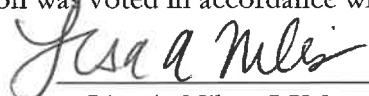

Stephen G. Grammont, Selectman


Scott A. Taylor, Selectman


W. Ernie Thomas

I hereby certify as the duly qualified Clerk of the Town of Dover-Foxcroft, Maine that the
aforementioned Resolution was adopted by Order of the Municipal Officers of the Town of
Dover-Foxcroft at their regular meeting, following a public hearing, held on Monday,
October 27, 2014 at the Dover-Foxcroft Municipal Building Meeting Room, at which a
quorum was present and voting and that such Resolution was voted in accordance with the
Town of Dover-Foxcroft Board of Selectmen.

(seal)


Lisa A. Niles, CCM

Cable Television System Ordinance of the Town of Dover-Foxcroft

Section 1. Title

This ordinance shall be known as the Town of Dover-Foxcroft Cable Television System Ordinance [the "Ordinance"].

Section 2. Authority

This Ordinance is adopted pursuant to 30-A M.R.S. § 3008 and the Town's constitutional and statutory home rule authority.

Section 3. Establishment and Purpose

This ordinance is established for the purpose of providing for Town regulation and use of cable television systems including their construction, operation and maintenance in, along, upon, across, above, 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 Dover-Foxcroft, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Dover-Foxcroft of the cable television system and to provide conditions accompanying the grant of franchise and overall Town regulation of Cable System operations.

Section 4. Definitions

(a) "Cable System" shall mean any cable 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 Company" shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a Cable System within the Town of Dover-Foxcroft, sometimes hereinafter referred to as "the company."

(c) "Town" shall mean the Town of Dover-Foxcroft, Maine, a municipal corporation organized and existing under the laws in the State of Maine and the area within its territorial limits.

Section 5. 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 Cable 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.

Section 6. Franchise Contract Authority and Procedure

6.1 The Municipal Officers of the Town 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 Cable System throughout the Town, including the granting of non-exclusive franchise or franchises for the operation thereof for a period not to exceed fifteen (15) years.

6.2 Applicants for a franchise, including applicants for renewal of a franchise, shall pay a reasonable non-refundable fee to the Town to defray the cost of public notices, advertising, and other expenses (including reasonable attorney's fees or consultant fees) relating to or incurred by the Town in acting upon such applications. The amount of said fee shall be determined by the Municipal Officers.

6.3 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 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 (or at some other time period so designated by the Municipal Officers), and a statement detailing the prior operational experience of the applicant in both Cable Systems and microwave service including that of its officers, management and staff to be associated with the proposed operation.

6.4 Any franchise agreement entered into or renewed under this Ordinance may be revoked by the Municipal Officers for good and sufficient cause after due notice to the Cable Television Company and a public hearing thereon; with the right to appeal to the Penobscot County Superior Court under Rule 80B of the Maine Rules of Civil Procedure.

6.5 Prior to the preparation by the Town of requests for proposals for franchises or renewals thereof the Town shall hold a public hearing, with at least seven days' notice by publication in a newspaper of general circulation within the Town, to solicit public comment regarding special local needs and interests with respect to cable television services, or conduct some other process to determine to solicit public comment regarding special local needs and interests with respect to cable television services.

6.6 Before authorizing the issuance of any such franchise agreement or agreements the Municipal Officers shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a Cable

System throughout the Town, and shall conduct a public hearing thereon with at least seven days advertised notice prior to said public hearing.

6.7 Upon the execution of any such franchise agreement the Cable Television Company shall file a surety company performance bond in an amount and in such form as is acceptable to the Town. The Town in making this determination may rely upon the advice of the Municipal Officers, Town Manager, Town Attorney and/or other appropriate Town Officials. The amount of said bond or letter of credit shall not be less than the estimated cost of performing any work specified in the franchise agreement and shall include the cost of dismantling the Cable System. Said bond or letter of credit shall be conditioned upon faithful performance of said franchise agreement and full compliance with any laws, ordinances, or regulations governing said franchise agreements. The amount of this bond may be reduced at the discretion of the Municipal Officers.

6.8 Applications for a franchise to operate a Cable System in the Town and related documents are public records maintained by the Town Clerk pursuant to the Maine Freedom of Access Act (1 M.R.S. §. 401 *et seq.*, as amended from time to time).

Section 7. Franchise Agreement Contents

Any franchise agreement entered into after the effective date of this Ordinance, and any renewal of a franchise agreement, which renewal is entered into after the effective date of this Ordinance, between the Town and any Cable Television Company, shall contain but is not limited to the following provisions:

- (a) A statement of the area or areas to be served by the Cable Television Company;
- (b) A line extension policy;
- (c) A provision for renewal, the terms of which may not exceed 15 years;
- (d) Procedures for the investigation and resolution by the Cable Television Company of complaints;
- (e) An agreement to comply with the requirements of 30-A M.R.S. § 3010 regarding consumer rights and protection and any amendments thereto;
- (e) Provision for access to, and facilities to make use of, one or more local public, educational and governmental access channels; and
- (f) Any other terms and conditions that are in the best interests of the Town.

Section 8. Amendment

The Board of Selectmen as the Municipal Officers of the Town shall have the exclusive

power to enact and amend this Ordinance. The Board of Selectmen shall provide at least seven days' notice of any hearing on the proposed amendment to this Ordinance, and notice of such hearings shall be provided by publication in a newspaper of general circulation within the Town as well as by the posting of an attested copy in some conspicuous, public place in the Town together with a return on the notice in accordance with 30-A M.R.S. § 2523 as amended from time to time. Pursuant to 30-A M.R.S. § 3008, such amendments shall become effective immediately.

Section 9. Rules, Regulations, and Procedures

The Municipal Officers of the Town are authorized and may:

- (a) Adopt such ordinance rules and regulations as they deem necessary for regulating the operation of a Cable System;
- (b) Make recommendations to the Cable Television Company regarding educational and local interest programming;
- (c) Resolve complaints, disputes, or disagreements between subscribers and the Cable Television Company; and
- (d) Conduct public hearings and issue such appropriate orders as it may deem necessary to enforce the provisions of this Ordinance and any regulations, rules, and orders and franchise agreements, including the revocation of franchise agreements and the assessment of penalties for violations, as well as to correct any deficiencies in the operation of the Cable System.

All such ordinances, regulations, rules, and orders of the Municipal Officers shall not be in conflict with federal law and regulations, except that unless preempted, such ordinances, regulations, rules, and orders may be more detailed or stricter than applicable federal laws and regulations.

The Municipal Officers have the authority to bring legal action for damages, penalties, injunctive relief, and such other remedies that are just and proper. The Town shall be entitled to recover its costs, including reasonable attorney's fees, incurred in the enforcement of this Ordinance, the provisions of a franchise agreement, or any local rules or regulations adopted pursuant to this Ordinance.

Section 10. Compliance with all Laws

Cable Television Companies shall at all times comply with all applicable federal, State and local laws, statutes, rules, regulations, ordinances, codes, and orders.

Section 11. Enforcement

In the event a Cable Television Company violates any provision of this Ordinance, the Town, acting through its Municipal Officers, after notice to the Cable Television Company and opportunity to appear before the Municipal Officers to respond to the alleged violation, may assess a penalty of not less than \$100 nor more than \$2500 for each violation. Each day that a violation continues shall constitute a separate violation.

The Town may bring an action in any court of competent jurisdiction to enforce any provision of this Ordinance and to collect any penalty assessed pursuant to this Ordinance.

Section 12. Severability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.