

**TOWN OF DAYTON**  
**CABLE TV FRANCHISING ORDINANCE**

Be it ordained by the Town of Dayton, acting by and through its Board of Selectmen, acting as its municipal officers, that the following Cable TV franchising ordinance be adopted.

Section 1. Short Title.

This ordinance shall be known and may be cited as the “Town of Dayton Cable TV Franchising Ordinance.”

Section 2. The Cable TV System Franchise.

A. Franchise required: No person, firm, company, corporation or association shall construct, install, maintain or operate within any public street in the Town, or within any other public property of the Town, or within any privately owned area within the corporate limits of the Town, any equipment or facilities for the distribution of television signals, or radio signals or other intelligences either analog or digital over a broadband telecommunications network to any subscriber unless a franchise authorizing the use of the streets or properties or areas has first been obtained pursuant to the provisions of this ordinance, and unless such franchise agreement is in full force and effect.

B. Review of qualifications: Specific permission to operate a Cable TV system under the provisions of this ordinance may be granted by the Board of Selectmen to any applicant (the “grantee”) after satisfactory review of its legal, character, financial and technical qualifications and the adequacy and feasibility of the grantee’s construction arrangements, all demonstrated by the grantee to be adequate to protect the general public health, safety and welfare, and has approved the grantee’s qualifications as a part of a public proceeding affording due process.

C. Duration of franchise: Upon filing by the grantee of a proper acceptance, and such other bond and insurance as the Board of Selectmen may reasonably require, the franchise shall take effect as provided herein and shall continue in full force and effect for a maximum term of [ fifteen (15) ] years.

Section 3. Applications for a Franchise or Renewal.

Applications for a franchise or renewal shall be filed with the Town Clerk for referral to the Board of Selectmen for action. Any such application for a franchise or a franchise renewal shall contain the following information:

1. Filing fee of [ \$\_\_\_\_\_ ].
2. Name and address of the applicant.
3. Description of proposed operation including, but not limited to, hours of operations, operating staff, maintenance procedures, and its proposed rules of operation for public access.
4. Subject to any applicable federal law, a statement of all television and radio services to be provided.
5. A statement setting forth a description of any special services to be made available to the public, including municipal and education channels.
6. A statement detailing the corporation organization of the applicant, identifying the number of stockholders of the company, any intra-company relationships with parent or subsidiary companies and a statement setting forth in writing any and all understandings between the applicant and any other person, firm or organization.
7. A statement detailing the applicant's financial statement for the two previous fiscal years.
8. A written statement detailing the type of network proposed by the applicant including, but not limited to, network configuration, network capacity, two-way capability and proposed dates of commencement of construction and operation of said network.
9. A written statement as to whether the applicant or any of its officers, directors or holders of 10% or more of its voting stock have in the past ten (10) years been convicted of any crime other than a routine traffic offense and the disposition of each such case.

#### Section 4. Procedural Requirements.

Before the Town solicits Cable TV franchise proposals or entertains applications for renewals, the following procedures shall be required:

- A. The Board of Selectmen shall provide public notice and hold a public hearing to determine special local needs or interests in Cable TV programming and services and shall provide for a period of public comment on the same;

B. Any and all franchise applications and renewal applications, and related documents, shall be public records and the Board of Selectmen shall provide reasonable notice to the public that such records are available and open to inspection at the Town offices during normal business hours;

C. Prior to granting any franchise or franchise renewal, the Board of Selectmen shall provide for a public hearing on the same; and

D. The Board of Selectmen shall assess such fees as are reasonably necessary to defray the costs of public notice, advertising and other expenses incurred by the Town in acting upon franchise applications.

#### Section 5. Financial Reports.

The holder of any Cable TV franchise shall file annually with the Town not later than three (3) months after the end of its fiscal year two copies of its report to stockholders and an income statement identifying expenses and income applicable to its operations and the franchise fee required by its franchise agreement.

#### Section 6. Performance Bond.

The cable operator shall maintain during the term of the franchise agreement a faithful performance bond running in favor of the Town with a corporate surety licensed to do business in the State of Maine conditioned upon the faithful performance of the cable company and providing for recovery jointly and severally from the principal and surety of the bond any damages suffered by the Town as a result of any cost incurred by the Town for the removal or abandonment of any property of the cable TV company plus a reasonable allowance for attorney's fees and costs in prosecuting the same. The amount of the bond shall not be less than twenty-five thousand dollars (\$25,000), and written evidence of the same shall be filed with the Town.

#### Section 7. Compliance with Law.

The cable operator shall at all times comply with all applicable federal, State and local laws, ordinances and regulations.

#### Section 8. Separability.

If any section, clause or phrase of this ordinance is for any reason held invalid by any court of competent jurisdiction or by any federal or State regulatory agency, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.