

**AN ORDINANCE ESTABLISHING PROCEDURES GOVERNING THE
AWARDING AND RENEWAL OF FRANCHISES TO OPERATE AND
MAINTAIN CABLE TELEVISION SYSTEMS AND TO USE AND OCCUPY THE
STREETS AND OTHER PUBLIC PLACES AND WAYS FOR THAT PURPOSE
WITHIN THE TOWN OF TREMONT, MAINE**

BE IT ORDERED BY THE TOWN OF TREMONT, MAINE AS FOLLOWS:

SECTION 1. The Board of Selectmen of the Town of Tremont is hereby authorized to enter into non-exclusive franchise agreements, and to renew existing franchise agreements, with providers of cable television services for terms not to exceed ten (10) years, authorizing cable system operators to construct, maintain, repair, and operate cable television systems throughout the corporate limits of the Town of Tremont, including such areas as may be subsequently annexed thereto.

SECTION 2. Any franchise Agreement shall be issued in compliance with the requirements of the Cable Communications Policy Act of 1984, as amended by the Cable Consumer Protection and Competition Act of 1992, as further amended, the rules and regulations of the Federal Communications Commission, 30-A M.R.S.A. §3008 and this Ordinance. In the event of a conflict between the provisions of the franchise agreement and this Ordinance, the provisions of this Ordinance shall control.

SECTION 3. Any Franchise Agreement entered into by the Board of Selectmen shall provide that, consistent with federal law the Franchise holder shall be required to notify the Town and its subscribers at least thirty (30) days prior to the implementation of any changes in its rates or services, including charges for connecting and disconnecting customers to its cable system and penalties for late payment.

SECTION 4. The cable system must be constructed and operated in accordance with Federal Communication Commission regulations, and must be maintained in a safe manner so as not to bring harm to persons, property, animals, trees or shrubbery. The Town may inspect all construction or installation work performed pursuant to any franchise agreement.

SECTION 5. Any cable operator providing cable service within the Town shall be liable for all damages resulting from construction, operation and maintenance of its cable television system, including, but not limited to, all damages to streets, alleys and public rights of way as well as to property owned by private individuals and corporations. Any franchise agreement shall contain a provision requiring the cable operator to indemnify and hold harmless the Town and to carry sufficient liability insurance.

SECTION 6. Before the Town issues a request for proposals for cable television services, or before the Town acts upon an application for a franchise agreement or renewal of a franchise agreement, the Town will hold a public hearing, with reasonable

prior notice, to determine special local needs or interests related to the provision of cable television services.

SECTION 7. Any franchise agreement must contain provisions concerning: the area or areas to be served; a line extension policy; a provision for renewal, the term of which may not exceed 15 years; and procedures for the investigation and resolution of complaints by the cable television company; and any other terms and conditions that are in the best interests of the Town of Tremont.

SECTION 8. The Board of Selectmen is hereby authorized to impose a franchise fee in an amount of up to five percent (5%) of gross revenues derived from the operation of any cable television system within the Town to defray the costs of public notice, advertising, and any other expenses incurred by the Town in negotiating and entering franchise agreements or in regulating cable television systems in Tremont.

SECTION 9. Prior to execution, any franchise application, proposed franchise agreement, or renewal of a franchise agreement and related documents shall be placed in the Town's public records with reasonable notice to the public that all such records are open to inspection by the public during reasonable hours. The public shall be given reasonable opportunity to comment on any proposed franchise agreement prior to it being executed by the Board of Selectmen.

SECTION 10. This Ordinance shall be effective immediately upon adoption.

Passed this 19th day of September 1999.