

CHAPTER 113: COMMUNITY ANTENNA TELEVISION SYSTEM

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• 113.01 PURPOSE.

For the better protection of the public interest, health, safety, welfare and convenience, the following rules and regulations are hereby adopted setting forth the conditions, requirements and limitations under which a person may construct, have constructed for him, operate and maintain a community antenna television system and engage in the business providing a community antenna television service in the town of Boiling Springs.
(Ord. passed 5-25-82)

• 113.02 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CATV. Community Antenna Television.

CATV SERVICE or **COMMUNITY ANTENNA TELEVISION SERVICE.** The business of providing an improved television reception service to the public for compensation, by means of a master antenna and cables. As a part of the service, AM and FM radio program material received over the air, background music, news, weather and other information, including public service programming, and civil defense type information as required may be furnished to all subscribers without additional charge.

CATV SYSTEM or COMMUNITY ANTENNA TELEVISION SYSTEM. Any facility that in whole or in part:

1. Receives directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television stations, and AM and FM radio stations, and distributes the signals by wire or cable to subscribing members of the public who pay for the services; and
2. Distributes by wire or cable, news weather and other information, including public service programming, and civil defense type information as required, as a part of CATV service to all subscribers without charge.

BOARD OF COMMISSIONERS. The Board of Commissioners of Boiling Springs, North Carolina.

FCC. Federal Communications Commission.

FRANCHISE. Any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, or have constructed, operate and maintain a CATV system in the town for the purpose of providing a CATV service to the Citizens of Boiling Springs. Any franchise, in whatever term granted, shall not include any license or permit authorization required for the privilege of transacting and carrying on a business within the town in accordance with the privilege license regulations in Chapter 110 and any applicable ordinances of the town.

GRANTEE. The person, firm or corporation to whom or which a franchise, as hereinabove defined, is granted by the Board of Commissioners under this chapter, and the lawful successor, transferee or assignee of the person, firm or corporation.

GROSS SUBSCRIBER REVENUES. Any and all compensation received by a grantee from operation of the CATV system, including, but not limited to, basic monthly cable service fees, installation fees, disconnection and reconnection fees, pay TV or revenues, leased channel revenues, advertising revenues, outlet relocation fees and any other revenues derived from operation of the system.

PERSON. Any person, firm, partnership, association, corporation or organization of any kind.

PROPERTY OF GRANTEE. All property owned and installed or used by a grantee in the operation of a CATV system or service in the town under the authority of a franchise granted pursuant to this chapter.

STREET. The surface of and the space above and below any publicly-owned or maintained property or right of way, street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway or drive, now or hereafter existing as such within the town.

SUBSCRIBER. Any person or entity receiving for any purpose the CATV service of a grantee.

TOWN. The town of Boiling Springs, North Carolina.
(Ord. passed 5-25-82)

' 113.03 FRANCHISE REQUIRED; APPLICATION.

(A) It shall be unlawful for any person to engage in or otherwise participate in the construction, operation or maintenance of a CATV system in the town unless the person or the person for whom the work is being done shall have first obtained and shall hold a currently valid franchise granted pursuant to the provisions of this chapter. It shall also be unlawful for any person to engage in the business of providing a CATV service in the town unless the person shall have first obtained, and shall hold a currently valid franchise granted pursuant to the provisions of this chapter.

(B) A person seeking issuance of a franchise hereunder shall file a written application, in duplicate, with the Board of Commissioners or its designee. The application shall contain the following information:

(1) The name and address of the applicant. If the applicant is a partnership, the name and address of each partner. If the applicant is a corporation, the application shall also state the names and addresses of its directors, officers, parent and subsidiary companies and of stockholders owning as much as 5% of the outstanding stock and shall include a certified copy of the Articles of Incorporation.

(2) A statement showing the applicant's experience, if any, in establishing a CATV system and in providing a CATV service.

(3) A Financial Statement satisfactory to the Board of Commissioners showing applicant's financial status and its financial ability to complete the construction and installation of the proposed CATV system and to provide a CATV service. All financial data submitted in compliance with the requirement of this paragraph shall be confidential and shall not be regarded as public information.

(4) A statement and description of the CATV system proposed to be constructed, installed, maintained or operated by the applicant; the manner in which applicant proposes to construct, install, maintain and operate the same; and, particularly, the extent and manner in which existing or future poles or other facilities of other public utilities will be used for the system.

(5) A copy of any arrangement, agreement, or contract, if existing, between the applicant and any public utility providing for the use of public utility facilities, including poles, lines, cables, or conduits.

(6) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the ownership, control or transfer of the proposed franchise or the proposed CATV system and service. If a franchise is granted to a person posing as a front or as the representative of another person and information is not disclosed in the original application, the franchise shall be deemed void and of no force and effect whatsoever.

(7) A statement or schedule of proposed rates and charges to subscribers for installation and services.

(C) Upon consideration of any application, the Board of Commissioners shall determine the applicant's qualifications to construct, operate and maintain a CATV system and to provide a CATV service in accordance with the provisions of this chapter. If the Board determines that the applicant is so qualified, it may, by specific ordinance, grant a non-exclusive franchise to the applicant, provided, however, no provision of this chapter may be deemed or construed as to require the granting of a franchise when the Board of Commissioners determines that to do so would not be in the public interest.

(Ord. passed 5-25-82) Penalty, see ' 113.99

• 113.04 ACCEPTANCE; INDEMNIFICATION; EFFECTIVE DATE.

(A) Within 30 days after the town has taken final action to approve the granting of a franchise, the grantee shall file a written acceptance of the franchise, acknowledged before a notary public with the town clerk. The acceptance shall acknowledge that the grantee agrees to be bound by and to comply with the provisions of this chapter and the franchise and shall be in form and content as to be satisfactory to and approved by the town attorney.

(B) Concurrently with the filing of the written acceptance, the grantee shall file with the town clerk the bond and insurance policies required by ' 113.11 hereof.

(C) The effective date of the franchise shall be the date on which the grantee files the acceptance, bond and insurance policies as required herein.

(Ord. passed 5-25-82)

• 113.05 DURATION OF FRANCHISE; TERMINATION.

(A) The franchise shall be nonexclusive and shall be for a term not to exceed 15 years from the effective date thereof, as specified in ' 113.04 of this chapter. Every three years following the date of any granting of any franchise pursuant to this chapter, the town shall conduct an advertised public hearing upon the question of whether the grantee is or has been providing good quality service to subscribers and whether it is otherwise acting in the public interest. The franchise shall be renewable at the town's option for an additional period of ten years.

(B) The franchise shall not be sold, transferred, leased, assigned or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without the prior consent of the Board of Commissioners expressed by resolution, and then only under the conditions as may therein be prescribed. In addition to the conditions, the successor in interest as approved by the Board of Commissioners, shall comply with the requirements of ' 113.04 of this chapter with respect to filing acceptance, bonds and insurance and shall show that it is financially responsible. Any sale, transfer, lease, assignment or disposal shall be made only by an instrument in writing, a duly executed copy of which shall be filed in the Office of the town clerk within 30 days thereof. If no action is taken by the Board of Commissioners concerning approval of the proposed sale or other transfer within 60 days following the date of its filing with the town clerk, the proposed transfer shall be deemed automatically approved without further action at the expiration of the 60 day period.

(C) The council may terminate the franchise prior to the date of expiration upon a finding, made after 30 days notice of any proposed termination and public hearing, that:

(1) The grantee has failed to comply in some material respect with any provision of this chapter, or has, by any act or omission, violated in some material respect any term or condition of any franchise or permit issued hereunder;

(2) The grantee made a material, false statement in the application for the franchise, knowing it to be false;

(3) The grantee, contrary to the best interest of public convenience and welfare, is not providing subscribers with regular, adequate and proper service.

(D) In the event that the use of any part of the CATV system is discontinued for any reason, for a continuous period of 12 months, or the franchise has been terminated, canceled or has expired, the grantee shall have a period of 120 days following the end of the 12th month of non-use or following the effective date of the expiration or cancellation of the franchise within which, at its option, to either:

(1) Remove from the streets, public rights of way or private property within the town at its sole expense all of its equipment and property, other than that which the Board of Commissioners shall permit to be abandoned in place;

(2) Sell, trade or otherwise dispose of its equipment and other personal or real property within the town, in place, to a third party CATV operator which is unaffiliated with the grantee and which shall, within the 120 day period, or any extension of it by the Board of Commissioners, either remove the equipment and property as directed by Board of Commissioners or shall be granted a non-exclusive CATV franchise by the Board of Commissioners pursuant to this chapter. Any grantee or transferee of any grantee who shall alter or remove any CATV system equipment shall either restore the street or pay the town for restoring the street or other area from which the property has been removed to a condition for public use acceptable to the Board of Commissioners. Any property remaining in place after 120 days following the discontinuance, termination or expiration of the franchise shall be considered permanently abandoned, and may be appropriated by the town or removed by the town at the expense of any grantee.

(E) The franchise granted pursuant to this chapter shall not be transferred, pledged or otherwise encumbered in any manner without the prior approval of the Board of Commissioners.
(Ord. passed 5-25-82) Penalty, see ' 113.99

' 113.06 AUTHORITY GRANTED BY FRANCHISE.

(A) The grantee of any franchise issued pursuant to the provisions of this chapter shall, subject to conditions and restrictions set out in this chapter, be authorized to construct, or have constructed, operate and maintain a CATV system and to engage in the business of providing a CATV service in the town, and for that purpose to erect, install, construction, repair, replace, reconstruct, maintain and retain in, over, on, under, upon, across and along any public street, the poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliance attachments, and other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties lawfully rented or leased from other persons, including but not limited to any public utility or other grantee franchised or permitted to do business in the town. It shall be unlawful for any telephone, telegraph, or power company, or any other public utility company or person operating in the town to lease or otherwise make available to any other person any poles, lines, facilities, equipment or other property for use in connection with the operation of a CATV system or service unless the other person holds a currently valid franchise granted pursuant to the provisions of this chapter.

(B) The grantee may make a charge to subscribers for installation or connection to its CATV system and a fixed monthly charge for service in accordance with the schedule of rates and charges filed with and approved by the town. No increase in rates and charges may be made unless grantee has filed a schedule of charges with the town clerk at least 60 days in advance of the effective date thereof, and the increase has been approved by resolution of the Board of Commissioners adopted according to law. If not acted on within 60 days of the date of notice, it is automatically approved.

(C) The grantee shall not engage in the sale, service repair, rental or leasing of television receivers,

radio receivers, parts or accessories and shall not require or attempt to influence its subscribers to deal with any particular person in regard thereto.

(D) Construction and maintenance of the CATV system, including house connections, shall be in accordance with the provisions of the National Electrical Safety Code of the American Insurance Association, which code is specifically incorporated herein by reference, and shall also be in accordance with all applicable zoning and other ordinances and regulations of the town presently or hereafter in effect.

(Ord. passed 5-25-82)

113.07 CONDITIONS TO USE OF STREETS.

(A) There is hereby granted the further right, privilege, and authority to a grantee to lease, rent, or in any other lawful manner obtain the use of towers, poles, lines, cables, and other equipment, and facilities from any and all holders of public licenses, permits and franchises within the corporate limits of the town of Boiling Springs, North Carolina, and to use the towers, poles, lines, cables and other equipment and facilities, subject to all existing and future chapters and regulations of the town. Poles, lines and other equipment to be used by grantee shall be located so as to cause minimum interference with the uses of streets and with the rights or reasonable convenience of the general public and of property owners who adjoin the streets. Any agreement between grantee and any public utility of any other entity to use of poles or other equipment by the grantee shall be filed with the town clerk within 30 days after its execution.

(B) The installation of lines, including service drops to subscribers, shall be made underground in areas where either telephone or power lines are underground, and, additionally, where town ordinances or policies so require.

(C) (1) The grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the grantee when required by the town by reason of traffic conditions, public safety, street vacation, freeway and street constructions, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, or any other type of structure or improvements, and the town shall not be liable for any disturbance of the grantee's installations resulting therefrom. The grantee shall carry out the instructions and directions of the Board of Commissioners whenever it is necessary to raise or remove any of the grantee's wires or cables temporarily, for the purpose of moving or removing buildings or structures on the public streets of the town. Grantee shall perform the tree trimming or other maintenance work as shall be required or as shall be directed by the Board of Commissioners, all at the grantee's expense; except that the grantee shall receive from the Board of Commissioners any monies, reimbursements or fees that the Board of Commissioners may charge to, be offered or be paid by any private person or business organization to cover the costs of raising, temporarily removing or removing any of grantee's lines or cables for the benefit or convenience of the private party in moving or removing any building or structure.

(2) Grantee may trim or remove any trees or other growth within the town's public rights-of-way as necessary or convenient without prior specific consent of the Board of Commissioners; provided that, upon specific request of the grantee, the Board of Commissioners shall formally allow or deny grantee's request for permission to trim or remove trees at one or more particular locations within the rights-of-way.

(D) Whenever the grantee takes up or disturbs any pavement, sidewalk or other improvement of any street, the same shall be replaced and the surface restored in as good condition as before entry all in accordance with this code and any other applicable ordinances, regulations, technical standards and fee schedules of the town. Any opening or obstruction in the streets shall be guarded and protected at all times by the placement of adequate barriers, fences or boardings, the bounds which shall be clearly designated by warning lights of approved types. (Ord. passed 5-25-82)

• **113.08 PERMITS, INSTALLATION AND SERVICE.**

(A) Within 90 days after acceptance of any franchise, the grantee shall have obtained all necessary permits and authorizations that are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, licenses and authorizations required by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems and service.

(B) Within 30 days after obtaining all necessary permits, licenses and authorizations, grantee shall commence construction and installation of the CATV system.

(C) Within eight months after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the system shall be accomplished as described next below.

(D) Within 24 months after acceptance of a franchise granted hereunder, grantee shall have made full CATV service, as described in the specific franchise chapter, available to one 100% of the households within the corporate limits of Boiling Springs which have indicated a desire for the service, provided, however, that should the grantee be or become unable to provide normal CATV service to any specific household(s) which desire(s) the service because of reasonable inability to obtain or keep one or more rights-of-way necessary in order to run a cable to the household(s), or for other reasons beyond the grantee's control, the Board of Commissioners may exclude the household(s) in considering grantee's performance under this chapter or under a specific Franchise Ordinance granted pursuant hereto.

(E) Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the requirements set forth hereinabove, shall be grounds for termination of the franchise, under and pursuant to the terms of ' 113.05 (B) of this chapter; provided, however, the city may extend the time for the commencement and completion of construction and the initiation and full provision of service for additional periods in the event the grantee, acting in good faith, experience delays by reason of circumstances beyond its control.

(F) The grantee shall file a map with the town on or before January 31 of each year, showing the areas and locations of the town being served by the CATV system, and also any areas around the perimeter of the town being served by the same system, and the location and identification of component parts of the system, the map being accurate as of the end of the calendar year immediately preceding the date of filing.

(Ord. passed 5-25-82) Penalty, see ' 113.99

• **113.09 OPERATIONAL REQUIREMENTS.**

(A) The grantee shall install and maintain a CATV system which shall be in accordance with the

highest and best accepted standards of the industry to the end that subscribers shall receive the best possible service. In addition, the grantee shall comply with all requirements of duly constituted regulatory agencies having jurisdiction over CATV or the operator of CATV systems.

(B) The grantee must obtain individual permits for street openings, must secure all necessary permits at its expense and must pay all fees charged for closing pavement cuts.

(C) The grantee shall staff and maintain an office within the town limits for the purpose of handling subscriber complaints and providing prompt maintenance service. The Board of Commissioners may, by resolution, modify this requirement if it finds that a proposed location is sufficiently near to the town to provide adequate service.

(D) Under the supervision of an appointed town official and as soon as cable service is available, any grantee shall establish a procedure to resolve subscriber and other complaints, and shall keep an accurate log of all complaints received. The log and any written records concerning the complaints or their resolution shall be and remain available for inspection by the Board of Commissioners upon request.

(E) The grantees shall provide and maintain an adequate maintenance crew in its local office so as to be able to provide maintenance and other service to subscribers within no more than 12 hours following a complaint or request for a service call. Grantee shall also maintain an adequate inventory of spare parts at its local office to enable it to promptly deal with subscriber or other complaints or service/repair needs.

(Ord. passed 5-25-82)

• **113.10 REMUNERATION TO TOWN.**

(A) Upon acceptance of a franchise, and in consideration of the rights and privileges granted thereunder, the grantee shall pay to the town an initial franchise fee equal to \$50 per month for each month or major fraction of a month remaining between the date of acceptance of the franchise and the 30th day of June next following thereafter, during the life of the franchise, the grantee shall pay to the town on or before the 1st day of July of each year a franchise fee to cover 12 month period commencing July 1st and terminating the following June 30th; the amount of the franchise fee to be \$600 or 3% of the grantee's Gross Subscriber Revenues as defined in division (B) below for the most recent fiscal year ending on or before April 15th, whichever is greater.

(B) On or before 60 days following the close of its fiscal year (now May 31), grantee shall pay to the town a franchise fee of 3% of grantee's gross subscriber revenues during the preceding fiscal year from cable television operations within the franchise area or \$600, whichever is greater. No other fee, charge or consideration, except ad valorem taxes, shall be imposed by the town. **GROSS SUBSCRIBER REVENUES** means and shall include only receipts from subscribers within the franchise area for the basic cable television service and pay TV. It does not include installation charges, advertising revenue, rental of studios or equipment, program production fees, rental of channels or channel time, fees from any commercial services including security systems, or any other revenue or income.

(C) Within 30 days following the end of each fiscal year of the grantee during the franchise term, grantee shall file with the town a statement of grantee's gross subscriber revenues, as described and defined in division (B) above, within the franchise area during the preceding year verified by the Chief Financial Officer of the grantee and confirmed by an independent Certified Public Accountant or other

person satisfactory to the town. Within 90 days after the expiration of each-fiscal year of grantee during the franchise term, grantee shall file with the town a financial statement prepared by a Certified Public Accountant, or other person satisfactory to the town, showing the gross subscriber revenues from cable television operations within the franchise area during the fiscal year, the payments made to the town during that year, a list of the stockholders of the grantee and a statement of their ownership rights. Grantee will also submit to the town, promptly upon receipt, a copy each of every complaint (in civil action) filed against it, and a copy of each of all letters to and from the Federal Communications Commission and the Securities Exchange Commission.

(D) In the event grantee's franchise should be terminated or forfeited for any reason prior to the end of the term provided for herein, grantee shall immediately submit to the town a statement of the gross subscriber revenues from cable television operations during the time elapsed since the end of the last fiscal year for which a franchise was paid to the town by grantee; not later than 30 days following the termination of the franchise, grantee shall pay to the town 3% of the revenues together with any other sums legally due and owing to the town.

(E) The town shall have the right to inspect grantee's records from which the payments hereunder are computed and shall have the right to audit and recompute the amount of the payments. Acceptance of payments by the town shall not be construed as a release, accord or satisfaction of any claim the town may have for further or additional sums payable hereunder or for any other performance or obligation required of grantee.

(F) In the event of holding over after expiration or other termination of any franchise granted hereunder, without the consent of the town, the grantee shall pay to the town reasonable compensation and damages of not less than 100% of its Gross Subscriber Revenue as defined in division (B) above during the period of hold-over. (Ord. passed 5-25-82; Am. Ord. passed 4-3-84)

• **113.11 RIGHTS RESERVED TO CITY.**

(A) Nothing herein shall be deemed or construed to impair in any way the right of the town to acquire the property of the grantee by purchase or through the exercise of its right of eminent domain.

(B) The town hereby reserves the right to amend any section or part of this chapter.

(C) At all reasonable times, the grantee shall permit any duly authorized representative of the town:

(1) To examine any and all records maintained by or under the control of the grantee relating to its operation under the franchise;

(2) To inspect any and all installations owned, maintained, or used by the grantee in its operations under its permit including all towers, cables, and other components of the grantee's CATV system.

(D) The grantee shall indemnify and save harmless the town, its officers and employees, from and against any and all claims, demands, actions, suits, and proceedings by others, and against all liability to others, arising out of the exercise or enjoyment of its franchise, and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney fees.

Boiling Springs - Business Regulations

(E) Concurrently with the filing of the written acceptance, as required in ' 113.04, the grantee shall file with the town clerk, and at all times thereafter maintain in full force and effect for the term of the franchise or any renewal thereof,

(1) A good sufficient liability insurance policy or policies providing \$500,000 coverage for personal injuries to each person; \$1,000,000 coverage for all personal injuries in each accident; and \$500,000 coverage for all property damage in each accident. The policy or policies shall name the town as an additional insured and shall be for the purpose of insuring the town against any and all legal liability, court costs, and costs of defense for any action, including attorney fees, cause of action, claim or demand for personal injury, death or property damage arising out of the operations of the grantee under this chapter or its permit.

(2) A good and sufficient insurance policy with \$100,000 limits of liability for each accident naming the town as insured and insuring the town against damage to its property arising out of the operation of the grantee under this chapter.

(3) A good and sufficient insurance policy naming the town as an additional insured providing \$2,000,000 coverage for damages, expenses and costs arising out of copyright infringements or in lieu thereof, an indemnification agreement satisfactory to the Board of Commissioners.

(4) The operator shall promptly furnish the town with copies of all change thereafter made in the policies.

(F) Concurrently with the filing of the written acceptance, as required in ' 113.04, the grantee shall file with the town clerk, and at all times thereafter maintain in full force and effect for the term of the franchise or any renewal thereof, good and sufficient bond in the penal sum of \$50,000, executed by a surety company authorized and qualified to do business in the State of North Carolina. This bond shall be conditioned upon the faithful performance by the grantee of the obligations imposed by the provisions of this chapter and the franchise. This requirement is in addition to and not in lieu of the requirements of division (E) above.

(G) The grantee shall pay to the town a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of a franchise pursuant to the provisions of this chapter. The payment shall be made within 30 days after the town furnishes the grantee with a written statement of the expenses. Payment shall be made to the town clerk.

(H) The operator shall, at the time it furnishes to the town the required audit of its Gross Subscriber Revenues, furnish updated and current information disclosing the names and addresses of all persons who have been or become principals or holders of more than 5% of the outstanding stock of the operator since its last report, if any.

(I) The operator shall at all times during the term of the franchise furnish the town clerk with a copy of any and all communications between the grantee and the Federal Communications Commission or any other regulatory agency with jurisdiction over the grantee.

(Ord. passed 5-25-82)

• **113.12 PROGRAMMING.**

Grantee will provide as many off-air signals of programming as are permitted by FCC regulations,

and will provide as many channels of service as are required by FCC regulations.
(Ord. passed 5-25-82)

▪ **113.13 FCC REGULATIONS; CONFLICT OF LAWS.**

When a conflict exists between the provisions of this chapter and regulations of the FCC respecting the operations of grantee the latter will control.
(Ord. passed 5-25-82) Penalty, see ' 113.99

▪ **113.14 OPERATIONAL GUIDELINES.**

The grantee shall abide by all federal laws and regulations relative to the operation of a CATV system.
(Ord. passed 5-25-82) Penalty, see ' 113.99

▪ **113.15 CERTAIN ACTS PROHIBITED; VIOLATIONS.**

(A) It shall be unlawful for any person, firm or corporation to make any unauthorized connection whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this town for the purpose of taking or receiving television signals.

(B) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this town for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the owner of the system.

(C) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.
(Ord. passed 5-25-82) Penalty, see ' 113.99

▪ **113.16 BASIC SERVICE TIER RATES AND RELATED EQUIPMENT, INSTALLATION AND SERVICE CHARGES.**

(A) The town will follow the FCC rate regulations in its regulation of the basic service rates and charges of the company and any other cable television operating in the town, notwithstanding any different or inconsistent provisions in the franchise.

(B) In connection with the regulation, the town will ensure a reasonable opportunity for consideration of the view of interested parties.

(C) The Mayor or the Town Administrator is authorized to execute on behalf of the town and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC rate regulations in order to enable the town to regulate basic service rates and charges.
(Ord. passed 12-7-93)

• 113.99 PENALTY.

The violation of any provision of this chapter shall be a misdemeanor punishable by a fine of \$50 and imprisonment of up to 30 days. The existence of this penalty is exclusive of civil remedies for enforcement otherwise provided by law.

(Ord. passed 5-25-82)