

CHAPTER 4. CABLE TELEVISION

Article 1. CABLE TELEVISION 1

ARTICLE 1. CABLE TELEVISION

4-101 DEFINITIONS.

- a) Person means any individual, partnership, association, corporation, legal entity or organization of any kind.
- b) Cable Television System means a system composed of, without limitations, antenna, cables, wires, lines, towers, wave guides, or any other conductors, converters, equipment or facilities for the purpose of the distribution on a community antenna television system of television programs by means of high antenna or microwave transmission amplified and distributed by coaxial cable to the premises of its subscribers.
- c) Franchise means a nonexclusive authorization to use the roads, public ways and dedicated easements of the county to construct, operate, maintain or lease a cable television system and provide cable television service within the unincorporated areas of the county. (HR 85-7-1, Sec. 7)

4-102 REGULATORY PURPOSE. The county shall supervise and regulate all cable telephone service business operating within the unincorporated areas of the county so far as may be necessary to prevent such operation and service from having detrimental consequences to the public interest. For this purpose the county may promulgate and enforce such reasonable rules and regulations as it may deem necessary with reference to commencement of operation, territory of operation, the extension of service equitably to all parts of the franchise area, abandonment of facilities, elimination of unjust discrimination among subscribers, financial responsibility, insurance covering personal injury and property damage, safety of equipment, use of streets, alleys, dedicated easements and other public places, and reasonable grounds for forfeiture of franchise rights. (HR 85-7-1, Sec. 1)

4-103 FRANCHISE REQUIRED. It shall be unlawful for any person, firm or corporation acting in its own behalf or under a lease with or pole contract from any public utility to construct, install, operate or maintain a cable television service in, on, over, under, upon, across, from and along the streets, alleys, sidewalks, public property and public ways within the unincorporated areas of

- the county without first obtaining from the county a franchise authorizing the same under such reasonable conditions as the circumstances may require. The county hereby is authorized to grant or extend one or more such franchises for a term not to exceed 20 years from the date of such grant or extension. No person, firm or corporation shall ever be granted an exclusive franchise. Such franchises shall take the form of a resolution authorizing the construction, operation, and maintenance of cable television systems, shall set forth conditions accompanying the grant of franchise, shall provide for regulation and use of the system, shall provide penalties for violation of the franchise provisions, and shall provide for a franchise fee. (HR 85-7-1, Sec. 2)
- 4-104 FILING OF PROPOSED RATES. Every applicant for a franchise shall file with the county a schedule of its proposed rates and charges for its proposed services. (HR 85-7-1, Sec. 3)
- 4-105 FILING OF MAP OF FACILITIES. There shall be filed with the county by the person, firm or corporation providing cable television service a proper map showing and describing the exact location of all of its facilities within the county streets, alleys and public ways including underground cables and equipment. (HR 85-7-1, Sec. 4)
- 4-106 FRANCHISE FEE. The county by resolution shall levy a franchise fee or tax, including annual fixed charges as may be prescribed in the franchise resolution. Such fixed charge may consist of a percentage of the gross receipts derived from the service permitted by the franchise from consumers or recipients of such service located within the unincorporated areas of the county. Such levies, taxes or fees including all forms of consideration to such county and including initial lump sum payments must be reasonable and shall be generally in conformance with standards, if any, established by Federal Communications Commission regulations or other applicable laws. (HR 85-7-1, Sec. 5)
- 4-107 VIOLATION OF FRANCHISE, PROHIBITION OF OPERATION WITHOUT FRANCHISE. In the event of violation of any county franchise provision, by any duly franchised person or entity furnishing cable television service, the county before taking any action to declare a forfeiture shall serve written notice of such violation upon the franchise holder with directions to correct such violation, or show cause why such violation should not be corrected at a public hearing held not less than 30 days from the date of service of such written notice. Continued violation of any county franchise provision of this

chapter may be enjoined by the district court. Any person, firm or corporation acting in its own behalf or under a lease with or pole contract from any public utility which attempts to or does construct, install, operate or maintain a cable television service in, on, over, under, upon, across, from or along the roads, alleys, sidewalks, public property and public ways within the unincorporated area of the county without possessing a valid franchise from the county as authorized by this chapter shall be guilty of a Class C misdemeanor. Each day such act continues shall constitute a separate offense. (HR 85-7-1, Sec. 6)