

Title 5

BUSINESS LICENSES AND REGULATIONS

Chapters:

5.01 Cable Communications

Chapter 5.01

DOUGLAS COUNTY CABLE COMMUNICATIONS ORDINANCE

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5.01.010 Title. This chapter shall be referred to as the “Douglas County Cable Communications Ordinance.”

5.01.020 Purpose and intent. The Douglas County Board of Commissioners has determined that it is in the public interest and necessary for the promotion of the safety, convenience, comfort, prosperity and general welfare of the citizens of the county to identify the conditions upon which the county will grant a franchise or franchises to construct and operate a cable communications system.

5.01.030 Definitions. For the purpose of this chapter, unless the context requires otherwise, the following words and phrases shall mean:

A. “Cable Communications System” or “System” means a system of antennas, cables, amplifiers, towers, microwave links, cable-casting studios, and any other conductor, converters, equipment or facilities designed and constructed for the purpose of producing, receiving, amplifying, storing,

processing, or distributing audio, video, digital or other forms of electronic or electrical signals.

B. "Cable Service" means:

1. The one-way transmission to subscribers of video programming or other programming services; and

2. Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

C. "Franchise" means the privilege conferred upon a person, firm or organization by the county to operate a cable communications system under the terms and provisions of this chapter.

D. "Franchisee" means the person, firm or organization to which a franchise is granted to operate a cable communications system pursuant to the authority of this chapter.

E. "Other programming service" means all other services that a cable operator makes available to all subscribers generally.

5.01.040 Franchise required.

A. No person shall provide cable service, or operate a cable communications system using a public right of way, within the unincorporated area of the county without first making application for and receiving a franchise agreement approved by the Board of Commissioners.

B. Notwithstanding subsection A of this section, a person or entity that was providing cable service in unincorporated areas of the county without a franchise as of March 1, 2006, may continue to provide cable service without a franchise for sixty days following the effective date of this ordinance.

C. The franchise granted to a person or entity described in subsection A of this section shall require the franchisee to pay franchise fees on all revenue earned after the effective date of this ordinance at the same rate and on the same terms as required by the franchise subsequently granted.

D. If a person or entity provides cable service without a franchise more than sixty days after the effective date of this ordinance, the person or entity may be required to pay a penalty of not more than \$1000 for each day it provides service with no franchise, in addition to the franchise fees described in subsection C of this section.

5.01.050 Authority. To the extent allowed by law, the Board of Commissioners recognizes, declares and establishes its authority to engage in and to regulate the development and operation of a Cable Communications System (hereinafter "System") for the unincorporated area of the county, and to exercise all powers necessary for that purpose, including, but not limited to, the following:

A. To grant nonexclusive franchises for the development and operation of a System or Systems.

B. To regulate and supervise, by itself or in concert with other governmental entities, all facets of a System including but not limited to:

1. Consumer complaints.

2. Disputes among the county franchisees and consumers.
 3. Fair employment practices.
 4. The development, management and control of a government access channel as well as development of other access channels.
 5. Rates and review of finances for rate adjustments, to the extent allowed by federal law.
 6. Construction timetables and standards.
 7. Modernization of technical aspects.
 8. Ensuring adherence to federal and state regulations.
 9. Franchise transfer and transfer of control of ownership.
 10. Franchise renewal and/or franchise revocation.
 11. Enforcement of buy-back, lease-back or option-to-purchase provisions.
 12. Receivership and foreclosure procedures.
 13. Compliance with county standards for use of the public right-of-way.
- C. To purchase, hire, construct, own, maintain or operate or lease a System and to acquire property necessary for any such purpose.

5.01.060 Franchise requirements. Prior to entering into any franchise agreement, the Board of Commissioners will receive public comment on its terms. In addition to whatever terms the Board of Commissioners finds to be in the public interest, any franchise agreement shall, at a minimum, provide the following:

- A. Any franchise shall be nonexclusive.
- B. Any franchise shall be not be transferable without the consent of the Board of Commissioners.
- C. Any franchise shall be revocable for cause.

5.01.070 Franchise obligations. A franchisee shall comply with the provisions of this code, its franchise and regulations concerning providing cable service adopted by the Board of Commissioners.

5.01.080 Intergovernmental agreements. The Board of Commissioners may approve intergovernmental agreements, as authorized by Oregon law, with any other jurisdiction to provide for the joint ownership and operation or the joint regulation and control of any cable communications system, or both, on a unified basis in more than one jurisdiction. Such agreement may provide for the delegation of any and all powers of the Board of Commissioners authorized in this chapter to a commission provided for in the intergovernmental agreement, except for the powers to enter into or revoke franchise agreement.