

Chapter 34

TELECOMMUNICATIONS

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ARTICLE I.

IN GENERAL

Secs. 34-1--34-18. Reserved.

ARTICLE II.

CABLE TELEVISION FRANCHISES

Sec. 34-19. Short title.

This article shall be known and may be cited as the "community antenna television systems licensing ordinance of the Township of Egelston."
(Compiled Ords. 1990, § 12.051)

Sec. 34-20. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivatives shall have the meaning given herein:

CATV means and refers to community antenna television systems.

Licensee means a person to whom a license has been issued pursuant to the provisions of this article.

Person means an individual person, firm, partnership, association, corporation, company, or organization of any kind.
(Compiled Ords. 1990, § 12.052)

Sec. 34-21. Application for license.

Any person desiring to install, erect, construct, operate and maintain a community antenna television system within the township shall make application in writing, signed by the applicant or his duly authorized agent, to the township clerk. Said application shall be accompanied by a general plan of the system and a financial statement, or other evidence of financial capabilities, of the applicant. Said application shall also be accompanied by a filing fee of \$150.00.
(Compiled Ords. 1990, § 12.053)

Sec. 34-22. Compliance with applicable laws and ordinances; restrictions on use of streets.

(a) Any person duly licensed to operate a CATV system shall at all times be subject to all lawful exercise of the police power of the township and to such reasonable regulations as the township shall hereafter by resolution or ordinance provide. Any modifications of Section 76.31 of the Federal Communications Commission Rules resulting from amendment by the Federal Communication Commission shall be incorporated into this article within one year of adoption of the modification, or at the time of license renewal, whichever occurs first.

(b) Renewal of the license by the township shall be solely within the discretion of the township board at the termination of 15 years after the original grant of the license to the licensee.

(c) Any licensee shall have the right, so long as his license is in force and effect, to utilize the streets of the township for the erecting of facilities for the transmission of television signals as herein authorized from his antenna location or locations to the premises of subscribers. The licensee may erect all necessary wires, cables and appurtenances in the said streets, provided that any such distribution systems shall comply with all applicable laws and regulations and ordinances and all of the licensee's wires and cables suspended from poles in the streets shall comply with the minimum clearances above ground required for telephone lines, cables, wires and conduits; provided, however, the licensee first complied with all requirements of the county road commission, and first obtains a permit from said commission to work in the right-of-way of any road under their jurisdiction. The placement of any necessary poles shall be subject to the approval of the township supervisor. The licensee may, at its option, authorize the installation of such wires, cables, conduits, poles and appurtenances by others for the licensee's use and all such wires, cables, conduits, poles and appurtenances placed or installed by others for the use of the licensee shall be subject to the same regulations as if the licensee installed them.

(d) All transmission and distribution structures, lines and equipment erected by the licensee on his behalf within the township shall be so located as to cause minimum interference with the rights and reasonable conveniences of property owners who adjoin any of said streets, and existing poles for electric and communication purposes shall be utilized wherever possible and practicable.

(e) In case of any disturbance of a public facility including, but not limited to, a sewer, water line, pavement, sidewalk, driveway or other surfacing, the licensee shall, at its own cost and expense, and in a manner approved by the township supervisor, replace and restore the public facility disturbed in as good a condition as before said work was commenced.

(f) In conduit districts now or hereafter established by ordinances of the township, and as hereafter amended or altered, and in such other areas of the township in which telephone lines and electric utility lines are underground, all of the licensee's lines, cables and wires shall be underground. The licensee may charge an installation fee in addition to the normal installation fee, in situations provided for in the schedule of rates. (Compiled Ords. 1990, § 12.054)

Sec. 34-23. Licensee's liability; indemnification.

Each applicant shall, in his application, agree to save the township harmless from all loss sustained by the township on account of any suit, judgment, execution, claim, or demand, whatsoever, resulting from negligence or other errors, acts or omissions on the part of the licensee in the construction, operation, or maintenance of his CATV system in the township resulting in such suit, judgment, execution, claim, or demand. The township shall notify any licensee within ten days after the presentation of any claim or demand, either by suit or otherwise, made against the township on account of any negligence as aforesaid on the part of such licensee.

(Compiled Ords. 1990, § 12.055)

Sec. 34-24. Insurance.

Each applicant shall in his application demonstrate by a certificate of insurance that he is protected by liability insurance, issued by an insurance company authorized to do business in the state, against claims for property damage in the amount of \$100,000.00 for any one accident and for personal injuries in the amount of

\$200,000.00 for a personal injury to any one person, and \$500,000.00 for all personal injuries resulting from any one accident.

(Compiled Ords. 1990, § 12.056)

Sec. 34-25. Notice of interruption for repairs.

Whenever it is necessary to shut off or interrupt service for the purpose of making repairs, adjustments or installations, the licensee shall do so at such time as will cause the least amount of inconvenience to its customers, and unless such interruption is unforeseen and immediately necessary, it shall give reasonable notice thereof to its customers.

(Compiled Ords. 1990, § 12.057)

Sec. 34-26. Payments to the township.

The licensee shall pay to the township, for the privilege of operating a CATV system under this article, a sum equal to three percent of the licensee's gross subscriber revenues per year from cable television operations in the township.

(Compiled Ords. 1990, § 12.058)

Sec. 34-27. Rates; change of rates; refund of savings.

(a) Rates to be charged for service hereunder shall be fair and reasonable and designed to meet all necessary costs of the services including a fair rate of return on the net valuation of the properties devoted thereto. The licensee agrees that he shall be subject to all authority now or hereafter possessed by the township or any regulatory body having competent jurisdiction to fix just, reasonable, and compensatory television signal distribution rates. When its license shall take effect, the licensee shall have authority to charge and collect fees, not to exceed the schedule of rates attached to and made part of the licensee's application. The schedule of rates shall include and make reference to specific charges for all services offered by the licensee.

(b) The township shall have the right to approve the rates charged subscribers. There shall be no change in the rates charged for installation of equipment or subscriber services without the express consent of the township board after an appropriate full and public proceeding affording due process. The licensee, should it desire to adjust said rates, must make a proposal in writing to the township board through the clerk at least 60 days prior to the effective date of a suggested adjustment.

(c) If, during the term of its license, the licensee receives refunds, or if the cost to the licensee of receiving the television signals which it relays is reduced by order of any regulatory body having competent jurisdiction, the licensee shall pass on to its customers such refunds or any savings resulting from such reduced costs.

(Compiled Ords. 1990, § 12.059)

Sec. 34-28. Preferential or discriminatory practices prohibited; public or private free-of-charge service.

The licensee shall not make or grant preference or advantage to any person, nor subject any person to any prejudice or disadvantage; provided, however, that nothing in this article shall be deemed to prohibit the establishment of a free-of-charge service to public or private educational institutions, hospitals, charitable

institutions, and such public buildings as fire stations, police stations, or the township hall; provided further, however, that nothing in this article shall be deemed to prohibit higher rates or charges for areas wherein there is a population density of less than 50 homes per mile as long as any additional amount over the standard rates and charges is in proportion to the lesser income from subscribers incurred due to the lesser density or to higher installation charges.

(Compiled Ords. 1990, § 12.060)

Sec. 34-29. Records, reports.

The township shall have access at all reasonable hours to all of the licensee's plans, contracts, and engineering, accounting, financial, statistical, customer and service records relating to the property and the operation of the licensee in the township and to all other records required to be kept hereunder. The following records and reports shall be filed with the clerk and in the local office of the licensee:

- (1) Copies of such rules, regulations, terms and conditions as are adopted by the licensee for the conduct of his business, if any.
- (2) An annual summary report showing gross revenues received by the licensee from his operations within the township during the preceding year, and such other information as the township shall request with respect to properties and expenses related to the licensee's service within the township.

(Compiled Ords. 1990, § 12.061)

Sec. 34-30. Payment of license fee; report of gross revenues.

The licensee shall pay to the township treasurer the licensee fee mentioned in section 34-26 above within 30 days after each half of its fiscal year, following its inception of service to subscribers located in the township. At the same time it shall file with the clerk a summary report of gross revenues received by the licensee during such period from his subscribers located within the township.

(Compiled Ords. 1990, § 12.062)

Sec. 34-31. Transfer of license.

No transfer or assignment of the license granted hereunder shall be effective unless the prospective transferee or assignee files an application for approval of assignment or transfer with the clerk. The clerk shall issue a certificate of approval of assignment or transfer of a license only if the application therefor complies with all the requirements of this article, and upon approval by the township board of the transferee's or assignee's legal, character, financial, technical, and other qualifications, as well as the adequacy and feasibility of the transferee's or assignee's construction arrangement, after a full public hearing affording due process, which shall be promptly held. township shall approve or disapprove the transfer within 30 days of the application.

(Compiled Ords. 1990, § 12.063)

Sec. 34-32. Programming standards.

The licensee shall carry on coaxial cable all local television stations, present and future, without

significant degradation to signal. When a station is entitled to the program exclusively, it shall not duplicate any locally broadcast program, except upon compliance with all applicable Federal Communications Commission Rules pertaining thereto. The CATV system shall not originate any program other than time, weather, and music on any cable channel except as directed or permitted by the Federal Communications Commission. The CATV system shall not interrupt or interfere with the regular programming of any originating station carried on cable except to eliminate duplication as stated above or except as required or permitted by FCC regulations or by other provisions of law.

(Compiled Ords. 1990, § 12.064)

Sec. 34-33. Indemnification; programming disputes.

Each applicant shall save the township harmless from all loss sustained by the township on account of any suit, judgment, execution, claim or demand whatsoever resulting from a dispute over programming, provided that the township has in no way consented to or caused in whole or in part the events or situations involved in such dispute. The township shall notify any licensee within five days after the presentation of any summons, claim or demand, made against the township on account of any such dispute involving the licensee.

(Compiled Ords. 1990, § 12.065)

Sec. 34-34. Master antenna construction standards.

The licensee shall agree to construct its cable television system in accordance with the building and electrical codes of this township, to the extent same shall apply.

(Compiled Ords. 1990, § 12.066)

Sec. 34-35. Availability of facilities.

The licensee shall supply its facilities to all residents of the township who may request this service where there is a population density of 50 homes per mile of system or more, and such residents are located in such an area which is contiguous to an area in which the licensee's system exists. The licensee shall maintain a centrally located business office open at all reasonable hours to all persons in the township who desire the services of the licensee. Within one year from the acquisition by the licensee of its certificate of compliance from the Federal Communications Commission pursuant to Section 76.11 of the Commission's Rules, the licensee shall have accomplished significant construction of its system. Thereafter, each year the licensee shall equitably and reasonably extend its energized trunk cable to include an additional 20 percent of its total licensed area that has a population density of at least 50 homes per mile and is contiguous to an area in which the licensee's system exists.

(Compiled Ords. 1990, § 12.067)

Sec. 34-36. Studio and equipment.

The licensee shall provide one studio, which shall be available for local productions on such channel or channels as may from time to time be available. The studio shall be equipped to cable-cast or videotape programs in the studio for use for productions and shall include equipment capable of recording and playing three-quarter-inch video cassettes. Reasonable charges may be made for the use of the studio and equipment and such charges, including changes therein, shall be set forth on a schedule and available at the offices of the licensee.

(Compiled Ords. 1990, § 12.068)

Sec. 34-37. License.

No person shall own or operate a community antenna television system in the township except by license issued said person pursuant to this article. The clerk shall issue a CATV license only upon receipt of an application which complies with all other requirements of this article, and upon approval by the township board of the licensee's legal, character, financial, technical, and other qualifications, as well as the adequacy and feasibility of a licensee's construction arrangements, after a full public proceeding affording due process. Such license shall authorize the operation of a community antenna television system within the township, subject to the provisions of this article, for a period of 15 years from the date of issuance, provided the licensee is approved by the Federal Communications Commission. Renewals, unless revoked by the township, likewise shall remain in force and effect for a period of 15 years.

(Compiled Ords. 1990, § 12.069)

Sec. 34-38. Revocation of license.

Any license issued by the township may be revoked by the township board for failure of the licensee to properly perform under the provisions of this article or for not providing satisfactory service to its customers within the township. Any time that the township board receives a written complaint regarding service or violations of this article and if the township board either on its own motion or in response to said complaints determines that there is probable cause for so finding, the township board may notify the licensee in writing that it intends to hold a hearing regarding the revocation of the license. Said notice shall give the licensee reasonable time to appear at such hearing and shall set forth the reasons for any proposed revocation. After the said hearing has been held, the township may, if it finds just cause to revoke the license, issue its determination that the license is revoked, setting forth the basis upon which the said determination is made. In the event of such revocation, thereafter the licensee shall not transmit any further signals for television or the transmission of any other services normally provided on the cable television system, and the licensee's right to utilize the streets of the township shall be immediately terminated. The licensee shall remove all poles, conduits, wires, cable and appurtenances and shall restore the land upon which said incidents of the television system are erected to its former condition.

(Compiled Ords. 1990, § 12.070)

Sec. 34-39. Referendum.

In the event the license is construed to constitute a franchise within the meaning of the state constitution, or in the event any person complains in writing to the board that a license issued hereunder constitutes a franchise, and if it further appears that in the township board's opinion the revocation provisions do not constitute revocation at will by the township, the township board may on its own motion and without requiring judicial findings, require a referendum before approving the grant of the license under this article.

(Compiled Ords. 1990, § 12.071)

Secs. 34-40--34-66. Reserved.

ARTICLE III.

CABLE TELEVISION RATE REGULATION

Sec. 34-67. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except as defined in the Act and FCC rules or where the context clearly indicates a different meaning:

Act means the Communications Act of 1934, as amended (and specifically as amended by the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. 102-385), and as may be amended from time to time.

Associated equipment means all equipment and services subject to regulation pursuant to 47 CFR 76.923.

Basic cable service means "basic service" as defined in the FCC rules, and any other cable television service which is subject to rate regulation by the township pursuant to the Act and the FCC rules.

FCC means the Federal Communications Commission.

FCC rules means all rules of the FCC promulgated from time to time pursuant to the Act.

Increase in rates means an increase in rates or a decrease in programming or customer services. (Compiled Ords. 1990, § 12.131)

Sec. 34-68. Purpose; interpretation.

The purpose of this article is to:

- (1) Adopt regulations consistent with the Act and the FCC rules with respect to basic cable service rate regulation; and
- (2) Prescribe procedures to provide a reasonable opportunity for consideration of the views of interested parties in connection with basic cable service rate regulation by the township.

This article shall be implemented and interpreted consistent with the Act and FCC rules. (Compiled Ords. 1990, § 12.132)

Sec. 34-69. Rate regulations promulgated by FCC.

In connection with the regulation of rates for basic cable service and associated equipment, the township shall follow all FCC rules. (Compiled Ords. 1990, § 12.133)

Sec. 34-70. Filing; additional information; burden of proof.

(a) A cable operator shall submit its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates in accordance with the Act and the FCC rules. The cable operator shall include as part of its submission such information as is necessary to show that its schedule of rates or its proposed increase in rates complies with the Act and the FCC rules. The cable operator shall file ten copies of the schedule or proposed increase with the township clerk. For purposes of this article, the filing of the cable operator shall be deemed to have been made when at least ten copies have been received by the township clerk. The township board may, by resolution or otherwise, adopt rules and regulations prescribing the information, data and calculations which must be included as part of the cable operator's filing of the schedule of rates or a proposed increase.

(b) In addition to information and data required by rules and regulations of the township pursuant to subsection (a) of this section, a cable operator shall provide all information requested by the township supervisor in connection with the township's review and regulation of existing rates for the basic service tier and associated equipment or a proposed increase in these rates. The township supervisor may establish deadlines for submission of the requested information and the cable operator shall comply with such deadlines.

(c) A cable operator has the burden of proving that its schedule of rates for the basic service tier and associated equipment or a proposed increase in such rates complies with the Act and the FCC rules including, without limitation, 47 USC 543 and 47 CFR 76.922 and 76.923.
(Compiled Ords. 1990, § 12.134)

Sec. 34-71. Proprietary information.

(a) If this article, any rules or regulations adopted by the township pursuant to section 34-70(a) or any request for information pursuant to section 34-70(b) requires the production of proprietary information, the cable operator shall produce the information. However, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facts that support those reasons. The request for confidentiality will be granted if the township determines that the preponderance of the evidence shows that nondisclosure is consistent with the provisions of the Freedom of Information Act, 5 USC 552. The township shall place in a public file for inspection any decision that results in information being withheld. If the cable operator requests confidentiality and the request is denied:

- (1) Where the cable operator is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or
- (2) The cable operator may seek review within five working days of the denial in any appropriate forum.

Release of the information will be stayed pending review.

(b) Any interested party may file a request to inspect material withheld as proprietary with the township. The township shall weigh the policy considerations favoring nondisclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify the requesting entity and the cable operator that submitted the information as to the disposition of the request. It may grant,

deny or condition a request. The requesting party or the cable operator may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal.

(c) The procedures set forth in this section shall be construed as analogous to and consistent with the rules of the FCC regarding requests for confidentiality including, without limitation, 47 CFR 0.459. (Compiled Ords. 1990, § 12.135)

Sec. 34-72. Public notice; initial review of rates.

Upon the filing of ten copies of the schedule of rates or the proposed increase in rates pursuant to section 34-70(a), the township clerk shall publish a public notice in a newspaper of general circulation in the township which shall state that:

- (1) The filing has been received by the township clerk and (except those parts which may be withheld as proprietary) is available for public inspection and copying; and
- (2) Interested parties are encouraged to submit written comments on the filing to the township clerk not later than seven days after the public notice is published.

The township clerk shall give notice to the cable operator of the date, time, and place of the meeting at which the township board shall first consider the schedule of rates or the proposed increase. This notice shall be mailed by first class mail at least three days before the meeting. In addition, if a written staff or consultant's report on the schedule of rates or the proposed increase is prepared for consideration of the township board, then the township clerk shall mail a copy of the report by first class mail to the cable operator at least three days before the meeting at which the township board shall first consider the schedule of rates or the proposed increase.

(Compiled Ords. 1990, § 12.136)

Sec. 34-73. Tolling order.

After a cable operator has filed its existing schedule of rates or a proposed increase in these rates, the existing schedule of rates will remain in effect or the proposed increase in rates will become effective after 30 days from the date of filing under section 34-70(a), unless the township board (or other properly authorized body or official) tolls the 30-day deadline pursuant to 47 CFR 76.933 by issuing a brief written order, by resolution or otherwise, within 30 days of the date of filing. The township board may toll the 30-day deadline for an additional 90 days in cases not involving cost-of-service showings and for an additional 150 days in cases involving cost-of-service showings.

(Compiled Ords. 1990, § 12.137)

Sec. 34-74. Public notice; hearing on basic cable service rates following tolling of 30-day deadline.

If a written order has been issued pursuant to section 34-73 and 47 CFR 76.933 to toll the effective date of existing rates for the basic service tier and associated equipment or a proposed increase in these rates, the cable operator shall submit to the township any additional information required or requested pursuant to section 34-70. In addition, the township board shall hold a public hearing to consider the comments of interested parties within the additional 90- or 150-day period, as the case may be. The township clerk shall publish a public notice

of the public hearing in a newspaper of general circulation within the township which shall state:

- (1) The date, time, and place at which the hearing shall be held;
- (2) Interested parties may appear in person, by agent, or by letter at such hearing to submit comments on or objections to the existing rates or the proposed increase in rates; and
- (3) Copies of the schedule of rates or the proposed increase in rates and related information (except those parts which may be withheld as proprietary) are available for inspection or copying from the office of the clerk.

The public notice shall be published not less than 15 days before the hearing. In addition, the township clerk shall mail by first class mail a copy of the public notice to the cable operator not less than 15 days before the hearing.

(Compiled Ords. 1990, § 12.138)

Sec. 34-75. Staff or consultant report; written response.

Following the public hearing, the township supervisor shall cause a report to be prepared for the township board which shall (based on the filing of the cable operator, the comments or objections of interested parties, information requested from the cable operator and its response, staff or consultant's review, and other appropriate information) include a recommendation for the decision of the township board pursuant to section 34-76. The township clerk shall mail a copy of the report to the cable operator by first class mail not less than 20 days before the township board acts under section 34-76. The cable operator may file a written response to the report with the township clerk. If at least ten copies of the response are filed by the cable operator with the township clerk within ten days after the report is mailed to the cable operator, the township clerk shall forward it to the township board.

(Compiled Ords. 1990, § 12.139)

Sec. 34-76. Rate decisions and orders.

The township board shall issue a written order, by resolution or otherwise, which in whole or in part, approves the existing rates for basic cable service and associated equipment or a proposed increase in such rates, denies the existing rates or proposed increase, orders a rate reduction, prescribes a reasonable rate, allows the existing rates or proposed increase to become effective subject to refund, or orders other appropriate relief, in accordance with the FCC rules. If the township board issues an order allowing the existing rates or proposed increase to become effective subject to refund, it shall also direct the cable operator to maintain an accounting pursuant to 47 CFR 76.933. The order specified in this section shall be issued within 90 days of the tolling order under section 34-73 in all cases not involving a cost-of-service showing. The order shall be issued within 150 days after the tolling order under section 34-73 in all cases involving a cost-of-service showing.

(Compiled Ords. 1990, § 12.140)

Sec. 34-77. Refunds; notice.

The township board may order a refund to subscribers as provided in 47 CFR 76.942. Before the township board orders any refund to subscribers, the township clerk shall give at least seven days written notice

to the cable operator by first class mail of the date, time and place at which the township board shall consider issuing a refund order and shall provide an opportunity for the cable operator to comment. The cable operator may appear in person, by agent, or by letter at such time for the purpose of submitting comments to the township board.

(Compiled Ords. 1990, § 12.141)

Sec. 34-78. Written decisions; public notice.

Any order of the township board pursuant to section 34-76 or 34-77 shall be in writing, shall be effective upon adoption by the township board, and shall be deemed released to the public upon adoption. The clerk shall publish a public notice of any such written order in a newspaper of general circulation within the township which shall:

- (1) Summarize the written decision; and
- (2) State that copies of the text of the written decision are available for inspection or copying from the office of the clerk.

In addition, the township clerk shall mail a copy of the text of the written decision to the cable operator by first class mail.

(Compiled Ords. 1990, § 12.142)

Sec. 34-79. Rules and regulations.

In addition to rules promulgated pursuant to section 34-70, the township board may, by resolution or otherwise, adopt rules and regulations for basic cable service rate regulation proceedings (including, without limitation, the conduct of hearings), consistent with the Act and the FCC rules.

(Compiled Ords. 1990, § 12.143)

Sec. 34-80. Failure to give notice.

The failure of the township clerk to give the notices or to mail copies of reports as required by this article shall not invalidate the decisions or proceedings of the township board.

(Compiled Ords. 1990, § 12.144)

Sec. 34-81. Additional hearings by township board.

In addition to the requirements of this article, the township board may hold additional public hearings upon such reasonable notice as the township board, in its sole discretion, shall prescribe.

(Compiled Ords. 1990, § 12.145)

Sec. 34-82. Additional powers of township board.

The township shall possess all powers conferred by the Act, the FCC rules, the cable operator's franchise, and all other applicable law. The powers exercised pursuant to the Act, the FCC rules, and this article shall be in addition to powers conferred by law or otherwise. The township may take any action not prohibited

by the Act and the FCC rules to protect the public interest in connection with basic cable service rate regulation.
(Compiled Ords. 1990, § 12.146)

Sec. 34-83. Failure to comply; remedies.

The township may pursue any and all legal and equitable remedies against the cable operator (including, without limitation, all remedies provided under a cable operator's franchise with the township) for failure to comply with the Act, the FCC rules, any orders or determinations of the township pursuant to this article, any requirements of this article, or any rules or regulations promulgated hereunder. Subject to applicable law, failure to comply with the Act, the FCC rules, any orders or determinations of the township pursuant to this article, any requirements of this article, or any rules and regulations promulgated hereunder, shall also be sufficient grounds for revocation or denial of a cable operator's franchise.
(Compiled Ords. 1990, § 12.147)

Sec. 34-84. Conflicting provisions.

In the event of any conflict between this article and the provisions of any prior ordinance or any franchise, permit, consent agreement or other agreement with a cable operator, then the provisions of this article shall control.
(Compiled Ords. 1990, § 12.149)