

Article V – Cable Communications

CHAPTER 14 – BUSINESSES

Sec. 14-206. – Franchise required.

It shall be unlawful for any community antenna television system, as defined by Code of Virginia, § 15.2-2108, to operate within the unincorporated portions of the county without securing a franchise or a certificate of public convenience and necessity as provided in this article.

(Ord. of 1-13-1981)

Sec. 14-207. – Penalty for violation of article.

Violation of any provision of this article shall be deemed a class 2 misdemeanor, punishable as specified in section 1-15.

(Ord. of 1-13-1981)

Sec. 14-208. – Extensions of town systems authorized.

Any person holding a franchise for the operation of a community antenna television system within any incorporated town located within the county may operate extensions of such community antenna television systems within the unincorporated portions of the county upon issuance of a certificate of public convenience and necessity as provided in section 14-209. Any person not holding any such franchise shall operate community antenna television systems within the unincorporated portions of the county only after securing a franchise from the county, as provided by Va. Const., art. VII, § 9, and Code of Virginia, § 15.2-2108.

(Ord. of 1-13-1981)

Sec. 14-209. – Issuance of certificates of public convenience and necessity.

(a) Certificates of public convenience and necessity for the operation of community antenna television systems within the unincorporated portions of the county, as provided by Code of Virginia, § 15.2-2108, may be issued by the board of supervisors upon application filed with the county administrator. Before issuing any such certificate of public convenience and necessity, the board of supervisors shall give public notice of its intention to grant such certificate by advertisement in a newspaper having general circulation in the county for two consecutive weeks.

(b) The issuance of such certificate shall be subject to this article.

(Ord. of 1-13-1981)

Sec. 14-210. – Filing of application; fee.

Application for a certificate of public convenience and necessity shall be filed with the county administrator, along with an application fee, such application fee to include the cost of publication as required in this article. Information required on the application shall include the applicant's full name; aliases; address; the name, address and telephone number of the applicant's employer, if any; and the location of the place of business of the applicant. Any false statement made on the application form shall void any certificate issued under this article ab initio.

(Ord. of 1-13-1981, § 1)

Sec. 14-211. – Term of certificate.

A certificate of public convenience and necessity may be issued for such term as the board of supervisors may determine, and upon the expiration of such term may be renewed in the same manner as the initial certificate is obtained. Such certificates, when issued, shall be nonexclusive and nontransferable except with consent of the board of supervisors.

(Ord. of 1-13-1981, § 2)

Sec. 14-212. – Rules, regulations.

The holder of a certificate of public convenience and necessity shall be subject to such rules and regulations as contained in such certificate, or as adopted by the board of supervisors.

(Ord. of 1-13-1981, § 3)

Sec. 14-213. – Payment by certificate holder.

The holder of a certificate of public convenience and necessity shall pay to the county annually the amount of three percent of the annual gross operating revenues taken in and received by it on all retail sales of signals within the unincorporated portions of the county during the year, which fee shall be paid within 90 days after the close of the holder's fiscal year. The term "annual gross operating revenues" means any and all compensation and other consideration derived directly by the holder of any such certificate from subscribers in the unincorporated portions of the county for regularly furnished basic CATV service, and shall not include revenues derived from per-program or per-channel charges, leased-channel revenues, advertising revenues, or taxes on services furnished by the grantee imposed directly on any subscriber or user by any town, state or other governmental unit and collected by such holder for such governmental unit.

(Ord. of 1-13-1981, § 4)

Sec. 14-214. – Bond.

Prior to the issuance of a certificate of public convenience and necessity, the applicant shall enter into a bond with corporate surety, to be payable to the county in the penal sum established by the board of supervisors, not to exceed \$5,000.00, and conditioned upon due observance of the terms of this article and rules and regulations adopted by the board of supervisors pursuant to this article. In lieu of posting such bond, the applicant may post cash or a letter of credit from a recognized financial institution whose terms are satisfactory to the county attorney. Any person aggrieved by the applicant's violation of the provisions of this article, his certificate, or the rules and regulations adopted by the board of supervisors, who shall recover a final judgment against the applicant, may maintain an action in his own name upon the bond or surety.

(Ord. of 1-13-1981, § 5)