



TOWN OF LEWISBORO CABLE TELEVISION ACCESS RULES

1. Purpose

The rules and regulations set forth hereinbelow shall govern the availability and use of the public, educational, and governmental access channels and facilities which the Town of Lewisboro administers pursuant to the terms of its franchise agreement with the cable service provider.

2. Definitions

- a. "Cable Service Provider" --The entity that has been granted a franchise to operate the Town of Lewisboro's cable television system pursuant to the current franchise agreement.
- b. "Cablecasting" --The distribution of programming (exclusive of broadcast signals) over the Cable Service Provider's cable television system.
- c. "Access Channel User" or "User" --Any person, group, organization or other entity which makes proper application for, and presents Access Programming over, the Public, Governmental or Educational Access Channels.
- d. "Access Programming" --Video and audio material provided by Access Channel Users on the Public, Educational or Governmental Access Channel(s), which programming concerns matters of interest to and or is about the Town of Lewisboro and its residents.
- e. "Legally Qualified Candidate" --Any person who qualifies as a "Legally Qualified Candidate" pursuant to Part 76 of the Rules and Regulations of the Federal Communications Commission.
- f. "Public Access Channel" --That cable channel or channels or portions thereof which is or are specially designated by the Cable Service Provider and the Town of Lewisboro for the presentation of Access Programming by a person who resides within, or a group or organization which operates within and/or services, the Town of Lewisboro or its residents.
- g. "Educational Access Channel" --That cable channel or channels or portions thereof which is or are specially designated by the Cable Service Provider and the Town of Lewisboro for the presentation of Access Programming by educational institutions.
- h. "Governmental Access Channel" --That cable channel or channels or portions thereof which is or are specially designated by the Cable Service Provider and the Town of Lewisboro for the presentation of Access Programming by governmental bodies and/or agencies.
- i. "Cable Access Coordinator" --The person designated by the Lewisboro Town Board to act as the Cable Access Coordinator.

j. "Lottery" --Any device, scheme, plan, promotion, contest or other program and/or presentation which involves directly or indirectly the elements of prize, chance and consideration or any such device, scheme, plan, promotion, contest or other program and/or presentation which is, has been or may be declared a lottery under applicable local, state or Federal law.

k. "Lottery Information" --Any advertising or information concerning any Lottery as defined in Paragraph 2 . j. or any list drawn or awarded by means of any Lottery, whether said list contains any part or all of such prizes.

l. "Obscene or Indecent Material" --Any material in a program and/or presentation which would subject the producer, supplier thereof , the Cable Service Provider and/or the Town of Lewisboro to prosecution or penalty under local, state or Federal law for the production or presentation of obscene or indecent material.

3. Operating Rules Governing Access Channels

a. A person residing in, or a group or organization which operates within and/or services the residents of, the Town of Lewisboro, is eligible to use Public Access Channel(s) for Access Programming. Subject to review as provided in Paragraph 8 hereof, other persons, groups or organizations may be permitted to utilize Public Access Channel(s).

b. A bona fide educational institution, organization or authority located within the Town of Lewisboro or serving the residents thereof, is eligible to use the Educational Access Channel(s) for Access Programming. Subject to review as provided in Paragraph 8 hereof, other bona fide educational institutions, organizations or authorities may be permitted to utilize the Educational Access Channel.

c. A bona fide governmental body or elected official of the Town of Lewisboro, in furtherance of the duties of office, is eligible to use the Governmental Access Channel(s) for Access Programming, subject to the availability for the Governmental Access Channel at the time and for the duration requested.

1. Community Outreach Programming: Subject to review as provided in Paragraph 8 hereof, membership organizations, not for profit corporations, Religious Institutions, Schools or other community organization that are either constituted within the boundaries of the Town or School District or provide pro-bono service for the Town or School district may be eligible to use the Governmental Access Channel(s) for Access Programming that is of community interest or benefit , subject to the availability for the Governmental Access Channel at the time and for the duration requested.

d. Any audio or visual material which promotes or is designed to promote the sale of commercial products or services (including advertising by or on behalf of, or in opposition to, candidates for public office) or designed for fund raising of any nature or kind is prohibited in connection with any Access Programming. Any program which contains any material designed to elicit a response or any other solicitation of names or addresses which may be used for future fund raising activities may be rejected. Except that unpaid representatives of 501(3) not-for-profit organizations may discuss fundraising.

Notwithstanding the above, “billboard” type notices announcing the source of funding (if any) for the production of the program are permitted.

e. No program, production or presentation shall be cablecast or permitted to be cablecast on the Public, Educational or Governmental Access Channel(s) which involves directly or indirectly any Lottery Information or which involves a Lottery.

f. No program, production or presentation shall be cablecast or permitted to be cablecast on the Public, Educational or Governmental Access Channel(s) which involves any Obscene or Indecent Material.

g. In the event the Cable Service Provider or the Cable Access Coordinator believes that a program submitted contains material proscribed pursuant to Federal, state or local laws, rules or regulations or pursuant to Paragraphs 3. d., e. and/or f., either the Cable Service Provider or the Cable Access Coordinator shall notify the Access Channel User submitting the program, who may edit such program or withdraw same. Neither the Cable Service Provider nor the Cable Access Coordinator shall edit any program without the authorization of the Access Channel User. Any questions regarding suitability of material shall be referred to the Cable Access Coordinator for determination in accordance with Paragraph 8, hereof.

h. Any questions regarding the suitability of material for broadcast and/or the eligibility of any Access Channel User shall be referred to the Cable Access Coordinator for determination in accordance with Paragraph 8, hereof.

i. All taped material must meet the Cable Service Provider and the Town of Lewisboro’s technical specifications

j. The Cable Service Provider and the Town of Lewisboro may promote any and all Access Programming. Access user promotion is subject to prior written approval.

4. Procedures for Public, Educational and Governmental Access Channel Use

a. Submission of Access Program for cablecast on the Public, Educational and/or Governmental Access Channel(s) shall be made by delivering a tape of the program (if then completed), in proper format, to the Cable Access Coordinator (c/o Lewisboro Town Clerk, 11 Main Street, South Salem, NY), together with an information sheet identifying the proposed Access Channel User by name and address and specifying and/or containing the following:

1. The access channel desired (public, educational or governmental);
2. The day or days for access cablecasting desired (and alternative dates);
3. The time segment desired (and alternative times) and duration of the cablecast;
5. A specific description of the program;
6. Name, address and telephone number of the individual or organization making the submission, and, if an organization, the names of the principal officers.

7. The proposed format of the program, which format must be approved by the Cable Service Provider in order to ensure compatibility; and the production facilities and personnel of the Cable Service Provider which will be necessary for presentation of the access cablecast, if any.
8. A statement that the Access Channel User has read the Access Rules and will comply therewith; and

b. All submissions should be made at least seven (7) days in advance of the desired date and time of the proposed cablecast. However, if no prior request has been made for the time and date requested, the Cable Access Coordinator may waive the aforementioned time period.

c. An Access Channel User which meets the requirements of Paragraph 6. b. may use the Cable Service Provider's studio and production facilities. The Access Channel User should advise the Cable Service Provider at the time of submission if use of such facility is desired.

d. Access Channel Users who choose to produce their own programming and wish to use their own facilities must consult with the Cable Access Coordinator at the time of submission to determine whether their format is compatible with the Cable Service Provider and the Town of Lewisboro's equipment. After submission of the program, the Cable Access Coordinator, in his or her discretion, shall determine if such presentation is of technical quality compatible with the Cable Service Provider and the Town of Lewisboro's equipment. Programming which does not meet these technical requirements will be rejected.

e. Access Channel User's assigned time periods are not assignable or transferable.

f. If at the time of request, a tape has not yet been completed (or the program is live), the Access Channel User shall submit to the Cable Access Coordinator a script or program outline. If Access Channel User plans to use copyrighted material, Access Channel User at this time may be required to furnish proof of all appropriate rights and clearances for use of such material.

g. Cablecast of an access program shall not be construed to mean that the Cable Service Provider or the Town of Lewisboro has acknowledged or concluded that Access Channel User has secured all necessary rights and/or clearances or that the Cable Service Provider or the Town of Lewisboro assumes any responsibility for such programming.

h. No minor under 18 years of age shall be permitted to be an Access User. Minors may not apply for equipment or facility use, but minors may use the Cable Service Provider's equipment or facilities provided that the minor(s) meet the requirements of Paragraph 6. b. and is under the supervision of an Access User who is not a minor and who assumes financial responsibility for the minor.

i. All programs containing potentially offensive material shall be preceded with a warning stating “THE FOLLOWING PROGRAM CONTAINS MATERIAL WHICH MAY BE OFFENSIVE TO SOME VIEWERS OR INAPPROPRIATE FOR VIEWING BY CHILDREN OR OTHER AUDIENCES. VIEWER DISCRETION IS ADVISED. THE CONTENT OF THIS PROGRAM IS SOLELY THE RESPONSIBILITY OF [insert producer/provider name] AND NOT OF [insert name of cable service provider] OR THE TOWN OF LEWISBORO.” The Cable Service Provider may cablecast such material at times other than those requested by the Access User, and in no event will such programming be cablecast before 10:00 P.M. in the evening.

j. Videotape programs submitted to the Cable Access Coordinator or the Cable Service Provider may be retained for a period of up to ten (10) days after their requested play date. Materials which are not picked up within sixty (60) days after last use may be erased and retained by either the Town of Lewisboro or the Cable Service Provider. Neither the Town of Lewisboro nor the Cable Service Provider shall be responsible for any tapes lost or destroyed while in their possession.

5. Public Inspection

a. The Cable Service Provider shall maintain a complete record of names and addresses of all persons, groups, organizations or entities requesting access time on the public access channel. Such records will be maintained in the local office of the Cable Service Provider and be available for public inspection during the Cable Service Provider’s normal business hours. The Town Clerk shall maintain a complete record of names and addresses of all persons, groups, organizations or entities requesting access time for Community Outreach Programming on the governmental access channel. Such records will be available for public inspection during normal business hours.

b. Persons requesting public inspection shall identify themselves by name and address.

c. Access channels will not be made available to any Access Channel User who refuses to have his or her identity maintained in the records and available for public inspection as required by this Paragraph.

d. All records or requests for access channels shall be maintained for a period of at least two years.

6. Production Equipment and Facilities.

a. The Cable Service Provider may make available during its normal business hours, or at other times or on weekends by special arrangement, the studio facilities and equipment, portable facilities and equipment and/or a mobile studio van for use in the production of Access Programming. The equipment available for access use shall be so designated by the Cable Service Provider from time to time.

b. When using the Cable Service Provider’s facilities and equipment, each Access User will supply qualified equipment users to operate equipment and to produce and direct programming. Qualified equipment users are persons who have successfully completed the Cable Service Provider conducted training programs, or have provided satisfactory proof of completion of an equivalent program. A representative of the Cable Service Provider will supervise the use of the Cable Service Provider’s studio and mobile facilities and equipment (but not portable equipment) by User and User’s personnel. Access to and use of the Cable Service Provider’s premises and studios shall be governed by the Cable Service Provider’s rules of operation.

c. Designated portable Cable Service Provider access equipment may be used by qualified Access Users on location, provided such Access Users meet the conditions noted in Paragraph 6. b. above and provided further, that such Access User agrees to be responsible for any damage to such equipment. Equipment may not be used at locations or for purposes other than as stated in the application.

d. Designated Town of Lewisboro access equipment may be used by qualified Access Users on location as set forth below, provided that such qualified Access User agrees to be responsible for any damage to such equipment. Equipment may not be used at locations or for purposes other than as stated in the application. Additional access equipment and technical assistance may be available through John Jay High School which maintains a list of qualified student operators.

1. The Cable Access Coordinator may provide partial or complete production support for a limited number of Community Outreach programs and PSA's. Selection of subject and content for outreach productions shall be based on the following criteria: (a) programs shall be produced in cooperation with public agencies, membership organizations, not for profit corporations, Religious Institutions, Schools or other community organization that are either constituted within the boundaries of the Town or School District or provide pro-bono service for the Town or School district; (b) groups which have not received production support in the past shall be considered for priority over groups which have received production support on an outreach production; (c) the content of outreach productions shall be of community interest or benefit; (d) the number and frequency of productions shall be conditioned upon available staff and resources.
2. Programs produced with Town Of Lewisboro equipment or assistance must be intended for cablecast on Town of Lewisboro cable access. Such programs may not be used for commercial purposes or any monetary gain. All such programs must clearly identify the producer and end with an appropriate acknowledgment of Town support.
3. Any program in which the producer has made use of Lewisboro equipment must be cablecast at least once on Town of Lewisboro cable access prior to, or concurrent with, cablecast on any other community access system and prior to any other form of distribution,
4. Programs submitted for cablecast that have not been produced with Town support must clearly identify the local person or organization submitting the program at the beginning and end of each program. By requesting access to Town equipment and services, producers agree that the Town may use portions of their programs for non-commercial, promotional purposes.

e. Neither the Town of Lewisboro or the Cable Service Provider makes any warranty, expressed or implied as to the quality of any program or presentation produced using their equipment.

f. The Cable Access Coordinator or the Cable Service Provider shall have the right to determine whether a videotape of a program provided for Access Channel cablecasting is of acceptable quality for transmission.

7. Violation of Rules

Violation of Access User Rules by an Access User or guests of an Access User may subject the User to a loss of access privileges.

8. Questions

In the event a question or dispute arises regarding the applicability or interpretation of these rules, such questions or disputes shall be initially directed to the Town of Lewisboro's Cable Access Coordinator. Further questions or disputes shall be referred to the Town of Lewisboro Cable Television Advisory Committee.

9. Community Interactive Bulletin Board

The Town of Lewisboro accepts messages to be displayed by character generation (text letters and numbers) on its Governmental Access Channel. Guidelines and forms for community bulletin board messages are available through the office of the Town Clerk. Bulletin board messages are only available to non-commercial, non-profit organizations.

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