



TOWN OF SALEM, NEW HAMPSHIRE

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PUBLIC HEARING NOTICE

TOWN COUNCIL

December 18, 2023
7:00 P.M.

Salem High School Media Center
44 Geremonty Drive, Salem, NH

The Salem, NH Town Council will hold a hearing on Monday, December 18, 2023 at 7:00 p.m. to receive public input on proposed amendments to the following Chapters of the Salem Municipal Code (SMC):

- Chapter 29 – Elections
 - Amend Article IV of the code to correct errors and reflect a non-partisan ballot system rather than partisan ballot system.
- Chapter 143 – Board of Selectmen
 - Amend code to reflect adoption of a Town Charter and establishment of a Town Council rather than Board of Selectmen.
- Chapter 156 – Town Meeting
 - Amend code to reflect adoption of Town Charter with Official Ballot Town Council in accordance with RSA 49-D:3,I-a.
- Chapter 185 – Ambulance Services
 - Amend code to reflect Town Council rather than Board of Selectmen, further clarify language, and correct language consistent with previously adopted amendments.
- Chapter 219 - Cable Television
 - Amend code to update language and provide uniform language throughout the code.

Copies of Salem Municipal Code Chapters 29, 143, 156, 185, and 219 as proposed may be viewed at the Salem Town Manager's Office, 33 Geremonty Drive, Salem NH or on the Town's website www.salemnh.gov under the news and calendar page.

Chapter 29

Elections

[HISTORY: Adopted by the Town of Salem as indicated in article histories. Amendments noted where applicable.]

Article I Hours for State Elections

[Adopted by the 1942 Town Meeting (Ch. 35, Art. III, of the 1995 Code)]

§ 29-1 Voting hours established.

The Town hereby adopts the voting hours for state elections of 7:00 a.m. to 7:00 p.m.

Article II Hours for Town Elections

[Adopted by the 1942 Town Meeting (Ch. 35, Art. IV, of the 1995 Code)]

§ 29-2 Voting hours established.

The Town hereby adopts the voting hours for Town elections of 7:00 a.m. to 7:00 p.m.

Article III Closing Date for Correction of Checklist

[Adopted by the 1946 Town Meeting (Ch. 35, Art. V, of the 1995 Code)]

§ 29-3 Session date and hours.

The Supervisors of the Checklist shall be in session for the correction of the checklist at the Salem Town Offices on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed, provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, seven days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the Supervisors for extended hours as provided in RSA 654:27.

Article IV Partisan Ballot System

~~**[Adopted by the 1955 Town Meeting (Ch. 35, Art. VI, of the 1995 Code)]**~~

~~**§ 29-4 Partisan ballot system established.**~~

~~The Town hereby rescinds the action of the Town in voting to establish the nonpartisan ballot system in the Town of Salem as accepted under Article 25 of the 1954 Town Warrant and thereby reestablishes the partisan ballot system as previously in force under the authority granted to rescind such action in Chapter 34, Paragraph 112, of the Revised Laws of the State of New Hampshire as amended by Chapter 22 of the Session Laws of 1943¹.~~

1. Editor's Note: This article did not at the 1955 Town Meeting - Article 19 - Vote: 165 (Yes), 232 (No) - Per Town Clerk Records Article failed.

[Adopted by the 1954 Town Meeting (Ch. 35, Art. VI, of the 1995 Code)]

§ 29-4 – Non-Partisan ballot system established

Non-Partisan ballot system established. The Town hereby adopts the non-partisan Ballot System as provided in section 112 to 120 of the revised laws of the State of NH for the election of Town Officials. Adopted at the 1954 Town Meeting, Article 25.

**Article V
Absentee Ballots**

[Adopted by the 1975 Town Meeting (Ch. 35, Art. I, of the 1995 Code)]

§ 29-5 Adoption of statutory provisions.

The provisions for absentee ballot for the election of Town officers in RSA 669:26 through 669:29 are hereby adopted by this Town.

**Article VI
Polling Places**

[Adopted by the 1976 Town Meeting (Ch. 35, Art. II, of the 1995 Code)]

§ 29-6 Selectmen to determine polling places.

The Town hereby instructs the Selectmen to determine polling places in the Town of Salem.

**Article VII
Changes in Party Affiliation**

[Adopted by the 1980 Town Meeting (Ch. 35, Art. VII, of the 1995 Code)]

§ 29-7 Applications to be made with Town Clerk.

The provisions of RSA 654:34-a permitting applications for changes in party affiliation to be made with the Town Clerk are hereby adopted.

Chapter 143

~~Selectmen, Board of~~

Town Council

[HISTORY: Adopted by the Town of Salem as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics for ~~Selectmen~~ Code of Ethics for Boards, Committees & Commissions — See Ch. 33, Art. I.
Charter of the Town of Salem

Article I

Membership

[Adopted by the 1968 Town Meeting (Ch. 74, Art. I, of the 1995 Code)]

[Adopted by the 2023 Town Meeting (Charter of the Town of Salem)]

~~§ 143-1 Increase in membership.~~

~~The Board of Selectmen is hereby increased to five members.~~

§ 143-1 – Charter of the Town of Salem

The Town Council shall consist of nine members elected at large for three-year staggered terms.

Chapter 156

Town Meetings

[HISTORY: Adopted by the Town of Salem as indicated in article histories. Amendments noted where applicable.]

Article I

Annual Town Meeting

~~[At the 2012 Town Meeting (Art. 12), it was voted to adopt the provisions of RSA 40:13 (known as SB2), thereby establishing the official ballot referendum form of government in the Town of Salem.]~~

[At the 2023 Town Meeting (Article 2), it was voted to adopt a Town Charter under RSA 49-D:3, I-a (known as the Official Ballot Town Council)].

Chapter 185

Ambulance Service

ARTICLE I

Fees

[Adopted by the 1963 Town Meeting; amended by the 1992 Town Meeting (Ch. 129, Art. I, of the 1995 Code)]

§ 185-1. ~~Selectmen-Town Council~~ to establish fees.

The ~~Board of Selectmen~~Town Council shall establish reasonable fees for the use of the Town ambulance services.

ARTICLE II

Billing and Collection

[Adopted by the Board of Selectmen 3-27-1995; amended 11-18-1997 (Ch. 129, Art. II, of the 1995 Code)]

§ 185-2. Purpose.¹

This policy is adopted pursuant to the authority granted to the ~~Board of Selectmen~~Town Council by the Town Meeting on March 14, 1992. This policy applies to all transported users or responsible parties charged at a consistent rate as currently in effect per the Ambulance Fee Schedule as adopted by the Board of Selectmen pursuant to § 185-4A.

§ 185-3. Scope.²

This policy is applicable to all users or responsible parties, regardless of the existence of third party insurance coverage, except as provided below:

- A. Town employees injured while in the performance of their regularly assigned duties.
- B. Mutual aid community Fire Department employees injured in the line of duty.
- C. Mutual aid agreements.

§ 185-4. Policy provisions.

- A. The ~~Board of Selectmen~~Town Council shall establish a fee schedule to be charged for the use of the Fire Department ambulance service. This fee schedule is incorporated into this policy by reference ~~and shall be reviewed on an annual basis.~~³

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B. All patients that are transported by the Salem Fire Department ambulance shall be billed for the service.

C. Whenever possible, the Town's ambulance billing service and/or Fire Department staff shall obtain insurance information from the patient and shall submit a bill directly to the insurance company.

D. The Town shall accept assignment of all balances due from the insurance companies.

E. A patient shall be exempt from payment for ambulance service if he/she certifies to the Town's billing service that his/her family income is equal to or less than the current ~~Hill-Burton income~~ Federal poverty levels. If the income for the household size is less than 1.5 times the federal poverty income levels, he/she will be responsible for 50% of the fees for service. If the income for the household is less than 2 times the federal poverty levels, he/she will be responsible for 75% of the fees for service.

F. After receiving payment from third-party insurers, the Town's billing service shall bill the patient for the patient copayment portion of the ambulance fee.

G. Initial thirty-, sixty- and ninety-day bills will be issued on outstanding balances. This will be followed by a fourth and final dunning notice at ~~90~~ 105 days. At 120 days, the account will be ~~reported~~ evaluated for transfer to a ~~credit-bureau~~ collection agency. [Amended by the 1997 Town Meeting]

H. ~~Credit-bureau reporting may be foregone in lieu of a payment plan that provides repayment of at least \$10 per month, every month, until the balance is paid in full. Payment plans may be established to pay off the balance in an acceptable, as determined by the Town Manager, or designee, amount of time at any point.~~ [Amended by the 1997 Town Meeting]

I. Requests for write-offs shall be submitted to the Finance Department and forwarded to the ~~Board of Selectmen~~ Town Council for approval. Each request will ~~detail collection efforts and include~~ reasons for the write-off request.

§ 185-5. Multiple transports.

Each multiple transport patient, ~~defined as more than one patient in a single ambulance, requiring ambulance, requiring~~ definitive care beyond observation and monitoring of vital signs shall be billed at the single transport rate. In cases where additional resources are not required, the flat fee and mileage charges shall be divided equally by the parties being transported. ~~Assignment of these charges shall be at the discretion of the Fire Chief, subject to review by the Board of Selectmen.~~

Chapter 219

CABLE TELEVISION

[HISTORY: Adopted by the Town of Salem as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Franchising Authority

[Adopted by the 1977 Town Meeting (Ch. 19, Art. I, of the 1995 Code)]

§ 219-1. Establishment of franchising authority.

The Town hereby authorizes the Selectmen¹ to act as the Town's franchising authority for the regulation of cable television systems.

¹ Editors Note: The Town authorized the Board of Selectmen to act as the Town's franchising authority. At a vote in March 2023 the Town of Salem Adopted a Town Charter eliminating the Board of Selectmen and replacing it with a Town Council. All powers and authorities of the Board of Selectmen transferred to the Town Council.

ARTICLE II Public Access Television Policies, Procedures and operating rules

[Adopted by the Board of Selectmen 11-27-1995 (Ch. 19, Art. II, of the 1995 Code)]

§ 219-2. Adoption of rules.

The franchising authority has adopted the following to govern public access broadcasting in the Town.

§ 219-3. Introduction.

- A. Salem Community Television (SCTV)¹ is committed to the idea that community and public access programming should be community television serving the greater Salem community. The programs broadcast on SCTV should be for, by, and as needed by the community.
- B. SCTV is operated pursuant to ~~Section 14 of~~ the franchise agreement between the cable company and the Town of Salem. That ~~agreement section~~ provides that one channel shall be assigned for public access, one for educational, and one for governmental use. These rules govern public access. The rules governing governmental access programming shall be promulgated by the governing body of the Town of Salem.²
- C. Every person who either lives, works or is involved in organizations in the Salem community can produce or work on a public access cable television program. The fundamental feature of this community resource is access. Once a community person has been properly trained, he or she can work on a program for SCTV with station provided equipment. Programming on SCTV blends community volunteer and staff-produced programs, ~~as well as prerecorded programs~~, all designed to serve the unique needs of the Salem community.
- D. The public is invited to participate in creating these programs.

§ 219-4. General facility policies.

SCTV is pleased to provide facilities, equipment and channel time for community television productions. In return, all users should be mindful of the following rules:

- A. Obey all rules and regulations adopted by SCTV regarding equipment and facility use, program planning and any other requirement set forth in these rules.
- B. No smoking, food or beverages are allowed in the control room or studio area at any time.
- C. Users may not transfer channel or studio time or time for equipment use.
- D. No use of phones or other office equipment is permitted unless otherwise specifically permitted by staff of SCTV.
- E. Users should make appointments in advance for program-related consultation with SCTV staff.
- F. Anyone found to be under the influence of alcohol or drugs, or found to be carrying a weapon of any kind, will be removed from the premises.
- G. Violation of these rules or any of the rules stated in these rules may result in the loss of privileges.

§ 219-5. Definitions.

For the purposes of these operating rules, the following definitions shall guide staff of SCTV and users:

~~1.—Editor's Note: Throughout this chapter, "CTV-38" was amended to "SCTV" at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

~~2.—Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

EDUCATIONAL PROGRAMMING — Programming which has been produced by the Salem School District for inclusion on the educational channel. This includes but is not limited to School Board meetings, staff-produced features on school business, including programming created by students and sporting events, and information the school releases to the public.³

GOVERNMENTAL PROGRAMMING — Programming which has been produced by the Town government or channel staff. This includes but is not limited to local public meetings, staff-produced features on Town business, and information the Town releases to the public.⁴

LOCAL ORIGINATION — Programming entirely planned or produced by SCTV staff.

PUBLIC ACCESS PROGRAMMING — Programming which has been produced by the public. When the program is produced using SCTV facilities and equipment, it means that the production arrangements are made by the volunteer public access producers and the crew is primarily volunteer. In this instance, SCTV staff is largely there in an advisory capacity, to provide training, program proposal review, assistance in lining up crews, basic studio setup, and occasional crew assistance. When an access user brings in a prerecorded ~~program tape or cablecast~~, it is also considered public access. In both these instances, SCTV, by federal law, may not edit or control content.

§ 219-6. Program planning and promotion.

- A. Introduction. Successful programming depends on a combination of good planning, production and promotion. Each element in this process is equally important. These rules are designed to guide the user through the process of getting programs on SCTV. The following basic guidelines should assist the user:
 - (1) Read these rules. These rules acquaint the user with program planning and promotion, how to sign out equipment and facilities, the operating rules governing the facility, and how to schedule channel time.
 - (2) ~~Assign-Sign~~ an access user's agreement. This document certifies that you have read, understand, and will abide by the operating rules and that you agree to be solely responsible for the content of any programs you produce or schedule for cablecast.

B. Planning and production.

- (1) Using SCTV facilities and equipment to produce your program.
 - (a) Get certified for the appropriate facilities or equipment, either by taking SCTV sponsored training workshops or by demonstrating experience.
- (2) Follow the procedures for use set forth in these operating rules for use of facilities or equipment.
 - (a) Portable or field production. At least 14 days before you plan to begin ~~taping~~recording, fill out a program planning proposal and a portable equipment request form. After ~~taping~~recording is completed, hand in a facilities request form or portable equipment request form to schedule editing and necessary post-production.
 - (b) Studio production. At least 21 days before you plan to use the studio, fill out a program planning proposal and a facilities request form. A crew sign-up sheet is also available. Assemble a crew, get your script, talent, set, props, etc.
- (3) Program planning proposal. This assists both you and the staff in planning successful productions. The proposal should describe the program idea, list the target audience, and outline production needs. If this proposal is carefully crafted, the user will be more likely to select the appropriate production format, facilities and equipment needed to complete the program. The program planning proposal will also determine if the program is public access or community program, which affects production responsibilities and copyright ownership, or fill out a channel time request form in order to schedule cablecast times and dates.

~~3.—Editor's Note: Added at time of adoption of Code (see Ch. I, General Provisions, Art. I).~~

~~4.—Editor's Note: Added at time of adoption of Code (see Ch. I, General Provisions, Art. I).~~

C. Scheduling prerecorded ~~tape~~programs for cablecast.

- (1) Fill out a prerecorded channel time request form.
- (2) Confirm your cablecast date and time and ~~bring in the tapes~~supply the program.

D. Program promotion. Producing a program marks the halfway point toward concluding your responsibility as a public access producer. Equally important to planning and producing a show is promoting the program. All SCTV users are asked to actively promote their program. What follows are a few examples of how a producer can build an audience:

- (1) ~~Tape-Record~~ a thirty-second promotion for your program.
- (2) Schedule a message for the community bulletin board.
- (3) Call your friends, relatives and associates who might be interested in the program.
- (4) Work with SCTV staff to develop a press release, particularly when your program concerns a vital community issue.
- (5) Posters~~and~~, flyers, and social media are also a good way to promote a program.

§ 219-7. Eligibility to use facilities and equipment.

- A. Equipment and facilities are available to community members or organizations on a first come, first served, nondiscriminatory basis, provided that:

- (1) All prospective users have successfully completed applicable SCTV training and have been certified by SCTV in the use of equipment. Alternatively, prospective users may be eligible if they can demonstrate, on a standardized equipment use test, the basic operation of the requested video equipment. If an access user has not used the equipment or facilities for more than one year, recertification may be required.
 - (2) The prospective user must present appropriate identification, which shall be either:
 - (a) Driver's license;
 - ~~(b) Social security card;~~
 - ~~(c) Access user ID card; or~~
 - ~~(d)~~(b) Other identification establishing the identity of the prospective user.
 - (3) Prospective users must complete all necessary facility and equipment request forms and have those completed forms reviewed and approved by SCTV staff.
- B. Any community member who meets the above requirements may request facility or equipment use. Community members include residents of the community, representatives or employees of organizations located within the community, and representatives or employees of agencies which serve the community.
- C. Nonresidents formally enrolled in a student internship program at SCTV may use the equipment and facilities.
- D. Technical assistance.
- (1) Successful public access programming depends on participation by many active, trained volunteers who use video communication tools in order to independently reflect their ideas. Because of this, and limited staff time, SCTV generally cannot provide video production services for community members or organizations, except in special circumstances. Staff will assist community members in assembling production crews from among trained and qualified community volunteers. Community organizations planning to do programs on a regular basis are encouraged to form a television production committee, which SCTV will then train.
 - (2) Technical assistance and advice for the production of public access programming will be provided on a first come, first served, nondiscriminatory basis in accordance with these policies.
- E. Scheduled facility and equipment time is not transferable. No exchanges of time may be made between users.

§ 219-8. Use of facilities and equipment.

A. General rules.

- (1) Equipment is available on a first come, first served, nondiscriminatory basis. If a conflict arises over priority of equipment use, the equipment will be assigned to a public access producer in the same way used to reconcile program scheduling conflicts. (See § 219-10, Scheduling priorities.)
- (2) Cancellation of equipment or facility reservations should be made at least 24 hours in advance, except in the case of emergency. Repeated last minute cancellations may result in loss of privileges.
- (3) Confirmation of facility and equipment reservations must be made 48 hours in advance.
- (4) Users should only identify themselves as public access producers, not as employees or staff of SCTV or the Town of Salem.

- (5) Additional materials for productions, beyond those supplied by SCTV (i.e., sets, graphics, videotapes, other materials, etc.), must be supplied by the user and must be removed after the production.
- (6) Eligible users for any equipment or facilities will be loaned a portable ~~hard-drive~~media for files per program.
Additional needs will be considered on a case-by-case basis by the staff of SCTV.⁵
- (7) Working ~~tapes and files~~media.⁶
 - (a) SCTV-owned working ~~tapes and files~~media will be held at the studio for a maximum of 30 working days. After that time, if previous arrangements have not been made, SCTV will contact the public access producer and ask that person either to:
 - [1] Make arrangements to buy the ~~tape~~media or replace it with approved ~~tape stock~~media;
 - [2] ~~Dub the tape~~Copy the program onto the producer's own ~~videotapes~~media;
 - [3] Schedule post-production sessions; or
 - [4] ~~Bulk-Erase~~ and recycle the work ~~tapes~~media.
 - (b) If the public access producer does not respond to these requests after staff makes a reasonable attempt to contact the producer, work ~~tapes-media~~ will be subject to ~~reeycling-reuse~~ at the discretion of staff.
- (8) Individuals using SCTV equipment, or studio and post-production facilities, will not change wiring, patch bays or components without staff permission or supervision. No attempts should be made to work on or repair equipment. Any damage caused in this manner will be charged to the user. A loss of privileges will result from such equipment abuse.
- (9) Individuals using SCTV equipment should report any defects or problems to the staff.

5.—Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6.—Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (10) Producers found to be misusing or abusing the equipment may be asked to repeat training or testing and/ or be subject to loss of privileges.
- (11) No food or drink shall be brought into the studio, control room, or mobile van. Smoking is also prohibited in these areas.
- (12) SCTV staff may waive certain of the equipment and facility rules at its discretion.

B. Use of portable equipment.

- (1) Reservations for equipment use may be made up to one month in advance and must be made at least one week in advance. Reservations can be made with staff either in person or by telephone.
- (2) Equipment may be borrowed for a maximum of ~~24-72~~ hours ~~during the week and 48 hours over the weekend~~. Longer loan periods must be requested at the time the reservation is made and will be honored at the discretion of staff.
- (3) Equipment must be picked up and returned during staff hours. Pickups and returns must be made at least 30 minutes before the facility closes. On weekends, equipment must be picked up by Friday ~~at 4:30 p.m.~~ and returned ~~before 9:30 a.m.~~ the following Monday. Failure to return equipment when due may result in suspension of user privileges.

(4) Persons holding equipment reservations must follow these checkout and check-in procedures:

(a) Checkout.

- [1] Show required identification to staff.
- [2] Sign all required forms and equipment checklists.
- [3] Assemble and test requested equipment, if directed by staff.

(b) Check-in.

- [1] Equipment must be returned on time.
- [2] Any problems with equipment or damage should be noted on the equipment checklist and brought to the staff's attention.
- [3] Both the user and the staff person checking in equipment must initial the equipment user form, to confirm both that the equipment has been returned and the condition in which the equipment is returned.

- (5) Users are responsible for loss or damage due to negligence or abuse while the equipment is checked out to them.
- (6) Users with equipment already checked out will not be allowed to check out additional equipment unless special arrangements are made with staff.
- (7) Eligible users under the age of 18 who wish to borrow portable equipment must be accompanied by a parent, guardian, or a qualified adult access user who signs a release stating that the adult accepts responsibility for the equipment and its use by the minor.
- (8) Only in special cases and with staff permission can users take equipment outside of the community being served by this SCTV facility.

C. Use of studio.

- (1) In order to schedule the studio and control room, a community user (and all crew members) must be certified for studio production.
- (2) A minimum of three weeks' or 21 clear days' notification for scheduling of a studio production is required.
- (3) All required formatting and facility request forms must be filled out by the user and approved by staff before the studio will be scheduled.
- (4) Producers are entitled to a maximum of three hours per session with a maximum of six hours per week in the studio, post-production or editing facilities. Scheduled studio time includes the time needed to put up and break down the set.
- (5) Users must show up on time for scheduled studio productions and must have the studio and control room equipment and set put away before the end of the scheduled time period. SCTV staff recommends that users allow at least one hour before and after the time needed to tape the actual production for set up and cleanup of the studio. Additionally, staff recommends that users schedule time within the scheduled studio time to brief the crew and talent on the planned production.
- (6) Scheduled studio productions will be cancelled if the production crew does not show up within 30 minutes after the start of the scheduled facility time.

- (7) Users under the age of 18 who wish to schedule the studio or participate in a studio production must have written permission from their parent or guardian.

D. Use of editing and post-production facilities.

- (1) In order to schedule and use the editing or post-production facilities, a community user must be properly certified for such use.
- (2) Requests for use of the SCTV post-production or editing equipment shall be made at least 48 hours in advance, subject to discretion of staff.
- (3) All required forms for facility or portable equipment use must be completed before the facility or equipment is scheduled.
- (4) Users under the age of 18 who wish to schedule the editing and post-production facilities must have written permission from their parent or guardian.
- (5) Producers are entitled to a maximum of three hours per session with a maximum of six hours per week in the studio, post-production or editing facilities.

E. Waivers. The limitations and restrictions stated above may be waived by SCTV staff pursuant to the following procedure:

- (1) An application in writing seeking a waiver of specific provisions shall be filed at least three days before any limitation or restriction has been exceeded.
- (2) SCTV staff shall rule on the application based on the following:
 - (a) The limitation or restriction constitutes a practical difficulty.
 - (b) The purpose of public access programming on SCTV and the interest of the community will be promoted by granting the waiver.

§ 219-9. Program scheduling and cablecasting.

SCTV will attempt to honor all requests for channel time scheduling in accordance with the following procedures. Subsection A applies to all programs submitted for cablecast. Subsection B applies to local programs produced at the SCTV facility. Subsection C applies to prerecorded programming not produced at the SCTV facility. Any conflicts over program scheduling will be settled based on the rules and scheduling priorities.

A. General procedures.

- (1) Scheduling.
 - (a) Requests for channel time shall be processed on a fair and equitable basis. The appropriate channel time scheduling form should be used to schedule a cablecast. An access user may specify alternative dates and times for the initial request.
 - (b) Channel time scheduling requests must be submitted at least four weeks prior to the desired cablecast date. At the discretion of the program director, and if the desired time slot is available, the four-week submission rule may be waived to allow the timely cablecasting of newsworthy events.
 - (c) Except for live and series programming, channel time will generally not be scheduled until a program is complete.
 - (d) If scheduling allows, a ~~taped-recorded~~ program may be repeated two times during any weekly period, for a total of four cablecasts.

- (e) ~~Tapes-Programs~~ scheduled for cablecasting must be brought to the staff at least 48 hours prior to the scheduled cablecast.
- (2) Cablecasting requirements.
- (a) Label. Before cablecasting, all programs must be clearly labeled with the following information:
 - [1] Title of program.
 - [2] Cablecast date.
 - [3] Producer's name.
 - [4] Length of program.
 - ~~[5] Audio specifications (Channel 1 or Channel 2).~~
 - ~~[6] In cue and out cue.~~
 - (b) Technical standards.
 - [1] Screening. SCTV staff will screen the submitted ~~tape-program~~ only for the purpose of determining whether it meets minimum quality standards for cablecast. Because most ~~tapes programs~~ are produced by nonprofessional users, ~~tapes programs~~ are not expected to meet regular TV broadcast standards. For example, problems with color, contrast, etc., which may be cause for rejection by a broadcast TV station will not usually cause rejection by the SCTV staff.
 - [2] ~~Videotape-Media~~ format. All ~~videotapes-programs~~ supplied for cablecast must be in the following formats:
 - [a] Audio quality of all ~~videotapes-programs~~ will be constant and of sufficient level to permit adequate reproduction on SCTV transmission equipment.
 - [b] If SCTV staff determines that an abnormal number of production problems exist with the ~~tapeprogram~~, a producer may be asked to retrain.
 - [3] Series scheduling.
 - [a] Regularly scheduled series time slots will be allocated at the discretion of SCTV staff, provided that ample time remains available for other community programming requests.
 - [b] Series will be allowed for a maximum of six programs, after which reapplication will be required. Reapplication will be considered with respect to other scheduling demands.
 - [c] A series time slot will be allocated for new series only if:
 - [i] The producer has completed two ~~tape-recorded programmingsprogrammings~~ prior to application; or
 - [ii] The producer has successfully produced two live programs in the produced series.
 - [d] If a series producer regularly fails to have the program ready for scheduled cablecast, the SCTV staff may, at its discretion, assign the time slot to other users.

B. Scheduling programs produced locally.

(1) The channel time request form must be filled out at least two weeks prior to the desired cablecast date.

(2) Leader and trailer.

(a) The beginning of all cablecast programs must have a standard format in the following order:

~~[1]—Thirty seconds of color bars, with audio test tone at zero DB;~~

~~[2]—Ten seconds of standard slate; and~~

~~[3][1] Ten seconds of academy leader (countdown 10-2, with two seconds of black).~~

(b) The end of a cablecast program must have a standard format in the following order:

[1] Appropriate production credits;

[2] SCTV credit ("Produced at SCTV Studio");

[3] Copyright information (Producer's name and date); and

[4] ~~Sixty-Two to five~~ seconds of standard black.

(3) Program credit for underwriting and grants of locally produced programs.

(a) Underwriting for programs must be for goods, services, in-kind contributions and/or donations that aid in developing or improving programs.

(b) Credit for underwriting should be as follows: "This program was made possible through a grant by _____" or "Goods and services used in this program were contributed by _____."

(c) Only the name of the underwriter or donor, not the product, service, or contribution, can be listed in the credit. Such credits can only be shown before and after the program.

(d) Verbal credit to donors and underwriters during a program is not permitted.

(e) SCTV credit must be included in the closing credits.

(f) SCTV staff must be informed, in advance, of any such underwriting and consulted about the proper format for underwriting credit.

C. Scheduling prerecorded material.

(1) Prerecorded material is programming not produced at the SCTV facility. Such programs will only be scheduled at the request of a community user.

(2) A completed prerecorded channel time request form shall be submitted at least four weeks prior to the desired cablecast date.

(3) The users are responsible for ~~picking up their tapes~~obtaining copies of programs within 15 days after the last cablecast.

(4) After 30 days, SCTV assumes no responsibility for ~~tapes left on the premises~~programs.

§ 219-10. Scheduling priorities.

Public access channel and facility time are provided on a first come, first served, nondiscriminatory basis to any resident, organization or any other community user filing a request, in accordance with the operating rules. It should be understood, however, that since this is a shared community resource, specific channel time and equipment use requests cannot always be guaranteed. Moreover, channel capacity for public access is itself subject to use of channel capacity for governmental access. Governmental access programming has priority over public access programming.

A. Definitions. As used herein, the following terms shall have the meanings indicated:

FIRST-TIME USER — An individual or organization who or which has not used either the equipment, facilities or channel time during the preceding 12 months.

INDIVIDUAL USER — Any individual who has scheduled equipment, facilities or channel time in his/her own name.

ORGANIZATIONAL USER — Any group or organization which has scheduled equipment, facilities or channel time in its name. An organizational user is subject to the same weekly facility and channel limitations as individual users, whether one or several book time in the name of their organization.

REGULAR USER — An individual or organization who or which has used either the equipment, facilities or channel on two or more occasions in the four-week period prior to the current request for scheduling. Regular users also include those who have used the facilities or channel on a monthly basis for at least six months prior to the current request for such use.

SCHEDULING CONFLICTS — When identical requests are received by staff during the same working day.

B. Equipment, facilities or channel time scheduling conflicts.

(1) Scheduling conflicts. In general, equipment, facility and channel time requests will be scheduled on a first come, first served, nondiscriminatory basis. In the case of scheduling conflicts, the following criteria, in order, will be used:

- (a) User who have not been scheduled for their preference of channel time or facilities/equipment use on two previous requests shall be given scheduling priority on their next request.
- (b) First-time users shall have priority over regular users.
- (c) Facility use for ~~tape dubbing, practice, or~~ any other personal purposes shall have the lowest priority and may be bumped from a requested time slot if facilities are needed for programming.
- (d) If none of the above apply, staff may resolve the conflict at its discretion.

(2) All grievances or unresolved conflicts will be settled by the grievance procedure outlined in these rules.

§ 219-11. Program content.

Public access is a medium for community expression and free speech. No individual will be denied the use of public access on the basis of race, sex, age, physical disability, religion or political belief.

A. Program content.

(1) SCTV requires access users to accept full responsibility for program content. This means that access users, alone, are accountable for what they communicate. Therefore, access users should become familiar with local and federal laws and any other regulations that apply to program content and its

cablecast. Obscene programming is prohibited from broadcast on public access programming, and the other types of programming described below should not be shown on public access programming:

(a) Obscene programming.

[1] For purposes of these rules, to determine whether programming is obscene, the following test shall be applied:

- [a] Whether the average person applying local community standards would find that the work, taken as a whole, appeals to the prurient interest;
- [b] Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and
- [c] Whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

[2] Obscene programming is prohibited. The access programmer must certify to SCTV that its programming contains no obscene material.

- (b) Indecent programming. For the purposes of these rules, indecent programming is programming that describes or depicts sexual or excretory activities or organs in a patently offensive manner as measured by contemporary community standards. The access user or programmer should certify to the cable operator that its programming contains no indecent material.
 - (c) Programming soliciting or promoting unlawful conduct. The access user or programmer should certify to the cable operator that its programming contains no material soliciting or promoting unlawful conduct.
 - (d) Material which constitutes libel, slander, or invasion of privacy or which might violate any other local, state or federal law.
 - (e) Programs containing material which violates copyright, trademarks or service marks. Use of such material generally requires obtaining appropriate rights from music licensing organizations, publishers, representatives, copyright holders, broadcast stations, networks and any other person as may be necessary for cablecast. Users may be asked to furnish written authorization for use of such materials.
 - (f) Program material that creates the immediate danger of damage to property or injury to persons, or the substantial obstruction of law enforcement or other governmental functions or services, or the deprivation of a legal right of a person by threat, threat of force or physical action, or the creation of a public nuisance.
 - (g) The direct or indirect presentation of lotteries or lottery information, except for announcements pertaining to state-sponsored lotteries.
- (2) Public access programming is, by tradition, nonprofit and noncommercial. The channel time and facilities are provided in order to benefit the community. An alternative avenue for expression of commercial, for-profit expression is provided for under the leased access provisions of federal cable law. Leased access is channel capacity to be set aside for commercial purposes. Accordingly, programming which is commercial should be aired on leased access channels. Therefore, access programs should not contain the following:
- (a) Advertising material designed to promote the sale of commercial products, businesses, services, or individuals.
 - (b) Direct sales or provision of commercial products, businesses or services during a program.

- (c) Material which identifies any product, service, trademark or brand name in a manner that is not reasonably related to the noncommercial use of such in the program and which promotes the commercial gain of such products, services, trademarks or brand names.
- (d) The direct solicitation of funds without first receiving permission from SCTV.
- (3) Labeling of sensitive material.
 - (a) If an access user makes a good faith determination that the subject material in a program may offend some viewers and/or may not be appropriate for children, SCTV requires that the following announcement be added to the beginning of the program: "The following program may contain sensitive material. Viewer discretion is advised."
 - (b) At its discretion, SCTV may insert the following disclaimer between programs: "The following program is not a production of SCTV and does not reflect the views and opinions of SCTV, The Town of Salem, or its employees."

B. Federal Communications Commission (FCC) regulations regarding political and issue-oriented programs.

- (1) FCC regulations applying to political candidates and issues do not apply to public access. The two best known rules are the equal opportunity or equal time rule, which applies to political candidates, and the fairness doctrine (no longer in force), which stated that a broadcast programmer must give time, not necessarily equal time, to diverse sides of an issue. The FCC personal attack rule also does not apply to public access.
- (2) Political candidates and access.
 - (a) Since FCC regulations concerning equal time for political candidates do not apply to public access programming, SCTV places no restrictions on use of channels and facilities by political candidates, other than those applying to normal and equitable use of channel scheduling and facility time. SCTV specifically reserves the right to impose content neutral, reasonable time, place and manner regulation on political candidate access by appropriate scheduling.
 - (b) No paid advertising will be accepted on behalf of candidates for public office or political parties on SCTV. This includes advertising, promoting and/or opposing ballot issues by supporting groups or lobbying organizations.
- (3) Coverage of public affairs issues and access. Public access users are under no legal obligation to show any viewpoint other than their own. Community residents with diverse viewpoints are encouraged to use public access to express those views.

§ 219-12. Program ownership and rights.

Both the public access producer and SCTV have the following rights with regard to programming produced using the facilities and equipment provided by SCTV:

- A. SCTV program rights in public access programs produced using SCTV equipment and facilities.
 - (1) To retain the edited master of the program in its ~~tape~~-library.
 - (2) To ~~make duplications of~~distribute the program for noncommercial distribution, except where permission has been expressly denied in advance. Producers will always be given graphic credit in the videotape of such use.
 - (3) To cablecast the program as often as is deemed appropriate.

B. Public access produced program rights.

- (1) Ownership of rights to all original material.
- (2) To select a minimum of one program date and time for cablecast in accordance with scheduling priorities.
- ~~(3) To book facility time in order to make one duplicate tape of the program produced. Fees for additional duplication will be charged.~~
- ~~(4)~~(3) To request that programs ~~master videotapes~~ held by SCTV be discontinued from cablecast or erased in the event that program information becomes outdated or obsolete.
- ~~(5)~~(4) To play or distribute the ~~videotape program~~ for nonprofit purposes only, provided that SCTV is given graphic credit within the videotape of each cablecast date or play.

C. ~~Videotape Program~~ ownership.

- (1) ~~SCTV videotapes.~~ SCTV provides ~~videotapes media~~ for use during training and workshops and for working and for master ~~tapes working copies~~ of programs being produced with SCTV equipment. ~~These This videotapes media remains~~ the property of SCTV.
- ~~(2) Videotapes for copies. Videotapes for making duplicate (dubs) of program masters or any other tapes must be purchased or provided by the individual or group making the dub.~~

D. Restrictions.

- (1) Personal profit and commercial use.
 - (a) Individuals, community organizations or any other community users may not use the program or any of its outtakes for personal profit or gain without the express written permission of SCTV.
 - (b) SCTV may require that a producer share such profits in order to compensate for the facilities, equipment, tape supplies, and staff time that were provided to the producer.
 - (c) Community users found to be using the facilities or equipment for personal profit without prior permission will be subject to loss of privileges.
- (2) Other ~~duplication distributions~~. Other than the right to assign to SCTV, only the program producer has ownership and ~~duplication distribution~~ rights for each program. Other individuals or organizations should make ~~duplication distribution~~ arrangements with the program producer, unless SCTV has prior written authorization for such ~~duplication distribution~~ from the producer.

§ 219-13. Community bulletin board announcements.

A text information service is available, free of charge, to nonprofit organizations providing public service announcements and/or event information to the community.

A. Procedure for placing community bulletin announcement.

- (1) To place a message on the ~~calendar bulletin board~~, complete the community ~~calendar bulletin board~~ request form and ~~return by mail or bring in person to submit it to~~ SCTV ~~studio~~.
- (2) Message requests should be submitted two weeks prior to the desired starting date.
- (3) Messages will run at least one week prior to a scheduled event. Messages will be removed ~~the morning after the event has occurred or the first workday thereafter~~.

- (4) General messages that do not pertain to a specific event will be shown as long as possible, depending upon space available. In order for the message to be renewed, a request must be refiled.
- (5) No solicitation of funds nor event price information may be given. Phone numbers for the purpose of obtaining further information are permitted.
- (6) All other rules regarding limitations on content apply to messages in cablecast.

§ 219-14. Grievances.

A. Informal.

- (1) Any grievance regarding assignment of workshop space, channel time allocation, equipment and studio use, or any other matter regarding SCTV facilities should first be discussed with the ~~program director~~Executive Director or applicable staff person.
- (2) If that consultation does not result in an acceptable solution, a formal grievance may be filed pursuant to the formal grievance procedure described below.

B. Formal.

- (1) Any person aggrieved by a decision enforcing or interpreting these procedures who is unable to resolve that grievance by the informal procedure outlined above may file a written appeal to the ~~Board of Selectmen~~Town Council describing the nature of the grievance and describing what procedure and operating rules are implicated by the appeal. The ~~Board of Selectmen~~Town Council may, at its discretion, hear the appeal under this article or designate that the appeal be heard by another authority. The ~~Board-Council~~ shall have discretion to appoint an ad hoc hearing authority or designate that the appeal be heard by a standing or already constituted authority.
- (2) The ~~Board of Selectmen~~Town Council or its designee shall, within 30 days of receipt of such a writing, hold a hearing on the grievance. The ~~program-Executive~~ director of SCTV shall be provided a copy of the written grievance and shall present the position of SCTV at the hearing.
 - (a) No formal rules of evidence or procedure shall be required for such a hearing, but the ~~Board of Selectmen~~Town Council or its designee shall hear all evidence it deems relevant and shall permit both parties to address the issues raised by the grievance.
 - (b) The ~~Board-Council~~ or its designee may consider testimonial, documentary or other types of evidence.
 - (c) Within 30 days of the close of such a hearing, the ~~Board of Selectmen~~Town Council or its designee shall issue a writing deciding the grievance.
 - [1] The decision of the ~~Board-Council~~ or its designee shall be based on the evidence submitted to it at the hearing.
 - [2] The decision may grant the grievance, deny the grievance, or neither grant nor deny the grievance but modify the interpretation and actions of SCTV in interpreting or enforcing the operating rules.
 - (d) The decision shall remand the matter to the SCTV ~~program-Executive d~~Director for action consistent with the decision of the ~~Board of Selectmen~~Town Council or its designee on the grievance.

§ 219-15. Public record.

SCTV will maintain a complete public record of all persons, groups or organizations requesting the use of channel time facilities and/or equipment. These records will be made available to the public for inspection ~~during normal business hours~~ following the Town of Salem's public records request policy. All records will be kept a minimum of two years. Access to these records shall be governed by RSA 91-A, the New Hampshire Right-to-Know Law.