

ORDINANCE NO. 6096

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 126
OF THE LOMBARD VILLAGE CODE IN REGARD TO
THE CABLE AND VIDEO CUSTOMER PROTECTION LAW**

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the Cable and Video Customer Protection Law (220 ILCS 5/70-501), which authorizes the Village to enforce certain customer service and privacy protection standards; and

WHEREAS, the Village desires to enforce the customer service and privacy protection standards with respect to complaints received from residents as provided by the Cable and Video Customer Protection Law;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: That Title 11, Chapter 126 of the Lombard Village Code is hereby amended by adding a new Section 126.02 thereto, which shall read in its entirety as follows:

“§126.02 CABLE AND VIDEO CUSTOMER SERVICE AND PRIVACY PROTECTION.

(A) Adoption. The regulations of the Cable and Video Customer Protection Law, 220 ILCS 5/70-501, are hereby adopted by reference and made applicable to the cable or video providers offering services within the Village’s boundaries.

(B) Amendments. Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to cable or video providers offering services within the Village boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the Corporate Authorities of the Village.

(C) Enforcement. The Village does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and

Video Protection Law with respect to complaints received from residents within the Village.

(D) Penalties. The Village, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed seven hundred fifty and no/100 dollars (\$750.00) for each day of the material breach, and shall not exceed twenty-five thousand and no/100 dollars (\$25,000.00) for each occurrence of a material breach per customer. In this regard:

- (1) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.
- (2) The Village shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least thirty (30) days from the receipt of the notice to remedy the specified material breach.
- (3) A material breach, for the purposes of assuming penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice as provided for in subsection (2) above.

(E) Customer Credits. The Village hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.”

SECTION 3: If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law; however, the provisions of this Ordinance, as to incumbent cable operators, shall take effect January 1, 2008.

Passed on first reading this ____ day of _____, 2007.

First reading waived by action of the Board of Trustees this 18th day of October, 2007.

Passed on second reading this 18th day of October, 2007, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Tross, O'Brien, Moreau, Fitzpatrick and Soderstrom

NAYS: None

ABSENT: None

APPROVED by me this 18th day of October, 2007.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this 23rd day of October, 2007.

Brigitte O'Brien
Village Clerk