

94-O-07

AN ORDINANCE

**Amending the City Code
by Enacting a New Title 3, Chapter 35,
“Cable and Video Service Customer Protection Standards”**

WHEREAS, the City has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and 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, authorizing municipalities to enforce all of the customer service and privacy protection standards of the Section; and

WHEREAS, the City 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 CITY COUNCIL
OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: That the foregoing recitals are found as fact, and made a part hereof.

SECTION 2: That Title 3 of the Evanston City Code of 1979, as amended, is hereby further amended by enacting a new Chapter 35, Cable and Video Service Customer Protection Standards, to read as follows:

3-35-1: TITLE:

This Chapter shall be titled and referred to as the "Cable and Video Service Customer Protection Standards Ordinance".

3-35-2: PURPOSE AND INTENT:

The purpose of this Chapter is to promote the public health, safety, and welfare of the residents of Evanston by requiring cable and video service providers to protect the rights of their customers.

3-35-3: STANDARDS ADOPTED:

- (A) The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the City's boundaries.
- (B) Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Chapter shall be incorporated into this Chapter by reference and shall be applicable to cable or video providers offering services within the City's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Chapter by reference without formal action by the corporate authorities of the City.

3-35-4: ENFORCEMENT:

The City 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 City.

3-35-5: PENALTIES:

The City, pursuant to 220 ILCS 5/70-501(r)(1), as amended, 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 \$750.00 for each day of the material breach, and shall not exceed \$25,000.00 for each occurrence of a material breach per customer.

- (A) "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 Cable and Video Protection Law.

- (B) The City shall give the cable or video provider written notice of any alleged material breaches of the Cable and Video Protection Law and allow such provider at least thirty (30) days from the receipt of the notice to remedy the specified material breach.
- (C) 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 in (B).

3-35-5: CUSTOMER CREDITS:

The City 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), as amended, 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.

3-34-6: SEVERABILITY:

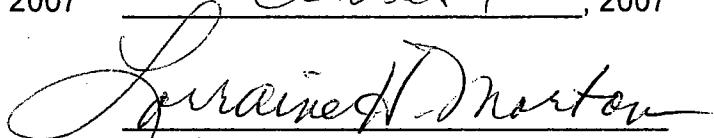
The provisions and Sections of this Chapter shall be deemed separable, and, if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications thereof.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law. The provisions of this Ordinance as to incumbent cable operators take effect January 1, 2008.

Introduced: October 8, 2007 Approved:

Adopted: October 8, 2007 October 9, 2007



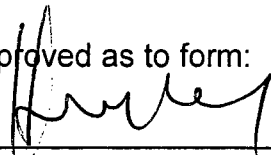
Lorraine H. Morton, Mayor

Attest:



Mary P. Morris, City Clerk

Approved as to form:



Corporation Counsel