

ORDINANCE NUMBER 07 - 54

**AN ORDINANCE AMENDING TITLE V, PUBLIC WORKS,
BY ADDING A NEW CHAPTER 56, CABLE AND VIDEO
CUSTOMER PROTECTION LAW**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

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

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that **Title V**, Public Works, be amended by adding a new **Chapter 56**, Cable and Video Customer Protection Law.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. Recitals. 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 Two. That **Title V, Public Works** of the Village of East Dundee Code of Ordinances is hereby amended by adding a new **Chapter 56, Cable and Video Customer Protection Law**, as follows:

**CHAPTER 56: CABLE/VIDEO SERVICE PROVIDER FEE
AND PEG ACCESS SUPPORT FEE**

§ 56.01 Customer Service and Privacy Protection Law.

(a) Adoption. 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 Village's boundaries.

(b) Amendments. 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 municipality'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 Village.

§ 56.02 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.

§ 56.03 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 \$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 law.

(b) 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 30 days from the receipt of the notice to remedy the specified material breach.

(c) A material breach, for the purposes of assessing 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).

