VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ORDINANCE NO. 19 - 11

AN ORDINANCE ADOPTING
THE CABLE & VIDEO CUSTOMER PROTECTION LAW

Passed by the Board of Trustees, July 11, 2019

Printed and Published in Pamphlet Form, July 11, 2019

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By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR
MARCIA L. POLLOWY, VILLAGE CLERK

ANNETTE BRZEZNIAK-VOLPE
ANNA BRZOZOWSKI-WEGRECKI
ZBIGNIEW LEWANDOWSKI
THERESE SCHUEPFER
LAWRENCE STEINER
GIUSEPPE "JOE" ZERILLO

I hereby certify that this document was
properly published on the date stated above.

[Signature]
Village Clerk
VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS  

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WHEREAS, the Village of Harwood Heights (the "Village") is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois; and  

WHEREAS, the Village 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 5/22-501) (the "Law") 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 as provided by the Cable and Video Customer Protection Law.  

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Harwood Heights, Cook County, as follows:  

SECTION 1. 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 2. REPEAL. By reason of the express preemption of alternate privacy and customer service standards enacted as part of Public Act 95-0009, the following sections of Title 5, Chapter 5.16 are hereby repealed:  

A. 5.16.100 - Customer service standards—General.
B. 5.16.110 - Customer service standards—Telephone response.
C. 5.16.120 - Customer service standards—Outage response.
D. 5.16.130 - Customer service standards—Service call response.
E. 5.16.140 - Customer service standards—Billing.
F. 5.16.150 - Customer service standards—Rates.
G. 5.16.160 - Customer service standards—Notification.
H. 5.16.170 - Customer service—Agreements/Promotions.
I. 5.16.180 - Customer service—Compliance reports.

**SECTION 2. ADOPTION OF CABLE AND VIDEO CUSTOMER PROTECTION LAW 220**

**ILCS 5/22-501.** Title 5, Chapter 5.16 of the Municipal Code of the Village of Harwood Heights shall be amended by the addition of new sections presented below:

**5.16.110 - Cable And Video Customer Protection Law.**

**5.16.120 - Customer Service And Privacy Protection Law.**

A. Adoption: The provisions of 220 ILCS 5/22-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the Village's boundaries.

B. Amendments: Any mandatory 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.

**5.16.130 – 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.

**5.16.140 – Penalties.**
The Village, pursuant to 220 ILCS 5/22-501(r)(1), does hereby declare that for any material breach of the standards and requirements of the Cable and Video Customer Protection Law, as incorporated by reference in this ordinance, a cable or video provider shall be subject to monetary penalties which 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. Such penalties shall be in addition to the penalties provided in the Law and shall not represent the Village's exclusive remedy for any material breach. All monetary penalties shall apply on a competitively neutral basis.

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 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).

D. The Board of Trustees hereby delegates authority to levy penalties to the Village President, who may act upon the recommendation of the Director of Public Works.

E. Any decision of the Village President to levy penalties may be appealed to the Board of Trustees, which shall conduct a hearing on the alleged material breach and penalties levied therefore within twenty-one (21) days following receipt of the cable or video providers request for an appeal.

5.16.150 - Customer Credits.

The Village hereby adopts and incorporates by reference the schedule of customer credits for violations of the Law provided for in the provisions of 220 ILCS 5/22-501(s). Those credits shall be 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 proactively providing the credits and the customer is under no obligation to request the credit.

**SECTION 4. SEVERABILITY.** 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 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

ADOPTED this 11th day of July, 2019, pursuant to a roll call vote as follows:

AYES: Trustee Schuepf, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYES: ______________________

ABSENT: ____________________

ABSTENTION: ____________________

APPROVED by me this 11th day of July, 2019.

Mayor Arlene Jezierny

ATTEST:

Marcia L. Polow, Village Clerk
COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 19-11 entitled:

AN ORDINANCE ADOPTING
THE CABLE & VIDEO CUSTOMER PROTECTION LAW

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 11th day of July, 2019.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 12th day of July, 2019.

Marcia L. Pollowy
Village Clerk

Corporate Seal