ORDINANCE 95-23

TO REGULATE CABLE TELEVISION LATE FEES

WHEREAS, the Common Council adopted Ordinance 95-18 in order to assure that cable subscribers receive efficient, conscientious and reasonably priced customer service from cable franchisees; and

WHEREAS, the Telecommunications Council, pursuant to the provisions of Ordinance 95-18, adopted Resolution 95-2 on February 28, 1995, recommending that the Common Council adopt an ordinance for the Regulation of fees charged to cable subscribers for late payments; and

WHEREAS, the Board of Public Works, pursuant to the provisions of Ordinance 95-18, reviewed Telecommunications Council Resolution 95-2 on March 21, 1995 and approved and forwarded it to the Common Council for consideration; and

WHEREAS, the Common Council has reviewed Resolution 95-2 of the Telecommunications Council and finds that it furthers the Common Council's policies regarding customer service;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 3.02.020 of the Bloomington Municipal Code Definitions shall be amended to add the following (in proper aphabetical sequence):

"Field Service Fee" means any administrative fee or other charge that is billed to a cable subscriber to cover all or part of the costs associated with attempting to collect late payments in the field.

"Late fee" means any administrative fee or other charge that is billed to a cable subscriber based on the time a subscriber's payment is received by the cable operator.

Subsequent definitions shall be re-alphabetized.

SECTION II. Chapter 3.02 of the Bloomington Municipal Code shall be amend to add the following section.

3.02.410 Late Fee Regulation

(a) No late fee may be charged to a cable subscriber except as allowed by the ordinance.

(b) A cable operator may assess a late fee only if the subscriber's payment is received by the cable operator more than 30 days after the date of the initial bill.

(c) The late fee assessed by a cable operator may not exceed $3.50.

(d) No late fee may be assessed on a delinquent balance unless that balance exceeds the total amount billed for one month of basic service.

(e) The cable operator may charge a Field Service Fee not to exceed $15.00. No Field Service Fee may be charged earlier than 55 days after the date of the initial bill and may not be assessed on a delinquent balance unless that balance exceeds the total amount billed for one month of basic service.

SECTION III. Severability. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION IV. This ordinance shall be in full force and effect thirty (30) days from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of April, 1995.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20 day of April, 1995.

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 21 day of April, 1995.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance sets maximum amounts for late fees and field service fees charged by cable franchisees.

Signed copies to:
HT legal
TCI
TCC
Legal Dept 5
BMC File
CA/CA Clerk
Clerk's File