

AN ORDINANCE FIXING A CHARGE ON PURCHASES OF LOCAL TELEPHONE SERVICE TO PAY FOR AN ENHANCED 911 EMERGENCY TELEPHONE SYSTEM

WHEREAS, the Board of Commissioners for Swain County, North Carolina, feel that it would be in the best interest of the citizens of Swain County, North Carolina, to establish a 911 emergency telephone system and impose a monthly 911 charge upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the areas served by the 911 service; and

WHEREAS, the general assembly of North Carolina on March 20, 1989, amended chapter 62A of the General Statutes of North Carolina to allow the governing authority of any local government to adopt an ordinance to impose a monthly 911 charge upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the areas served or which would be served by the 911 service upon compliance with the procedures established by North Carolina General Statutes 60A-4 (b) (1) or (2); and

WHEREAS, the Swain County Board of Commissioners have held five (5) public hearings after due advertisement on the adoption of an ordinance to install an Enhanced 911 emergency telephone system, said hearings being held on the:

26th day of March, 1991 at the Swain County Board of Commissioners Board Room;

29th day of April, 1991 at the County Administration Building;

30th day of April, 1991 at the Alarka Community Club;

14th day of May, 1991 at the Whittier Community Club and;

16th day of May, 1991 at the Almond School Library.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF SWAIN COUNTY, NORTH CAROLINA, AS FOLLOWS:

Section 1. When used in this Ordinance, the following words shall have the following meanings except where the context clearly indicates that a different meaning is intended.

(a) Enhanced 911 System

An Enhanced 911 System means an emergency telephone system that provides the user of the public telephone system with 911 service and, in addition, directs 911 calls to appropriated public safety answering points by selective routing based on the geographical location

from which the call originated and provides the capability for automatic number identification and automatic location identification features.

(b) Local Telephone Service

The term "local telephone service" shall mean switched local exchange access service.

(c) Addressing

The term "addressing" means the assigning of a numerical address and street name (the street name may be numerical) to each location within the local government's geographical area necessary to provide public safety service as determined by the County of Swain. This address replaces any route and box number currently in place in the 911 data-base and facilitates quicker response by public safety agencies.

(d) Service Supplier

The term "service supplier" means a person or entity who provides exchange telephone service to a telephone subscriber.

(e) Telephone Subscriber or Subscriber

The term "telephone subscriber" or "subscriber" means a person or entity to whom exchange telephone service, either residential or commercial, is provided and in return for which the person or entity is billed on a monthly basis. When the same person, business, or organization has several telephone access lines, each exchange access facility shall constitute a separate subscription.

Section 2.

(a) There is hereby fixed by Swain County upon every subscriber of local telephone service a charge not to exceed the amount of \$2.00 per month. This charge shall be paid by the subscriber to the service supplier of local telephone service (hereinafter referred to as "supplier") for the use of the County to pay for the lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software and database provisioning, addressing, non-recurring costs of establishing an Enhanced 911 system, and the rates associated with the supplier's Enhanced 911 service and other service supplier recurring charges.

(b) The following expenses are not eligible for payment by the County with funds generated by this charge: the lease or purchase of real estate, cosmetic remodeling of emergency dispatch center, hiring, training, and compensating dispatchers, and the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles.

(c) When the total initial capital and installation costs are paid, the charge may be reduced, and it will be used exclusively to pay the recurring maintenance costs of the Enhanced 911 system. The County Finance Officer shall notify the supplier of the date on which the charge is to be reduced under this Section. This notification will be sent by certified mail to the registered agent of the supplier sixty (60) days in advance of the date on which the charge is to be reduced.

Section 3. The County Finance Officer to whom 911 charges are remitted shall deposit the charges in a separate restricted fund. The Fund shall be known as the Emergency Telephone System Fund. The County Finance Officer may invest money in the Fund in the same manner that other money of the local government may be invested. The County Finance Officer shall deposit any income earned from such an investment in the Emergency Telephone System Fund.

Section 4. It shall be the duty of every supplier in acting as the charge-collecting medium or agency for the County to add the amount of the charge imposed under Section 2 or this Ordinance to all periodic bills it renders to non exempt purchasers of local telephone service. The supplier collects the charges for local telephone service and shall report and pay over all charges collected in any calendar month to the Finance Officer of the name and address of all subscribers who refuse to pay the charge imposed by this Ordinance. The charge imposed under this Ordinance shall become effective One Hundred Twenty (120) days after the adoption of this Ordinance.

Section 5. Each and every supplier shall keep records showing all purchases of local telephone service in Swain County. These records must show the dates of bills for local telephone service and the amount of charge appearing on each bill. These records shall be kept at the suppliers offices for a period of three (3) years for inspection by the duly authorized agents of the County at reasonable times during normal business hours. The duly authorized agents of the County shall have the right, power, and authority to make copies thereof.

Section 6. This charge shall not apply to any local telephone service where a periodic bill is not rendered.

Section 7. Any subscriber who willfully fails, refuses, or neglects to pay the charge hereby imposed, or any supplier, officer, agent, or employee thereof who with full knowledge willfully refuses to perform the duties imposed on it by sections 4 and 5 with the intent of preventing the collection of the charge

imposed by this Ordinance shall, upon conviction, be subject to a fine of not more than Twenty-Five Dollars (\$25.00). Each failure, refusal, or neglect, and each day's continuance thereof shall constitute a separate offense.

Section 8. Whenever the charge imposed by this Ordinance is collected by the supplier for the County in accordance with Section 4, such supplier shall be allowed as compensation for the collection and remittance of this charge, one percent (1%) of the amount of charge due and accounted for. The supplier shall deduct this compensation from the payments made to the County Finance Officer in accordance with Section 4.

Adopted this the 10th day of June, 1991.

COUNTY OF SWAIN

By: Ronald Burn
Chairman, Board of Commissioners

ATTEST:
By: Linda Cable
County Administrator and
Clerk to the Board

(SEAL)