

ORDINANCE NO. 088-005

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18, UTILITIES, OF THE CODE OF ORDINANCES, TOWN OF ADDISON, TEXAS, PROVIDING FOR DEFINITIONS; PROVIDING FOR IMPOSITION OF 9-1-1 SERVICE FEE; PROVIDING FOR AUTHORITY TO CONTRACT WITH TELEPHONE COMPANY; PROVIDING FOR SERVICE COMMENCEMENT DATE; PROVIDING FOR LIABILITY FOR PAYMENT OF FEE; PROVIDING FOR RESTRICTIONS AND LIMITATIONS; PROVIDING FOR REQUIREMENT OF PUBLIC HEARING AND AMENDMENT OF FEES; PROVIDING FOR REFUSAL TO PAY FEES; PROVIDING FOR RECORDS OF FEES; PROVIDING FOR REMITTANCE OF FEES TO CITY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the Town of Addison, Texas, has determined that it is in the best interest of the public health, safety and general welfare for a 9-1-1 emergency service system to be implemented within the City; and

WHEREAS, the cost of such implementation should be billed to telephone subscribers located within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That Chapter 18 of the Code of Ordinances, Town of Addison, Texas, is hereby amended by adding Article V. Telephones, Secs. 18-200 through 18-209 to read as follows:

Sec. 18-200. Definitions. For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

"City" or "Town" means the Town of Addison, Texas.

"Telephone Company" means Southwestern Bell Telephone Company.

"9-1-1 Service" means a telecommunications service that will allow a user of the public telephone system to reach a Public Safety Answering Point by dialing the digits 911.

"Service User" means any person or entity that is provided Local Exchange Access Lines/Trunks in the City.

"Service Supplier" means the entity providing Local Exchange Access Lines/Trunks to any Service User within the City.

"Local Exchange Access Lines/Trunks" means all types of lines or trunks that connect the Service User to the Service Supplier's local telephone exchange office.

"Base Rate" means the rate or rates billed by a Service Supplier as stated in the Service Supplier's charges approved by the Public Utilities Commission that represents the Service Supplier's recurring charges for Local Exchange Access Lines/Trunks or their equivalent, exclusive of all taxes, fees, license costs or similar charges.

"Public Safety Answering Point" or "PSAP" means a communications facility operated on a 24-hour basis, seven days a week, that:

- A. is assigned responsibility to receive 9-1-1 calls, and, as appropriate, to dispatch directly emergency response services or to transfer or relay emergency 9-1-1 calls to other public safety agencies;
- B. is the first point of reception by a public safety agency of a 9-1-1 call; and/or
- C. serves the jurisdictions in which it is located or other participating jurisdictions.

"9-1-1 Service System" means a computerized system of processing emergency 9-1-1 calls.

Sec. 18-201. Imposition of 9-1-1 Service Fee. There is hereby imposed on each telephone subscriber's Local Exchange Access Line, or its equivalent, in the Town of Addison, a 9-1-1 Service Fee of Thirty-one Cents (\$0.31) per month for each residential line, Seventy-five Cents (\$0.75) per month for each business line, or One and 25/100 Dollars (\$1.25) per month for each business trunk line. Such fees shall be used to provide for the purchase, installation and replacement of 9-1-1 Service equipment, all operating and maintenance costs and other costs attributable to designing a 9-1-1 System including necessary personnel and any other emergency communications equipment and service and costs related thereto which are reasonably related to 9-1-1 service. Such 9-1-1 Service shall be furnished pursuant to a written contract between the City and Southwestern Bell Telephone Company.

Sec. 18-202. Authority to Contract With Telephone Company. The Mayor of the City is authorized to execute a contract on behalf of the City with the Telephone Company pursuant to the provisions of this ordinance to provide for the furnishing of 9-1-1 Service for Service Users located within the boundaries of the City and for the collection of the assessment fee set out in Sec. 18-201.

Sec. 18-203. Service Commencement Date. The Telephone Company shall commence 9-1-1 Service on April 1, 1988. The duty of the Service Supplier to collect the fee begins on such commencement date, subject to the provisions of Sec. 18-206.

Sec. 18-204. Liability for Payment of Fee. Every billed Service User is liable for any fee imposed under this ordinance until it has been paid to the Service Supplier.

Sec. 18-205. Restrictions and Limitations. The 9-1-1 Service fee imposed by this ordinance shall be subject to the following restrictions and limitations:

- A. The fee may not be imposed upon more than one hundred (100) Local Exchange Access Lines per Service User per location.
- B. The fee may not be imposed upon any coin operated or coin/card reader operated telephone equipment.

- C. The fee shall be separately stated on each Service User's bill.
- D. The fee may not exceed six percent (6%) of the Telephone Company's Base Rate for Local Exchange Access Lines or Trunks or their equivalent.
- E. Subject to the provisions of Sec. 18-205 subparagraph A, the fee shall be uniformly imposed on Local Exchange Access Lines within the City limits.

Sec. 18-206. Public Hearing Required; Amendment of Fees. The fees imposed by this ordinance may not be imposed until the 9-1-1 Service is fully operational within the City. The Telephone Company shall be advised in writing by furnishing of a certified copy of this ordinance at least ninety (90) days prior to the desired first billing date of the fees imposed by this ordinance. One (1) public hearing shall be conducted prior to the amendment of the 9-1-1 Service fees imposed by this ordinance. In the event the City Council desires to amend such fees, it will provide the Telephone Company at least ninety (90) days' written notice prior to the desired implementation date of such amended fees.

Sec. 18-207. Refusal to Pay Fees. The Telephone Company will provide the City with a list of Service Users who have specifically refused to pay the 9-1-1 Service fee. Such list shall be provided not more than once per calendar year.

Sec. 18-208. Records of Fees. The Telephone Company will retain records of the fees collected pursuant to this ordinance. Such records will be retained for a period of at least two (2) years from the date of collection. The City may, at its sole cost and expense, audit the Telephone Company's records of the collected fees not more often than once annually.

Sec. 18-209. Remittance of Fees to City. The Telephone Company will remit the collected 9-1-1 Service fees to the City on a periodic basis, not more frequently than monthly, on or before the 60th day after the close of the month in which such fees were collected. The Telephone Company will retain, from its remittance to the City, two percent (2%) of the collected 9-1-1 Service fees as its compensation for providing such collection.

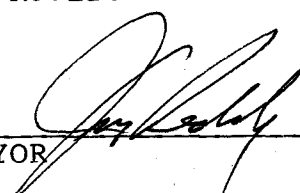
SECTION 5. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.


SECTION 7. The fact that the present code of Ordinances does not provide for 9-1-1 Service and therefore, inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 12th day of January, 1988.

APPROVED:

  
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MAYOR

ATTEST:

  
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CITY SECRETARY