

ORDINANCE NO. 095-006

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 18 ("UTILITIES") OF THE CODE OF ORDINANCES BY AMENDING ARTICLE V THEREOF ("TELEPHONES") BY ADDING REGULATIONS REGARDING THE PROVISION OF 9-1-1 SERVICE BY A BUSINESS SERVICE USER TO RESIDENTIAL USERS THROUGH A PRIVATE TELEPHONE SWITCH, AS FOLLOWS: (1) DEFINING "BUSINESS SERVICE USER"; (2) PROVIDING THAT A BUSINESS SERVICE USER PROVIDING RESIDENTIAL TELEPHONE SERVICE THROUGH A PRIVATE SWITCH SHALL COLLECT THE 9-1-1 SERVICE FEE AND REMIT THE SAME TO THE CITY, AND SHALL KEEP RECORDS OF SUCH FEES; (3) PROVIDING THAT A BUSINESS SERVICE USER SHALL PROVIDE THE SAME LEVEL OF 9-1-1 SERVICE TO RESIDENTIAL END USERS THAT A SERVICE SUPPLIER IS REQUIRED TO PROVIDE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, telecommunications technology enables businesses and organizations such as residential multitenant service providers, schools, nursing homes, and hospitals to provide telephone service, including 9-1-1 service, through a private telephone switch; and

WHEREAS, private switch 9-1-1 service is a service offering which allows a public safety answering point to receive either (i) Automatic Number Identification ("ANI") or (ii) a combination of ANI and Automatic Location Identification information on 9-1-1 calls originating from the area served by a private telephone switch; and

WHEREAS, in an attempt to regulate the provision of private switch 9-1-1 service, in 1993 the Texas Legislature adopted HB 1544 amending Sections 771 (relating to state administration of emergency communications) and 772 (relating to local emergency communications districts) of the Texas Health & Safety Code by establishing certain standards for private switch 9-1-1 service; and

WHEREAS, while the Town of Addison, Texas (the "City"), as a home-rule city not a part of any emergency communications district, is not governed by either Section 771 or 772 of the Texas Health & Safety Code, the HB 1544 amendments provide guidance to the City as to appropriate standards for private switch 9-1-1 service; and

WHEREAS, in order to implement within the City the standards set forth in HB 1544, the City Council desires to amend Article V of Chapter 18 of the Code of Ordinances relating to 9-1-1 service by adopting the 9-1-1 private switch service regulations set forth herein.

Now, therefore,

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

Section 1. Amendments. Chapter 18 ("Utilities") of the Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and all other chapters, articles, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed (additions are underlined; deletions are ~~struck through~~):

A. Article V ("Telephones") of Chapter 18 is hereby amended as follows:

1. **Section 18-200** ("Definitions") is amended by: (a) adding a definition of "business service user", and by (b) amending the definition of "service user" to read as follows:

"Business service user means a business service that provides telecommunications service, including 9-1-1 service, to residential end users through a private telephone switch."

"Service user means a person or entity that is provided local exchange access lines/trunks, or their equivalent, in the city."

2. **Section 18-205** ("Restrictions and limitations") is amended by amending subsection (a) to read as follows:

"(a) The fee may not be imposed upon more than 100 local exchange access lines or their equivalent per service user per location, unless the lines are used by residents of the location. If a business service user provides residential facilities, each line that terminates at a residential unit and that is a communication link equivalent to a residential local exchange access line, shall be charged the 9-1-1 emergency service fee."

3. **Section 18-207** ("Refusal to pay fees") is amended to read as follows:

"Sec. 18-207. Refusal to pay fees.

"The telephone company and a business service user shall ~~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."

4. **Section 18-208** ("Records of fees") is amended to read as follows:

"Sec. 18-208. Records of fees.

The telephone company and a business service user shall ~~will~~ maintain records of the fees collected pursuant to this article. Such records shall ~~will~~ be

maintained 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 or business service user's records of the collected fees not more often than once annually or as may be otherwise agree to.

5. Section 18-209 ("Remittance of fees to city") is amended to read as follows:

"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 sixtieth 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 per cent of the collected 9-1-1 service fees as its compensation for providing such collection. A business service user that provides residential facilities and owns or leases a private telephone switch used to provide telephone service to facility residents shall collect the 9-1-1 emergency service fee and remit the fees monthly to the city.

6. A new Section 18-210 relating to business service users is added to read as follows:

"Sec. 18-210. Duty of business service users.

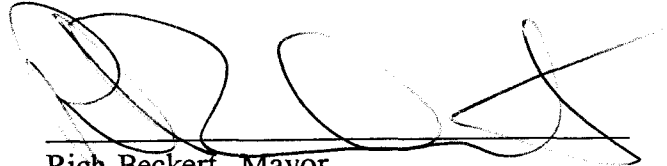
A business service user that provides residential facilities and owns or leases a private telephone switch used to provide telephone service to facility residents shall provide to those residential end users the same level of 9-1-1 service that a service supplier is required to provide within the city whether by law or by agreement."

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting telephone service and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.


Section 4. Effective date. This Ordinance shall become effective from and after its date of passage as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 14th day of February, 1995.



Rich Beckert, Mayor

ATTEST:



Carmen Moran, City Secretary

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