

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 097-007

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 18, ARTICLE V RELATING TO TELEPHONES BY (A) AMENDING THE DEFINITION OF SERVICE SUPPLIER, (B) AMENDING SECTION 18-201 RELATING TO THE IMPOSITION OF THE 9-1-1 SERVICE FEE, (C) ADDING A CIVIL SUIT PROVISION AND A PROVISION THAT A SERVICE USER SHALL NOT BE DISCONNECTED FOR FAILURE TO PAY THE 9-1-1 SERVICE FEE, AND BY (D) AMENDING SECTION 18-209 RELATING TO THE COLLECTION AND REMITTANCE OF 9-1-1 SERVICE FEES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 18 ("Utilities"), Article V ("Telephones") of the Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended in the following particulars, and all other chapters, sections, subsections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed:

A. Section 18-200 ("Definitions") is hereby amended by amending the definition of service supplier to read as follows:

*"Service supplier means the entity providing local exchange access lines/trunks and/or equivalent local exchange access lines to any service user within the city."*

B. Section 18-201 ("Imposition of 9-1-1 service fee") is hereby amended so that it shall hereafter read as follows:

**"Sec. 18-201. Imposition of 9-1-1 service fee.**

There is hereby imposed on each service user's ~~telephone-subscriber's~~ local exchange access line and equivalent local exchange access line in the Town of Addison a 9-1-1 service fee in the amount of 6% of the customer's base rate which equals sixty-two cents (\$0.62) per month for each residential line, one dollar and fifty two cents (\$1.52) per month for each business line, or two dollars and forty cents (\$2.40) per month for each business trunk line (and said dollar amounts may change based upon the amount of the customer's base rate). 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 a service supplier, pursuant to the provisions of this Article, to provide for the billing and collection of fees imposed by the City herein."

C. Section 18-205 ("Restrictions and limitations") is amended by adding new subsections (f) and (g) to read as follows:

"(f) A business service user that does not collect and remit the 9-1-1 service fee as required is subject to a civil cause of action by the city to enforce the business service user's obligations as set forth herein. A sworn affidavit by the city specifying the unremitted fee is prima facie evidence that the fees were not remitted and of the amount of the unremitted fees."

"(g) A service provider or business service user shall not disconnect any service user's telephone service for failure to pay the 9-1-1 service fee."

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

**"Sec. 18-209. Collection and remittance of fees to city.**

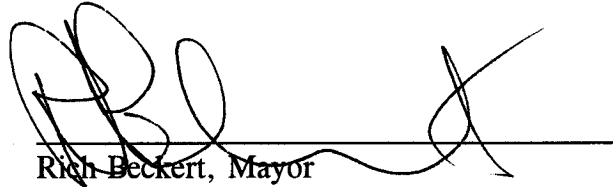
A service supplier shall collect the 9-1-1 service fee and shall ~~will~~ remit the collected 9-1-1 service fees to the city on a periodic basis, not more frequently than monthly, on or before the sixtieth day after the close of the month in which such fees were collected. The service supplier will retain, 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 publicly or privately owned ~~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."

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 25th day of February, 1997.



Rich Beckert, Mayor

ATTEST:



Carmen Moran, City Secretary

Published

7/25/97