

LOCAL LAW NO. 4-90
CHAUTAUQUA COUNTY

A LOCAL LAW IMPOSE A SURCHARGE TO PAY FOR THE COSTS ASSOCIATED
WITH OBTAINING AND MAINTAINING AN ENHANCED 9-1-1 EMERGENCY
TELEPHONE SYSTEM AS AUTHORIZED BY ARTICLE 6 OF THE NEW YORK COUNTY
LAW

BE IT ENACTED, by the County Legislature of the County of Chautauqua as follows:

Section 1. Short Title.

This law shall be known as the "E9-1-1 Surcharge Law."

Section 2. Purpose.

To implement a telephone surcharge, as authorized by Article 6 of the New York State County Law for the purpose of funding the costs of an Enhanced 9-1-1 system.

Section 3. Definitions.

When used in this law, the following words and phrases shall have the following meanings, unless the specific context clearly indicates otherwise:

A. "E9-1-1 System" – An enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to the established public servicing answering point which includes but shall not be limited to, selective routing, automatic number identification and automatic location identification.

B. "E9-1-1 Service Area" – the area within the geographic boundaries of Chautauqua County.

C. "Public Safety Agency" – A functional division of a public agency which provided or has the authority to provide police, fire fighting, emergency medical or ambulance services or other emergency services or a private entity which provides emergency medical or ambulance services.

D. "Public Service Answering Point" – The communications facility which receives E9-1-1 calls from person within the E9-1-1 service area and directly dispatches the services or a public safety agency or extends, transfers, relays or otherwise routes E9-1-1 calls to the appropriate public safety agency.

E. "Service Supplier" – Telephone corporation which provides local exchange access service within the E9-1-1 service area.

F. "System Costs" – The costs associated with obtaining and maintaining telecommunication equipment and the telephone services costs necessary to establish and provide an E9-1-1 system.

Section 4. Purpose and establishment of surcharge for system costs.

A. The E9-1-1 Surcharge Law shall provide the mechanism by which to impose a surcharge, in the amount of \$.35 per month for each access line of all customers of every service supplier within the County, to pay for the costs associated with obtaining and maintaining the telecommunication equipment and telephone services needed to provide as

E9-1-1 emergency telephone system.

B. Each service supplier within the E9-1-1 service area shall begin to add the surcharge to the billings of its customers 45 days following notice by the County to impose such surcharge.

C. Any service supplier within the County required to impose a surcharge pursuant to the provisions of this article shall be given a minimum of 45 days written notice prior to the date it shall begin to add such surcharge to the billings of its customers or prior to any modification to, or a change in, the surcharge amount.

Section 5. Application; Limitations; Exemptions.

A. The surcharge imposed pursuant to this law shall be imposed on a per access line basis on all current bills rendered for local exchange access service within E9-1-1 service area.

B. The surcharge shall have uniform application and shall be imposed throughout the entire E9-1-1 service area to the greatest extent possible in conformance with the availability of the E9-1-1 system within the County.

C. No surcharge shall be imposed on more than 75 exchange access lines per customer per location.

D. Life line customers and the County shall be exempt from the surcharge imposed pursuant to this law.

Section 6. Collection of Surcharge.

A. Each appropriate service supplier serving the E9-1-1 service area shall act as collection agent for the County and shall remit the surcharge funds collected to Chautauqua County each month. Such funds shall be remitted no later than 30 days after the last business day of each such period. The service supplier shall retain, as an administrative fee, an amount equal to two (2) percent of its collections of the surcharge.

B. The surcharge required to be collected by the service supplier shall be added to and stated separately in its billings to the customer.

C. The service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

Section 7. Liability for Surcharge.

A. Each service supplier customer who is subject to the provisions of this law shall be liable to the County for the surcharge until it has been paid to the County, except that payment to a service supplier is sufficient to relieve the customer from further liability for the surcharge.

B. The service supplier shall have no obligation to take any legal action to enforce collection of any surcharge. However, whenever the service supplier remits the funds collected as the surcharge to the County, it shall also provide the County with the name and address of any customer refusing or failing to pay the surcharge imposed by this law and shall state the amount of such surcharge remaining unpaid.

C. The County is authorized to apply any and all legal remedies to enforce collection of the surcharge from delinquent users without further authorization of the County Legislature.

Section 8. System Revenues.

A. All surcharge monies remitted to the County by a service supplier and all other monies dedicated to the payment of system costs from whatever source derived or received by the County shall be expended only upon authorization of the County Legislature and only for payment of system costs as permitted by this law. The County shall separately account and

keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year, such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. However, if at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to five percent of that necessary for the payment of system costs in such fiscal yeas, the County Legislature shall be local law reduce the surcharge for the following fiscal year to a level which more adequately reflects the system costs requirements of its E9-1-1 system. The County Legislature may also, by local law, re-establish or increase such surcharge, subject to the limitations established by Article 6 of the County Law, if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

Section 9. Miscellaneous Provisions.

A. The County public service answering point within the E9-1-1 service areas shall be operated on a 24 hour basis.

B. The enactment of this law shall in no way prelude or restrict the County from applying for an accepting federal monies or accepting contributions and donations for any source whatsoever for the purpose of funding an E9-1-1 emergency telephone system.

C. Records, in whatever form they may be kept, of calls made to a County's E9-1-1 system shall not be made available to or obtained by any entity or person, other than the County's Sheriff or Fire Coordinator or their designee, or a private entity or person providing medical, ambulance, or other emergency services, and shall not be utilized for any commercial purpose other than the provision of emergency services.

Section 10. Separability.

If any provisions of this local law, or the application thereof to any person or circumstances, is held invalid, the remainder of this local law, and the application of such provisions to other person or circumstances shall not be affected thereby.

Section 11. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

Introduced: 4/11/1990

Adopted by Legislature: 4/25/1990

Public Hearing: 5/7/1990

Adopted as Local Law 4-90