

LOCAL LAW NO. 4-2000
CHAUTAUQUA COUNTY

CHAUTAUQUA COUNTY WIRELESS 911 CALL ROUTING LAW

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

Section 1. Name.

This Local Law shall be known as the Chautauqua County Wireless 911 Call Routing Law.

Section 2. Authority.

This local law is enacted under authority of Section 10 of the Municipal Home Rule Law of the State of New York, Article IX of the State Constitution of New York, the County Law, and other applicable statutory and decisional law.

Section 3. Findings and Declaration of Intent.

The Chautauqua County Legislature recognizes the paramount importance of the health, safety and welfare of the citizens of the County and further recognizes that when the lives or property of its citizens are in imminent danger that appropriate assistance must be rendered as expeditiously as possible.

The County Legislature further recognizes that such assistance is increasingly summoned by wireless communications including but not limited to cellular telephones, and that unintentional, though avoidable, delays in reaching appropriate emergency aid would occur to the detriment and jeopardy of life and property if such wireless 911 calls from within Chautauqua County were routed to anywhere other than directly to the single countywide Chautauqua County Public Service Answering Point (PSAP) which is under the jurisdiction of the Chautauqua County Sheriffs Department.

The County Legislature further finds that the Chautauqua County Public Service Answering Point (PSAP) has the most accurate, current and extensive data concerning Chautauqua County's geography, roadways, landmarks, emergency service resources and similar information of critical importance in emergent situations and can immediately dispatch the number and type of emergency services the situation requires.

The County Legislature further finds and declares that by the enactment of the provisions of this Local Law, it is the intent of the County Legislature to fulfill its obligation to provide for the health, safety and welfare of the people of this County by mandating the direct routing of all 911 calls, including wireless calls, by service suppliers directly to the Chautauqua County Public Service Answering Point (PSAP) so as to facilitate the rendering of emergency services as expeditiously and effectively as possible.

Section 4. Definitions.

For the purpose of this Local Law:

a) "Wireless telephone service" means all commercial mobile services, as that term is defined in Section 332(d) of Title 47, United States Code, or other applicable law, including all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees, which offer real time, two-way voice service that is interconnected with the public switched telephone network.

b) "Wireless telephones service supplier" means any entity or person which provides wireless telephone service in New York State.

c) "Chautauqua County Public Service Answering Point" or "Chautauqua County PSAP" means the site designated and operated by the County of Chautauqua through the Sheriff's Department for the purpose of receiving emergency calls including those from a wireless telephone service and dispatching needed emergency services.

Section 5. Routing.

All wireless telephone service supplier doing business in Chautauqua County shall route all 911 emergency calls originating in Chautauqua County to the Chautauqua County Public Service Answering Point (PSAP).

Section 6. Prohibited Acts.

a) No wireless telephone service supplier shall knowingly fail to route 911 telephone calls originating within Chautauqua County to the Chautauqua County PSAP as required by Section 5 above.

b) No owner, official, employee, or agent of a wireless telephone supplier shall design, implement, arrange or cause, either directly or indirectly, a process or activity whereby wireless 911 calls are routed other than as provided in Section 5 above.

Section 7. Sanctions.

Any person or entity violating this Local Law shall be guilty of an unclassified misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00) and/or to a period of confinement in the Chautauqua County Jail for a period not to exceed three months for each offense. For purpose of this law, each improperly routed 911 call shall constitute a separate offense.

Section 8. Additional Remedies.

The Sheriff or the County Executive is authorized to pursue any appropriate legal remedy including an injunction to effectuate the purposes of this Local Law.

Section 9. Separability and Saving Provisions.

This Local Law is separate and apart from any other local law and each provision hereof is separate from any other provision. If this Local Law or a portion thereof is found to be invalid, no other law or unaffected portion of this law shall be affected thereby and shall remain in full force and effect.

Section 10. Effective Date.

This law shall be effective upon filing with the Secretary of State.

Laid on Desks – 4/26/00

Adopted - 5/24/00

Public Hearing – 6/6/00

ADOPTED AS LOCAL LAW 4-2000