

**ORDINANCE
ESTABLISHING FINANCING
OF THE E-911
EMERGENCY TELEPHONE SERVICE
DUPLIN COUNTY, NORTH CAROLINA**

ENACTMENT

This is an ordinance establishing and providing for the financing of the E-911 Emergency Telephone Service for Duplin County, North Carolina.

PREAMBLE

WHEREAS, in the opinion of the Duplin County Board of Commissioners, County-wide local 911 emergency telephone service will promote the health, safety and general welfare of the citizens of Duplin County, and

WHEREAS, County-wide local emergency telephone service will reduce the response time of emergency service agencies, and

WHEREAS, the Duplin County Board of Commissioners have solicited public comment and have given due notice of public hearing and have conducted such public hearing, and

WHEREAS, all applicable requirements of the General Statutes of North Carolina have been met.

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF DUPLIN AS FOLLOWS:

AUTHORITY

The provisions of this ordinance are adopted under authority granted by the Public Safety Telephone Act of the North Carolina General Statutes. (Chapter 62A)

JURISDICTION

The jurisdiction of this ordinance includes the entire geographic area of Duplin County. The municipal areas within Duplin County are included in this ordinance as evidenced by a resolution from each town requesting to be included in this ordinance.

CHARGES

An E-911 service fee will be added to the regular monthly bill for each exchange access

facility subscribed to by telephone subscribers whose exchange access lines are in the area served or which will be served by the E-911 service. Beginning September 1, 1999, the service provider shall bill subscribers a "911 Service Charge" of \$1.00 monthly.

PAYMENT AND COLLECTION OF CHARGES

The service supplier shall, on behalf of Duplin County, collect the charges from those subscribers to whom it provides exchange telephone service in the areas served by the 911 service. As part of its normal monthly billing process, the service supplier shall collect the charges for each month or part of the month an exchange access facility is in service. The service supplier may list the charge as a separate entry on each bill. If a service supplier receives a partial payment for a monthly bill from a subscriber, the service supplier shall apply the payment against the amount the subscriber owes the service supplier first.

The service supplier has no obligation to take any legal action to enforce the collection of the 911 charges for which any subscriber is billed. However, a collection action may be initiated by the local government that imposed the charges and reasonable costs and attorneys' fees associated with that collection action may be awarded to the local government collecting the 911 charges.

Duplin County shall remain ultimately responsible to the service supplier for all 911 installation, service, equipment, operation, and maintenance charges owed to the service supplier. Upon request by the County, the service supplier shall provide a list of amounts uncollected along with the names and addresses of telephone subscribers who have not paid the 911 charge.

Any taxes due on 911 service provided by the service supplier will be billed to the local government subscribing that service.

ADMINISTRATION

The service supplier is entitled to a one percent (%1) administrative fee as compensation for collecting the charges. The service supplier shall remit the rest of the charges it collects during a month to the County within ten days after the last day of each month.

EMERGENCY TELEPHONE SYSTEM FUND

The County shall deposit the charges in a separate, restricted fund. The fund shall be known as the Emergency Telephone System Fund. The fiscal officer may invest money in the fund in the same manner that other money of the local government may be invested. The fiscal officer shall deposit any income earned from such an investment in the Emergency Telephone System Fund.

PAYMENTS FROM FUND

Money from the Emergency Telephone System Fund shall be used only to pay for:

- (1) The lease, purchase, or maintenance of emergency telephone equipment, including

necessary computer hardware, software and database provisioning, addressing, and nonrecurring costs of establishing a 911 system, and

- (2) The rates associated with the service supplier's 911 service and other service supplier recurring charges.

The following expenses are not eligible for payment from the Fund: the lease or purchase of real estate, cosmetic remodeling of emergency dispatch centers, hiring, training, and compensating dispatchers, and the purchase of mobile communications vehicles, ambulances, fire engines, or other emergency vehicles.

The County may contract with a service supplier for any term negotiated by the service supplier and may make payments from the Emergency Telephone System Fund to provide any payments required by the contract.

TELEPHONE RECORDS

The telephone service supplier shall provide subscriber telephone numbers, names, and service addresses to 911 systems when required by the County. Although customer numbers, names and service addresses shall be available to 911 systems, such information shall remain the property of the disclosing service supplier. The total cost of the system shall include expenses paid to service suppliers to provide and maintain 911 information. This information shall be used only in providing emergency response services to 911 calls. The County may not release a telephone number required to be provided under this section to any person for purposes other than including the number in the emergency telephone system database or providing the number to permit a response to police, fire, medical, or other emergency situation.

To the extent necessary to provide 911 service, private listing customers of a service supplier in a 911 service area waive the privacy afforded by unlisted and nonpublished numbers when the 911 service is established.

LIMITATION OF LIABILITY

The service supplier, including any telephone company and its employees, directors, officers and agents, is not liable for any damages in a civil action for injuries, death, or loss to persons or property incurred by any person as a result of any act or omission of a service supplier or of any of its employees, directors, officers, or agents, except for willful or wanton misconduct, in connection with developing, adopting, implementing, maintaining, or operating any 911 system.

MISUSE OF 911 SYSTEM PENALTY

Any person who intentionally calls the 911 number for other than purposes of obtaining public safety assistance commits a misdemeanor.

DEFINITIONS

- (1) "911 system" or "911 service" means an emergency telephone system that provides the user of the public telephone system the ability to reach a public safety answering point by dialing the digits 911. The term 911 system or 911 service also

includes "Enhanced 911 service", which means an emergency telephone system that provides the user of the public telephone system with 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic location identification features.

- (2) "911 charge" means a contribution to the local government for the 911 service start-up equipment costs, subscriber notification costs, addressing costs, billing costs, and nonrecurring and recurring installation, maintenance, service, and network charges of a service supplier providing 911 service pursuant to this chapter.
- (3) "Addressing" means the assigning of a numerical address and street name (the street name may be numerical) to each location within a local government's geographical area necessary to provide public safety service as determined by the local government. This address replaces any route and box number currently in place in the 911 database and facilitates quicker response by public safety agencies.
- (4) "Exchange access facility" means the access from a particular telephone - subscriber's premises to the telephone system of a service supplier. Exchange access facilities include service supplier provided access lines, PBX trunks and centrex network access registers, all as defined by tariffs of telephone companies as approved by the North Carolina Utilities Commission. Exchange access facilities do not include service supplier owned and operated telephone pay station lines, or Wide Area Telecommunications Services (WATS), Foreign Exchange (FX) or incoming only lines.
- (5) "Local government" means any city, county, or political subdivision of North Carolina and its agencies.
- (6) "Public agency" means the state and any city, county, municipal corporation, chartered organization, public district, or public authority located in whole or in part within the state which provides or has authority to provide firefighting, law enforcement, ambulance, medical, or other emergency services.
- (7) "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, suicide prevention, civil defense, poison control, or other emergency services.
- (8) "Service supplier" means a person or entity who provides exchange telephone service to a telephone subscriber.
- (9) "Telephone subscriber" or "subscriber" means a person or entity to whom exchange telephone service, either residential or commercial, provided and in return for which the person or entity is billed on a monthly basis. When the same person, business, or organization has several telephone access lines, each exchange access facility shall constitute a separate subscription.

EFFECTIVE DATE

This ordinance shall become effective and be in full force from and after the 26th day of

April, 1999. Adopted by the Duplin County Board of Commissioners this the 19th day of April 1999.

H. C. Powers

H C Powers, Chairman
Duplin County Board of Commissioners

ATTEST:

James W. Baird
Clerk to the Board