

ORDINANCE NO. 1994- 2

AN ORDINANCE ESTABLISHING THE ENHANCED

EMERGENCY

TELEPHONE SYSTEM AND RELATED FEE

STATEMENT OF PURPOSE AND INTENT

The purpose and intent of this Ordinance is for the establishment of an enhanced emergency telephone system within Warren County; and the establishment of a monthly service fee on each telephone access line to which such enhanced emergency telephone system is available.

WHEREAS, Indiana Code 36-8-16 authorizes counties in the State of Indiana to adopt an ordinance to establish a telephone system that utilizes the three digit '911' to send automatic number identification and automatic location identification for reporting various emergency situations; and

WHEREAS, Indiana Code 36-8-16-5 specifically authorizes the county fiscal body to impose a monthly enhanced emergency telephone system fee for each exchange access facility used in the County; and

WHEREAS, Indiana Code 36-8-16-5 mandates that any fees established must be sufficient to pay the cost of installation and operation of the enhanced emergency telephone system for all participating agencies; and

WHEREAS, the Warren County Council recognizes the need for an ordinance for the establishment of an enhanced emergency telephone system within Warren County, on a county wide basis, and to provide for the imposition of a system user fee for the payment of said system; and

WHEREAS, Warren County, after due investigation and deliberation, deems that such system is appropriate for County; and

WHEREAS, the Warren County Council now declares that such system implemented on a county-wide basis will greatly enhance the public safety and welfare of all citizens of Warren County by the adoption and implementation of said system.

NOW , THEREFORE, BE IT ORDAINED by the County Council of Warren County , Indiana, as follows:

SECTION 1: Purpose:

The purpose of this ordinance shall be to establish pursuant to the authority granted by the General Assembly of the State of Indiana in House Enrolled Act 1062, of the 1988 Session, subsequently designed Public Law (P.L.) 91-1988, Section 5 which became codified as Indiana Code I.C. 36-8-16-1, et. seq., a county wide enhanced emergency telephone system and to impose a monthly enhanced emergency telephone system fee to comply with I.C. 36-8-16-5 and I.C. 36-8-16-6.

SECTION 2: Definitions:

As used in this Chapter, the following terms pursuant to I.C. 36-8-16-2 and amendments thereto are defined:

(a) Enhanced Emergency Telephone System shall mean a telephone system that utilizes the three digit number 911 to send automatic number identification, automatic location identification and any other relevant automatic information deemed necessary by the Board of County Commissioners for reporting police, fire, medical or other emergency situations.

(b) Exchange Access Facility means the access from a particular service user's premises to a telephone system including (1) an access line; (2) a private branch exchange (PBX) trunk; and (3) a centrex line trunk equivalent; that is provided by the service supplier. The term also includes a mobile telephone system access trunk, whether the trunk is provided by a telephone company or radio common carrier. The term does not include: (1) A service supplier owned and operated telephone pay station line; (2) A wide area telecommunication service (WATS) line; (3) A foreign exchange (FX) line; or (4) An incoming only line.

(c) Service Supplier means a person who provides exchange telephone service to a service user.

(d) Service User means a person to whom exchange telephone service is provided.

SECTION 3: Monthly Enhanced Emergency Telephone System Fees:

There is hereby imposed on all service users in Warren County, Indiana, a uniform monthly fee of 85, (\$.85). Each service supplier in Warren County shall on behalf of the County, collect the fee from those service users to whom it provides exchange telephone service in the County. The service

shall collect the fee, for each month or part of a month an exchange access facility is in service, as part of its normal monthly billing process and it may list the fee as a separate entry on each bill. If a service supplier receives a partial payment from a service user, the services supplier shall apply the payment against the amount the service user owes the service supplier first.

During January of each year, each service supplier that is required to collect the fee for the County shall provide County Treasurer with a delinquent fee report. The service supplier shall list, on the report, the name and address of each service user who is two (2) or more months delinquent in paying the fee. The service supplier shall also indicate the amount of delinquent fees for which each person included on the list is liable. If it becomes necessary to file a legal action to enforce the collection of the monthly enhanced emergency telephone system fee, either the service supplier or the County Treasurer may initiate such action in any Court of competent jurisdiction to enforce collection of fees for which any service user is liable. The service supplier is not obligated to file such an action, however the service supplier shall simultaneously collect in the same manner the delinquent enhanced emergency telephone system fee on any service user which the service supplier chooses to pursue collection of account for its services.

Each service supplier that collects the enhanced emergency telephone system fee on behalf of the County is entitled to three percent (3%) administrative fee as compensation for collecting the fees. The service supplier shall remit the rest of the fees it collects during a calendar quarter to the Warren County Treasurer within ten (10) days after the last day of the quarter. At the same time the collected fees are remitted, the service supplier shall provide a fee collection report to the Warren County Auditor. The service supplier shall prepare the report on a form approved of, or provided by the County Auditor.

SECTION 4: Warren County Emergency Telephone System Fund:

There is hereby established a separate fund which shall be known as the Warren County Emergency Telephone System Fund. The Warren County Treasurer, on receipt of the fees remitted to the County pursuant to Section 5 of this Chapter, shall deposit the fees in the Warren County Emergency Telephone System Fund. The Treasurer may invest the money in the fund in the same manner other moneys are invested, with the interest earned from such investment to be deposited in this Warren County Emergency Telephone System Fund.

SECTION 5: Use of Monthly Fee:

The County may use the emergency telephone system fees only to pay for those services, materials and personnel in accordance with I.C. 36-8-16-14 and as may be otherwise provided by Indiana law.

The Board of Commissioners of Warren County, Indiana, (Commissioners) may contract with a supplier over any term negotiated between the unit and the service supplier and may make payments from the emergency telephone system fund to provide any payments required by the contract.

The Commissioners are further authorized to exercise all the powers provided to the unit of government as set forth and in accordance with I.C. 36-8-16-15m as amended.

The County Council of Warren County may appropriate money in the fund only for such expenditures.

SECTION 6: Effective Date:

This Ordinance shall be in full force and effect on the first day of the second month after the month of its adoption by the Warren County Council. Each service supplier shall commence collecting the enhanced emergency telephone system fee from its service users within thirty (30) days of the implementation of the 911 system.

SECTION 7: Indiana Code Controlling:

This ordinance shall be applied, construed and administered in accordance with Indiana Code 36-8-16. In the event that Indiana Code 36-8-16 shall be amended by the State of Indiana in such a manner as to become inconsistent and in conflict with the provisions hereof, this ordinance shall, be amended to include and adopt the amendatory provisions of Indiana Code 36-8-16 as if the same were fully incorporated herein.

SECTION 8: Repealable Provisions:

All ordinances and parts of ordinances in conflict with the specific sections and provisions herein provided are hereby repealed.

Approved this 28 day of November, 1994, by a vote of
7 ayes and _____ nays of the Warren County Council.

WARREN COUNTY COUNCIL

Richard L. Nohels

David Dalton

Larry Weston

John A. Layton

Charles E. Fenk

Bertha Warwick

ATTEST:

Carol Drake

Carol Drake, Auditor