

FAILED MARCH 19, 2015

Proposed by:	Public Safety Committee
Attorney Review:	03/17/2015
First Reading:	03/19/2015
Second Reading:	_____
Vote:	1 Aye 4 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 15-10

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC TITLE 4 REVENUE AND FINANCE TO ADD A NEW CHAPTER 4.14 ENHANCED 911 SYSTEM, TO PROVIDE FOR THE IMPLEMENTATION OF AN ENHANCED 911 SYSTEM.

WHEREAS, an enhanced 911 system promotes a more efficient public safety response within the Municipality of Skagway by helping to identify the location of emergencies following a 911 call; and

WHEREAS, under the authority of AS 29.35.131 through AS 29.35.138, a municipality may by ordinance or resolution elect to provide an enhanced 911 system at public safety answering points; and

WHEREAS, to support and fund the enhanced 911 system, the municipality may impose an enhanced 911 surcharge of up to \$2.00 per month for each local exchange access line and each wireless telephone number that is billed or sold to a customer with an address within the municipality; and

WHEREAS, the Public Safety Committee has reviewed the public safety benefits of an enhanced 911 system and recommends that the Assembly adopt this ordinance;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. This ordinance amends SMC Title 4 Revenue and Finance to add a new Chapter 4.14, Enhanced 911 System, to provide for the implementation and maintenance of an enhanced 911 system, to promote a more efficient public safety response within the Skagway Borough.

Section 3. New Chapter. A new Chapter 4.14 Enhanced 911 System is hereby added to Skagway Municipal Code Title 4 Revenue and Finance as follows:

Chapter 4.14 **ENHANCED 911 SYSTEM**

Sections:

4.14.005 Definitions.

4.14.010 Enhanced 911 emergency reporting system.

4.14.020 Enhanced emergency reporting equipment or services.

4.14.030 Enhanced 911 customer surcharge.

4.14.040 Surcharge return and remittance.

4.14.005 Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "911 Service Area" or "Enhanced 911 Service Area" means the area within the municipality that has been designated to receive an enhanced 911 system. An area designated to receive an enhanced 911 system is not a "service area" under Article X, Section 5 of the Alaska Constitution.
2. "Enhanced 911 equipment" means any equipment dedicated to the operation of, or use in, the establishment, operation or maintenance of an enhanced 911 system, including customer premises equipment, automatic number identification, automatic location identification controllers and display units, printers, cathode ray tubes, recorders, software and other essential communication equipment.
3. "Enhanced 911 System" or "System" means a telephone system consisting of network, database and enhanced 911 equipment that uses the single three-digit number, 911, for reporting medical, fire, police or other emergency situation, and which enables the users of a public telephone system to reach a public safety answering point or report emergencies by dialing 911. An enhanced 911 system includes the personnel required to acquire, install, operate and maintain the system.
4. "Local exchange access line" means a telephone line that connects a local exchange service customer to the wireline telephone company switching office and that has the capability of reaching local public safety agencies, but does not include a line used by a carrier to provide inter-exchange services. However, the local exchange access lines shall not include public pay phones, inter-office trunks, toll trunks and direct inward dialing trunks.
5. "Local exchange service" means the transmission of two-way interactive switched voice communications furnished by a local exchange telephone company within the municipality including access to enhanced 911 systems.
6. "Local exchange telephone company or wireline telephone company" means any telephone utility certified to provide local exchange service or wireline telephone service in the municipality by the Regulatory Commission of Alaska.
7. "Public safety answering point" means a 24-hour local communications facility that receives 911 service calls and directly dispatches emergency response services or that relays calls to the appropriate public or private safety agency.
8. "Surcharge" means an enhanced 911 system surcharge imposed on wireline and wireless telephones for support of an enhanced 911 system.
9. "Wireless telephone company" means any telephone company that provides wireless telephone service through cellular, satellite, broadband, radio-based telephone or data transport service, and bills or sells wireless telephone service to a customer with an address in the municipality.
10. "Wireless telephone" means any telephone that is not a wireline telephone that is capable of communication with another device by use of radio waves or satellite signal, which includes cellular, mobile, radio-based and broadband telephones. Each wireless telephone is considered a separate wireless telephone for purposes of the surcharge; and
11. "Wireline telephone" means any telephone that uses a local exchange access line.

4.14.010 Enhanced 911 emergency reporting system.

- A. Pursuant to AS 29.35.131 through 29.35.137, any wireline or wireless telephone company providing service within the Municipality of Skagway shall, together with the municipality and other emergency service providers using the system, cooperate in the establishment of an enhanced 911 emergency reporting system to serve the entire municipality.
- B. The Assembly designates the entire Municipality of Skagway as the enhanced 911 service area for the municipality.

4.14.020 Enhanced emergency reporting equipment or services.

- A. The municipality may, in accordance with SMC 4.04.030 and SMC 4.05.035, purchase, lease or contract for any enhanced 911 equipment or services reasonably necessary to establish, maintain, or upgrade an enhanced 911 system at public safety answering points from a local exchange telephone company, wireless telephone company, or other qualified vendors of enhanced 911 services.
- B. If the enhanced 911 system is to be provided for an area that is included in more than one telephone company service area, the municipality may enter into enter into such agreements as are necessary to establish and operate the system.

4.14.030 Enhanced 911 customer surcharge.

- A. A surcharge to be set by Assembly resolution not to exceed \$2.00 per month per local access line and for each wireless telephone number that is billed or sold to a customer with an address within the municipality shall be collected only to fund the enhanced 911 system. The Assembly shall annually review this surcharge to determine whether the level of surcharge is adequate, excessive or insufficient to meet the anticipated enhanced 911 system needs. A wireline telephone or wireless telephone customer may not be subject to more than one 911 surcharge per local exchange access line and wireless telephone. A customer that has more than 100 wireline access lines from a wireline telephone company in the municipality is liable for the 911 surcharge only on 100 wireline access lines.
- B. The telephone companies shall bill and collect the 911 surcharge from its wireline and wireless customers. The 911 surcharge billed shall be accounted for separately from other charges.
- C. The telephone companies shall remit that portion of the surcharge receipts allocable to the municipality no later than sixty (60) days after the end of the month in which the amount was collected. From each remittance made in a timely manner, the telephone company is entitled to deduct the greater of one-percent (1%) of the amount collected or a total of \$150.00 per month as the cost of administration for collecting the 911 surcharge. The telephone company shall annually furnish a complete list of amounts due for nonpayment of surcharges,

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together with the names and addresses of those customers who carry a balance of what can be determined by the company to be for nonpayment of the surcharge.

- D. The municipality may, at its own expense, require an annual audit of a telephone company's books and records concerning the collection and remittance of the surcharge.

4.14.040 Surcharge return and remittance.

- A. On or before sixty (60) days following the end of the month in which the surcharge was billed, the telephone company shall submit to the borough treasurer a return, upon forms provided by the borough treasurer, and submit payment for the surcharge to the municipality.

- B. The return shall be signed by the agent of the telephone company and include:

1. The names and address of the telephone company;
2. The name and title of the person preparing the return;
3. The month being reported for which the surcharges were billed;
4. The amount of gross surcharges billed for the month of the return;
5. The deduction claimed for the surcharges previously billed and remitted to the borough treasurer, but charged off as uncollectable during the month being reported;
6. The prorated recoveries representing the month's collection of surcharges previously written off as uncollectable;
7. The amount of deduction claimed for the telephone company's administrative costs to collect the surcharges, which may be the greater of \$150.00 or one-percent (1%) of amounts collected;
8. The net amount of remittance due to the municipality; and
9. Other information and supporting documentation which may be required by the municipality.

Section 5. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this __ day of _____, 2015.

Mark Schaefer, Mayor

ATTEST:

Emily A. Deach, Borough Clerk

(SEAL)