

ORDINANCE #20

Re: 911 Service Ordinance

WHEREAS, the General Assembly of North Carolina in N.C.G.S. 62A has declared it to be in the public interest to provide a toll free number through which an individual in North Carolina can gain rapid, direct access to public safety aid; and

WHEREAS, in N.C.G.S. 62A-4 the General Assembly of North Carolina has authorized any local government to adopt an ordinance to impose a monthly 911 charge upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the area served or which would be served by the 911 service; and

WHEREAS, the Board of Commissioners of Perquimans County has on January 3, 1994 held a public hearing upon ten (10) days public notice as required by N.C.G.S. (62A-4(b)(2) on the question as to whether such an ordinance should be adopted for Perquimans County; and

WHEREAS, the Board of Commissioners of Perquimans County feels that the adoption of such an ordinance would be in the best interests of the citizens of Perquimans County.

NOW, THEREFORE, upon motion of Leo A. Higgins and second of Shirley Yates, the Board of Commissioners of Perquimans County adopts the following ordinance:

1. **IMPOSITION OF CHARGE.** A monthly 911 charge is hereby imposed upon each exchange access facility subscribed to by a telephone subscriber whose exchange access lines are in the area served or which would be served by the Perquimans County 911 service.

2. **AMOUNT OF CHARGE.** The monthly 911 charge imposed shall be \$.50 per month and shall be paid monthly by the telephone subscriber of the exchange access facility upon which the charge is imposed.

3. **BILLING.** Each subscriber of an exchange access facility shall be billed for the monthly 911 charges and each service supplier shall on behalf of Perquimans County collect the charges from those subscribers to whom it provides exchange telephone service in the area served by the 911 service.

4. **COLLECTION.** 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 and it 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.

5. **LEGAL ACTIONS TO COLLECT CHARGES.** The service supplier for the Perquimans County 911 service 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 for those charges may be initiated by Perquimans County and reasonable costs and attorneys' fees associated with that collection action may be awarded to Perquimans County.

6. **ULTIMATE RESPONSIBILITY.** Perquimans County shall remain ultimately responsible to the service supplier for all 911 installation, service, equipment, operation and maintenance charges owed to the service supplier.

7. **NAMES AND ADDRESSES OF SUBSCRIBERS.** Upon request by Perquimans County, the service supplier shall provide Perquimans County with a list of amounts uncollected along with the names and addresses of telephone subscribers who have not paid the 911 charge.

8. **TAXES.** Any taxes due on 911 service provided by the service supplier will be billed to Perquimans County. State and local taxes do not apply to 911 charges billed to subscribers under N.C.G.S. 62A.

9. **ADMINISTRATIVE FEE.** Each service supplier who collects 911 charges on behalf of Perquimans County 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 fiscal officer of Perquimans County within 10 days after the last day of the month.

10. **EMERGENCY TELEPHONE SYSTEM FUND.** The fiscal officer of Perquimans County to whom 911 charges are remitted under G.S. 62A-6 shall deposit the charges in a separate restricted fund which shall be known as the Emergency Telephone System Fund. The fiscal officer may invest the money in the fund in the same manner that any other money of Perquimans County may be invested. The fiscal officer shall deposit any income earned from such an investment in the Emergency Telephone System Fund. Payments from the Emergency Telephone System Fund shall be used only as provided in N.C.G.S. 62A-8.

11. **DEFINITIONS.** The definitions set out in N.C.G.S. 62A-3 shall apply to the ordinance.

12. **TELEPHONE RECORDS.** The provisions of N.C.G.S. 62A-9 relating to telephone records shall apply to this ordinance.

13. **EFFECTIVE DATE OF ORDINANCE.** This ordinance and the imposition and collection of the charges as provided in this ordinance shall become effective on the 1st day of July, 1994.

This ordinance was adopted on the 7th day of February, 1994.

Mack E. Nixon

Mack E. Nixon, Chairman
Perquimans County Board of Commissioners

ATTEST:

Sharon S. Ward

Clerk to the Board