

ALLEGHANY COUNTY PUBLIC SAFETY TELEPHONE ORDINANCE  
AN ORDINANCE TO ESTABLISH COUNTYWIDE E911 SERVICE

Be it ordained by the Board of County Commissioners of Alleghany County North Carolina that countywide E911 telephone service be established pursuant to the authority granted under Chapter 62A of the North Carolina General Statutes by the enactment of the following ordinance:

Section 1 - Title

This ordinance shall be known as the Alleghany County Public Safety Telephone Ordinance.

Section 2 - Legislative Purposes

The Board of Commissioners of Alleghany County, North Carolina declares it to be in the public interest to provide a toll free number through which an individual in this county can gain rapid, direct access to public safety aid. The number shall be provided with the objective of reducing response time to situations requiring law enforcement, fire, medical, rescue, or other public safety service.

Section 3 - Definitions

As used in this ordinance:

1. E911 or Enhanced 911 service, means an emergency telephone system that provides the user of the public telephone system with 911 service and, in addition, provides the capability for automatic number identification and automatic location identification features.

2. 911 charge means a contribution to Alleghany county for the E911 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 E911 service pursuant to this ordinance.

3. Addressing means the assigning of names to all unnamed state maintained roads within the boundaries of Alleghany County.

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 WATTS lines, foreign exchange (FX), or incoming only lines.

5. County means the County of Alleghany, North Carolina.

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, rescue 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, is 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.

#### Section 4 - E911 Charges

The County shall impose a monthly E911 charge of \$1.50 per month 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 E911 service. The E911 charge shall be uniform and may not vary according to the type of exchange access facility used. The imposition and collection of the charges as provided in this ordinance shall become effective on December 6, 1993.

#### Section 5 - Payment and Collection of Charges

The subscriber of an exchange access facility will be billed for the monthly E911 charges, if any, imposed with respect to that facility. Each service supplier shall, on behalf of the County, collect the charges from those subscribers to whom it provides exchange telephone service in the area services by the E911 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, and it may list the charges as a separate entry on each bill. If a service supplier receives a partial payment for a monthly bill for a subscriber, the service supplier shall apply the payment against the amount the subscriber owes the service supplier first.

A service supplier has no obligation to take any legal action to enforce the collection of the E911 charges for which any subscriber is billed. However, the County may initiate collection action of the E911 charges for which any subscriber is billed and shall further be entitled to collect all reasonable costs associated with the collection action including attorney's fees.

The County subscribing to E911 service shall remain ultimately responsible to the service supplier for all E911 installation, service, equipment, operation, and maintenance charges owed to the service supplier. Upon request by the County, the service supplier shall provide the county with a list of amounts uncollected along with the names and addresses of telephone subscribers who have not paid the E911 charge.

Any taxes due on E911 service provided by the service supplier will be billed to the county subscribing to that service. State and local taxes do not apply to E911 charges billed to subscribers under this ordinance.

#### Section 6 - Administration

Each service supplier that collects the E911 charges on behalf of the 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 the month to the finance officer of the county within ten (10) days after the last day of the month.

## Section 7 - Emergency Telephone System Fund

The finance officer of the county to whom E911 charges are remitted under Section 6 shall deposit the charges in a separate, restricted fund. The fund shall be known as the "Emergency Telephone System Fund". The finance officer may invest money in the fund in the same manner that other money of the county may be invested. The finance officer shall deposit any income earned from such an investment into the fund.

## Section 8 - Payments From Fund

Money from the fund shall be used 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 an E911 system, and

2. The rates associated with the service supplier's E911 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.

When the total initial capital and installation costs are paid, the charge may be reduced, and it will be used exclusively to pay the recurring maintenance costs of the Enhanced 911 system. The county finance officer shall notify the seller of the date on which the charge is to be reduced under this Section. This notification will be sent by certified mail to the registered agent of the seller sixty (60) days in advance of the date on which the charge is to be reduced.

## Section 9 Telephone Records

Each telephone service supplier shall provide subscriber telephone numbers, names and service addresses to E911 systems when required by the county. Although customer numbers, names and service addresses shall be available to E911 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 E911 information. This information shall be used only in providing emergency response services to E911 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 E911 service, private listing customers of a service supplier in an E911 service area waive the privacy afforded by nonlisted and nonpublished numbers when E911 service is established.

No service supplier, or agents or employees of a service supplier, shall be liable to any person provided E911 service established under this ordinance for release for emergency telephone purposes of information specified in this section that is not already part of the public record, including nonlisted or nonpublished telephone numbers.

## Section 10 - Limitation of Liability

A 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 E911 system.

Section 11 - Persons Outside County

When an individual physically resides in an adjacent county, but receives local exchange telephone service from a central office in the county, it shall be the responsibility of the county to notify the appropriate public agency of a request for public safety service from such individual.

Section 12 - Misuse of E911 System

Any person who intentionally calls the E911 number for other than purposes of obtaining public safety assistance commits a misdemeanor.

This ordinance shall be effective on December 6, 1993.

Adopted this 2nd day of August, 1993

The Alleghany County Board of Commissioners

(sig: John A. Hampton)  
John A. Hampton, Chairman

(sig: Leo J. Tompkins)  
Leo J. Tompkins, Vice Chairman

(sig: J. Walter Jones)  
J. Walter Jones, Member

ATTEST:  
(sig: Daniel F. McMillan)  
Daniel F. McMillan, Clerk  
(County Seal)

FILED FOR REGISTRATION  
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REGISTER OF DEEDS  
'93 AUG 6 AM 10 50  
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ALLEGHANY COUNTY, N.C.  
(sig: Lizabeth Reeves Roupe)