

TITLE 8-A

EMERGENCY OPERATIONS

CHAPTER 1. TULSA NINE-ONE-ONE EMERGENCY NUMBER

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TULSA NINE-ONE-ONE EMERGENCY NUMBER

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SECTION 100. SHORT TITLE

This chapter shall be known and may be cited as the Tulsa Nine-One-One Emergency Number Ordinance.

Ord. Nos. 17058, 22025

SECTION 101. EMERGENCY TELEPHONE SERVICE

The City shall provide for the operation of emergency telephone services and enhanced 9-1-1 emergency services including services for 9-1-1 calls received from interconnected Voice over Internet Protocol (VoIP) service users.

Ord. Nos. 17058, 22025

SECTION 102. EMERGENCY TELEPHONE NUMBER

The number 9-1-1 is hereby established as the primary emergency telephone number for use throughout the City in order to expedite the response of law enforcement, fire, medical, rescue, and other emergency services to any person requiring such assistance.

Ord. Nos. 17058, 22025

SECTION 103. DEFINITIONS

As used in this chapter, the following words and phrases shall have the meanings given herein.

City shall mean the City of Tulsa, Oklahoma, a municipal corporation.

Emergency telephone fee shall mean a fee used to finance the operation of the emergency telephone service.

Emergency telephone service shall mean any telephone or other communication system utilizing a three-digit number, nine-one-one (9-1-1), for reporting an emergency to the appropriate public agency providing law enforcement, fire, medical, rescue, or other emergency services, including ancillary communications systems and personnel necessary to pass a reported emergency to the appropriate emergency service personnel.

Governing body shall mean the Council of the City of Tulsa.

Local exchange telephone company shall mean any person providing exchange telephone service to any service user within the corporate limits of the City of Tulsa.

Person shall include, but not be limited to, any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, private corporation, whether organized for profit or not, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, the United States of America, the state, political subdivisions of the state, or any federal or state agencies, departments, commissions, boards or bureaus within the corporate limits of the City of Tulsa.

Service user shall mean any person who is provided emergency telephone service within the corporate limits of the City of Tulsa.

Tariff rate shall mean the rate or rates billed by the local exchange telephone company and stated in tariffs applicable to such company as approved by the Oklahoma Corporation Commission, which represents the recurring charges of the local exchange telephone company for exchange telephone service or its equivalent, exclusive of all taxes, fees, licenses or other similar charges.

Telephone Company shall mean any person providing telephone service or other communications service capable of accessing the emergency telephone system to any service user.

VoIP shall mean voice over internet protocol.

VoIP carrier shall mean a person who offers a dial tone telephone service to a customer under authority of the Federal Communications Commission and who is required to collect a fee for funding of emergency telephone service.

Wireless carrier shall mean a person who offers a wireless telephone service and who is required to collect a fee for funding of emergency telephone service.

Ord. Nos. 17058, 22025

SECTION 104. EMERGENCY TELEPHONE FEE

A. Emergency Telephone Fee 1989-1991. Pursuant to the Nine-One-One Emergency Number Act, 63 O.S.1991, §§ 2811, *et seq.*, and the enactment of City of Tulsa Ordinance No. 17058, which became operative January 1, 1989, there was levied upon all service users subject to the jurisdiction of the City of Tulsa for whom emergency telephone service was contracted, an emergency telephone fee in the amount of five percent (5%) of the tariff rate in the first year of the fee and in the amount of three percent (3%) of the tariff rate for the following two years, expiring at midnight on December 31, 1991.

B. Emergency Telephone Fee 1992-1994. Pursuant to the Nine-One-One Emergency Number Act, 63 O.S.1991, §§ 2811, *et seq.*, to be operative from January 1, 1992, through midnight, December 31, 1994, there is hereby levied upon all service users subject to the jurisdiction of the City of Tulsa for whom emergency telephone service has been contracted, an emergency telephone fee in the amount of three percent (3%) of the tariff rate; provided, however, that the electors of the City may impose a fee not to exceed five percent (5%) of the tariff rate according to the provisions of 63 O.S.Supp.1996, § 2814. Amounts collected in excess of those necessary for operation of the emergency telephone service within any given year shall be carried forward to subsequent years. No such fee shall be imposed upon more than one hundred (100) exchange access lines or their equivalent per person per location. The governing body of the City may renew the levy of the emergency telephone fee, by amendment hereto, for periods no longer than three (3) years at a time.

C. Emergency Telephone Fee Effective May 1, 1994, to the Effective Date of this Ordinance. Pursuant to the Nine-One-One Emergency Number Act, 63 O.S.Supp.1991, §§ 2811 *et seq.*, the governing body of the City finds that there exists a need for ancillary communications systems, inclusive of mobile data communications systems, necessary to pass a reported emergency to the appropriate emergency service and personnel. In fulfillment of this need, unless made subject to an election as provided in 63 O.S.Supp.1996, § 2814, effective May 1, 1994 and for such additional time as is needed to purchase said ancillary communications systems and equipment, there is hereby levied upon all service users subject to the jurisdiction of the City of Tulsa for whom emergency telephone service has been contracted, an emergency telephone fee in the amount of five percent (5%) of the tariff rate. This five percent (5%) emergency

telephone fee shall be in lieu of the three percent (3%) emergency telephone fee provided in Subsection B herein. The continued need to purchase said ancillary communications systems and equipment shall be reviewed at least once each calendar year as provided in Subsection D herein.

D. Emergency Telephone Fees Effective upon the Effective Date of this Ordinance.

1. Pursuant to the Nine-One-One Emergency Number Act, 63 O.S. Supp. 2007, §§ 2811 *et seq.*, the governing body of the City finds that a need continues to exist for ancillary communications systems, inclusive of mobile data communications systems, necessary to pass a reported emergency to the appropriate emergency service and personnel. In fulfillment of this need, unless made subject to an election as provided in 63 O.S. Supp. 1996, § 2814, effective upon the effective date of this ordinance and for such additional time as is needed to purchase said ancillary communications systems and equipment, there is hereby levied upon all Local exchange telephone company Service users subject to the jurisdiction of the City of Tulsa for whom emergency telephone service has been contracted, an emergency telephone fee in the amount of five percent (5%) of the tariff rate. This five percent (5%) emergency telephone fee shall be in lieu of the three percent (3%) emergency telephone fee provided in Subsection B herein. The continued need to purchase said ancillary communications systems and equipment shall be reviewed at least once each calendar year as provided in Subsection D.1.a. herein.

a. **Annual Review of Fee Rate.** Notwithstanding the provisions in Subsection D.1 herein, at least once each calendar year before September 1 of each year, the governing body of the City shall review and, if necessary, adjust the fee rate set forth in Subsection D.1 so that, together with any surplus revenues carried forward from previous years, the fee rate shall not exceed an amount necessary to fund authorized expenditures for operation of the emergency telephone service; provided, however, that the fee rate so adjusted shall not exceed an amount authorized by state law. Any such adjustment in the fee rate shall take effect commencing with the first billing period of each service user on or after the following January 1.

b. **Notice.** At least ninety (90) days before any new rate shall become effective, the City shall provide notice of the new rates by certified mail to each Local exchange telephone company providing emergency telephone service to areas within the jurisdiction of the City of Tulsa.

2. Pursuant to the Nine-One-One Voice over Internet Protocol (VoIP) Emergency Service Act, 63 O.S. §§ 2851 *et seq.*, a fee is hereby levied upon VoIP Service

users whose businesses or residences are located within the City at the rate of fifty cents (\$0.50) per month per endpoint Internet Protocol device.

Ord. Nos. 17058, 22025

SECTION 105. COLLECTION OF FEE

A. **Collection.** The emergency telephone fee shall be collected monthly by each telephone company at the same time charges for telephone services are collected and in accordance with the regular billing practices of the company. In the event any service user tenders a payment in an amount insufficient to satisfy all charges, tariffs, fees and taxes, the amount tendered shall be first credited to the emergency telephone fee.

B. **Remittance.** Unless required by state law to remit otherwise, all fees collected by a telephone company pursuant to this chapter shall be remitted to the City, together with any accumulated interest, no later than thirty (30) days after the end of the month in which the fees were collected. Such remittance shall be submitted with a return on a form acceptable to the City.

C. **Administrative Fee.** For every remittance of the collected fee to City on or before the date same becomes due, the local exchange telephone company and the VoIP Carrier required to remit the fee shall be entitled to deduct and retain for administrative costs, two percent (2%) of the emergency telephone fee. No administrative fee shall be deducted and retained by the local exchange telephone company and the VoIP Carrier for collected fees which are not remitted to the City by the due date as set forth in Subsection B, above.

D. Records.

1. The telephone company shall maintain a complete and accurate set of records on the amount of all fees collected. Such records shall be maintained for a period of three (3) years from the end of any fiscal year in which such fees were collected unless a shorter holding period is authorized by state law. The City may, at its own expense, conduct an annual audit of such records.

2. All telephone companies having customers within the City shall provide an annual census of customers to the City no later than sixty (60) days after the first day of each calendar year unless such companies are required by state law to provide such annual census to another entity.

Ord. Nos. 17058, 22025

SECTION 106. FAILURE TO REMIT FEE

Any service user willfully failing or refusing to remit or pay any emergency telephone fee or portion thereof duly authorized in this chapter shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00) excluding costs, fees and assessments. Each separate failure or refusal to remit or pay the emergency telephone fee hereof shall be deemed a separate offense.

Ord. No. 17058, 22025

SECTION 107. FALSE REPORTING

No person shall call the number nine-one-one (9-1-1) for the purpose of making a false alarm or complaint or reporting false information which could result in the dispatching of emergency services from any public agency. Any person violating the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) excluding costs, fees and assessments.

Ord. Nos. 17058, 22025

SECTION 108. FEE FOR EXCESSIVE NONEMERGENCY USE

Any person who owns a telephone or who is charged line or rental charges from a telephone utility and who uses the nine-one-one (9-1-1) number for nonemergency calls or who allows minor children to use the nine-one-one (9-1-1) number for nonemergency purposes, after notification, may be assessed a fee of Fifteen Dollars (\$15.00) for the eleventh and each subsequent abuse. Such fee shall be used for maintenance and any other expense of the emergency telephone service system.

Ord. Nos. 17058, 22025