LOCAL LAW NO. 10 2004

A LOCAL LAW IMPOSING A WIRELESS SURCHARGE IN ONONDAGA COUNTY PURSUANT TO COUNTY LAW 308-f

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY AS FOLLOWS:

Section 1. The Onondaga County Legislature has adopted Resolution 2004-38 designating the Onondaga County 911 Center as the sole public service answering point (PSAP) for wireless emergency E911 communications originating within Onondaga County and the New York State Legislature has enacted a new County Law Section 308-f which authorizes Onondaga County to adopt, amend or repeal local laws to impose a surcharge in an amount not to exceed thirty cents per month on Wireless Communications Service in Onondaga County for payment of eligible wireless 911 service costs as defined in New York State County Law Section 325(16).

Section 2. Definitions.

a) "Wireless communication device" means any equipment used to access wireless communication service.

b) "Wireless Communication Service" means all commercial mobile services, as that term is defined in section 332(d) of title 47, United States Code, as amended from time to time, including, but not limited to, all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees, which offer real time, two-way voice or data service that is interconnected with the public switched telephone network or otherwise provides access to emergency communications services.

c) "Place of Primary Use" means the street address that is representative of where the customer's use of the Wireless Communications Service primarily occurs which must be: (a) residential street address or primary business street address of the customer; and (b) within the licensed service area of the Wireless Communications Service supplier.

d) "County" means the County of Onondaga.

e) "Eligible wireless 911 service costs" means the costs defined in Section 321(16) of the New York State County Law.

Section 3. Effective January 1, 2005, a surcharge of $.30 per month shall be imposed on each Wireless Communications Device for Wireless Communication Service that is provided to a customer whose place of primary use is located in Onondaga County.

Section 4. The surcharge imposed pursuant to Section 3 above shall be reflected and made payable on bills rendered for Wireless Communications Service.

Section 5.

a) Each Wireless Communications Service supplier serving the County shall act as a collection agent for the County and shall remit the funds collected pursuant to a surcharge imposed under the provisions of this local law to the Chief Fiscal Officer of the County every month. Such funds shall be remitted no later than thirty days after the last business day of the month.

b) Each Wireless Communications Service supplier shall be entitled to retain, as an administrative fee, an amount equal to two percent of its collections of a surcharge imposed under the provisions of this Local Law.

c) Any surcharge required to be collected by a Wireless Communications Service supplier shall be added to and stated separately in its billings to customers.

d) Each Wireless Communications Service customer who is subject to the provisions of this Local Law shall be liable to the County for the surcharge until it has been paid to the County except that payment to a Wireless Communications Service supplier is sufficient to relieve the customer from further liability for such surcharge.

e) No Wireless Communications Service supplier shall have a legal obligation to enforce the collection of any surcharge imposed under the provisions of this Local Law, provided, however, that whenever the Wireless Communications Service supplier remits the funds collected to the County, it shall also provide the County with the name and address of any customer refusing or failing to pay a surcharge imposed under the provisions of this Local Law and shall state the amount of such surcharge remaining unpaid.

f) Each Wireless Communications Service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

Section 6. All surcharge monies remitted to the County by a Wireless Communications Service supplier shall be expended only upon authorization of the County Legislature for payment of Eligible Wireless 911 Service Costs. The County shall separately account for and keep adequate books and records of the amount and source of all such monies and of the amount and object or purpose of all expenditures thereof. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above-mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

Section 7. The Chief Fiscal Officer shall notify, in writing, Wireless Communication Service providers who are subject to the provisions of this Local Law of their obligation to collect the surcharge provided for herein no less than forty-five days prior to the date such provider is to begin adding said surcharge to the billings of its customers.

Section 8. Effective Date.
This local law shall take effect upon filing pursuant to the Municipal Home Rule Law.

LL Wireless Surcharge

ADOPTED

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RECEIVED
ONONDAGA COUNTY
LEGISLATURE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE 7th DAY OF October, 2004.

Deborah L. Fitzpatrick

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK