

**ORDINANCE NO. \_\_\_\_\_**

**An ordinance amending Chapter 22, Taxation, Article V, Use Taxes, Division 1, Nine-One-One Emergency, Section 22-78, Emergency telephone service fee, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:**

**SECTION I.** Broken Arrow Code Chapter 22, Article V, Division 1, Section 22-78, is hereby created to read as follows:

**Sec. 22-78. - Emergency telephone service and fee.**

- (a) The council hereby provides for the operation of an emergency telephone service within the city and hereby imposes an emergency telephone fee in accordance with state law upon customers and providers of dial-tone for all service within the city.
  - (1) The council hereby imposes an emergency telephone fee at the rate of five percent of the tariff rate of each local exchange telephone company with customers located in the city if an applicable tariff rate exists for services provided by that carrier. The council, by resolution, shall impose the fee each year in accordance with state law. For any provider of dial-tone or telephone service in the city whose charges are not regulated by the Oklahoma Corporation Commission and whose fee has not been established by state law, the council hereby imposes a fee upon such providers that is equal to the cost of providing emergency telephone and dispatch services, in the same ratio as the number of customers for that carrier bears to all customers in the city. All local exchange telephone companies having customers in the city shall provide an annual census of customers to the city no later than 60 days after the first day of each calendar year.
  - (2) All wireless carriers having customers whose businesses or residences are located within the city, according to the records of the wireless carrier, shall provide to the city a census of customers located or residing in the city upon request.
- (b) The proceeds of the fee shall be utilized to pay for the equipment and operation of emergency telephone and dispatch service.
- (c) The emergency telephone fee shall be imposed only as permitted by state law.
- (d) Every billed service user shall be liable for any fee imposed pursuant to this article, until it has been paid to the local exchange telephone company or other provider of dial-tone.
- (e) Fees imposed pursuant to the authority of this article and that are required to be collected by the local exchange telephone company or other provider of dial-tone, shall be added to and may be stated separately in the billings to the service user.

- (f) The local exchange telephone company or other provider of dial-tone shall have no obligation to take any legal action to enforce the collection of any fee imposed pursuant to authority of this article; however, should any service user tender a payment insufficient to satisfy all charges, tariffs, fees and taxes for telephone service, the amount tendered shall be credited to the emergency telephone fee in the same manner as other taxes and fees. The local exchange telephone company or other provider of dial-tone shall annually provide the city treasurer with a list of amounts uncollected along with the names and addresses of those service users which carry a balance that can be determined by the local exchange telephone company or other provider of dial-tone to be nonpayment of any fee imposed pursuant to the authority of this article.
  
- (g) Any fee imposed pursuant to the authority provided by this article shall be collected insofar as practicable at the same time as, and along with, the charges for telephone service in accordance with the regular billing practice of the telephone company.
  
- (h) The council hereby adopts and imposes a fee upon VOIP customers whose business or residences are located within the city at the following rates in accordance with State law:
  - (1) Seventy-five cents (\$0.75) monthly on each wireless telephone connection and other communication device or service connection with the ability to dial 9-1-1 for emergency calls; and
  
  - (2) Seventy-five cents (\$0.75) monthly on each service that is enabled by Voice Over Internet Protocol (VOIP) or Internet Protocol (IP) with the ability to dial 9-1-1 for emergency calls; and
  
  - (3) Seventy-five cents (\$0.75) on each prepaid wireless retail transaction occurring in this state.

**SECTION II.** Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION III.** An emergency exists for the preservation of the public health, peace and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

**PASSED AND APPROVED** and the emergency clause ruled upon separately this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
(Seal) CITY CLERK

APPROVED:

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ASSISTANT CITY ATTORNEY