

County of Tioga

Local Law No. 1 of the Year 2002.

A Local Law providing for the mandatory routing of all Wireless 911 Calls.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: NAME

This Local Law shall be known as the Tioga County Wireless 911 Call Routing Law.

SECTION 2: AUTHORITY

This local law is enacted under authority of Section 10 of the Municipal Home Rule Law of the State of New York, Article IX of the State Constitution of New York, the County Law, and other applicable statutory and decisional law.

SECTION 3: FINDINGS AND DECLARATION OF INTENT

This Legislature recognizes the paramount importance of the health, safety and welfare of the citizens of Tioga County and further recognizes that when the lives or property of its citizens are in imminent danger that appropriate assistance must be rendered as expeditiously as possible.

This Legislature recognizes further that such assistance is increasingly summoned by means of wireless communications including but not limited to cellular telephones and personal/vehicle communication devices. Though unavoidable, delays in reaching appropriate emergency aid can occur to the detriment and jeopardy of life and property when such wireless 911 calls from within Tioga County are routed to anywhere other than directly to the single countywide Tioga County Public Safety Answering Point, hereinafter known as the (TC-PSAP) which is under the jurisdiction of the Tioga County Sheriff's Office.

The Legislature further finds that an obstacle to the prompt response to emergency wireless requests for assistance in Tioga County is the failure of one or more wireless telephone service suppliers to directly route such calls to the TC-PSAP.

The Legislature further finds that the TC-PSAP has the most accurate, current and extensive knowledge of Tioga County's geography, roadways, waterways, landmarks, emergency service resources, including but not limited to police, fire and emergency medical services, as well as similar information of critical importance in

emergency situations, and can immediately alert and dispatch the number and type of emergency services the situation requires.

This Legislature further finds and declares that, by the enactment of the provisions of this local law it is the intent of the Board of Legislature to fulfill its obligation to provide health, safety and welfare of the people of this county by mandating the direct routing of all 911 calls, including wireless calls by service suppliers directly to the TC-PSAP so as to facilitate the rendering of emergency services as expeditiously and effectively as possible.

SECTION 4: DEFINITIONS

For the purpose of this law:

- a) “Wireless telephone service” means all commercial mobile services, as that term is defined in Section 332 (d) of the title 47, United States Code, including 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 times, two-way voice service that is interconnected with the public switched telephone network.
- b) “Wireless telephone service supplier” means any corporation or person as defined in section ten hundred eight of the Tax Law which provides wireless telephone service in New York State.
- c) “TC-PSAP” means Tioga County Public Safety/Service Answering Point which is the site designated and operated by the County of Tioga at its Public Safety Building through its Sheriff’s Office for the purpose of receiving emergency and public safety related calls including those from a wireless telephone service and dispatching needed emergency and public safety related services.

SECTION 5: ROUTING

All wireless telephone service suppliers doing business in Tioga County shall route all 911 emergency calls to the TC-PSAP.

SECTION 6: PROHIBITED ACTS

- a) No wireless telephone service supplier shall knowingly fail to route wireless 911 telephone calls originating within Tioga County to the TC-PSAP as required by Section 5 above.
- b) No owner, official, employee or agent of a wireless telephone supplier shall design, implement, arrange, maintain or cause either directly or indirectly, a

process or activity whereby 911 calls are routed other than as provided by Section 5 above.

- c) No person or entity shall either directly or indirectly solicit, suggest, implore, agree, or otherwise take action so as to cause or seek to cause a wireless telephone service supplier to route wireless 911 calls from within Tioga County to other than the TC-PSAP.

SECTION 7: SANCTIONS

Any persons or entity violating this local law shall be guilty of an unclassified misdemeanor and shall be subject to a fine not exceeding five hundred dollars and/or to a period of confinement in the Tioga County Jail for a period not to exceed three months for each offense. For the purpose of this law, each improperly routed 911 call shall constitute a separate offense.

SECTION 8: ADDITIONAL REMEDIES

- a) In addition to the sanctions provided in Section 7 above, any wireless telephone service supplier failing to observe the requirements of Section 5 above shall be liable for personal injury including death and/or property damage caused or exacerbated by reason of said failure.
- b) The Sheriff or the Chair of the Board of Legislature is authorized to pursue any appropriate legal remedy including but not limited to injunction to effectuate the purpose of this law.

SECTION 9: SEPARABILITY AND SAVING PROVISIONS

This law is separate and apart from any other local law and each provision hereof is separate from any other provision. If this law or portion thereof is found to be invalid, no other law or unaffected portion of this law shall be affected thereby and shall remain in full force and effect.

SECTION 10: EFFECTIVE DATE

The law shall be effective thirty days after this Board of Legislature enacts it.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2002 of the (County) of Tioga was duly passed by the Tioga County Legislature on April 9, 2002 , in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County) (City) (Town) (Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the and was deemed duly adopted on , 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 20 Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual)election held on , 20 , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 20 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 20 , in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on , 20 , become operative.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: April 9, 2002

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

State of New York

County of Tioga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
Thomas R. Emmett
Title County Attorney
County of Tioga
City
Town
Village

Date: April 9, 2002