

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

of MONTGOMERY

Local Law No. 2 of the year 2001

A local law Providing for Mandatory Routing of Wireless 911 Calls
(Insert Title)

Be It enacted by the Board of Supervisors of the
(Name of Legislative Body)

County

of Montgomery as follows:

SECTION 1. Name: This local law shall be known as the Montgomery 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 State Constitution of New York, the County Law, and other applicable statutory and decisional law.

SECTION 3. Findings and Declaration of Intent: This Board of Supervisors recognizes the paramount importance of the health, safety and welfare of the citizens of the 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.

The Board of Supervisors recognizes further that such assistance is increasingly summoned by wireless communications including but not limited to cellular phones and that unintentional, though avoidable, delays in reaching appropriate emergency aid can and do occur to the detriment and jeopardy of life and property when such wireless 911 calls from within Montgomery County are routed to anywhere other than directly to the single county-wide Montgomery County Public Service Answering Point (PSAP), which is under the jurisdiction of the Montgomery County Sheriff.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

The Montgomery County Board of Supervisors further finds that a major obstacle to the prompt response to emergent wireless request for assistance in Montgomery County is the failure of one or more wireless telephone service suppliers to directly route such calls to the Montgomery County Public Service Answering Point (PSAP).

The Montgomery County Board of Supervisors further finds that the Montgomery County Public Answering Point (PSAP) has the most accurate, current and extensive knowledge of Montgomery County's geography, roadway, landmarks, emergency service resources and similar information of critical importance in emergent situations and can immediately dispatch the number and type of emergency services the situation requires.

This Board of Supervisors further finds and declares that, by the enactment of the provisions of this local law, it is the intent of the Board of Supervisors to fulfill its obligation to provide for the health, safety and welfare of the people of this County by mandating the direct routing of all 911 calls, including wireless calls, by the service suppliers directly to the Montgomery County Public Answering Point (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 Title 47, United States Code, including all broad band personal communication 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 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 eighty of the Tax Law, which provides wireless telephone service in New York State.

c. "Montgomery County Public Service Answering Point" or "Montgomery County PSAP" means the site designated and operating by the County of Montgomery through its Sheriff's Office for the purpose of receiving emergency calls, including those from a wireless telephone service and dispatching needed emergency services.

SECTION 5. Routing: All wireless telephone service suppliers doing business in Montgomery County shall route all 911 emergency calls to Montgomery County PSAP.

SECTION 6. Prohibited Acts:

a. No wireless telephone service suppliers shall knowingly fail to route wireless 911 telephone calls originating within Montgomery County to the Montgomery County PSAP, as required by Section 5 above.

b. No owner, official, employee or agent of a wireless telephone supplier shall design, implement, arrange or cause, either directly or indirectly, a process or activity whereby 911 calls are routed other than as provided in 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 Montgomery County to other than the Montgomery County PSAP.

SECTION 7. Sanctions: Any person 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 (\$500.00) and/or to a period of confinement in the Montgomery County Correctional Facility for a period not to exceed (3) months for each offense. For 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 Chairman of the Board of Supervisors is authorized to pursue any appropriate legal remedy, including, but not limited to, injunction to effectuate the purposes of this local law.

SECTION 9. Separability and Saving Provisions: This local 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 effected thereby and shall remain in full force and effect.

SECTION 10. Effective Date: This law shall be effective thirty (30) days after it is enacted by the Montgomery County Board of Supervisors.