

COUNTY OF DELAWARE

Local Law No. 2 of the year 2014

**A LOCAL LAW IMPOSING A SURCHARGE ON WIRELESS COMMUNICATIONS SERVICE IN THE COUNTY OF DELAWARE**

**BE IT ENACTED** by the Board of Supervisors of the County of Delaware, State of New York, as follows:

Section 1. Purpose. It is the purpose of this local law pursuant to the provisions of Article 6 of the New York State County Law to impose a surcharge on wireless communications service in the County of Delaware to pay for the authorized costs associated with the providing of a wireless 911 system to serve Delaware County.

Section 2. Definitions. The words and phrases used in this local law shall have the same meanings adopted by section three hundred one of the County Law and as specifically defined in this local law as follows:

- a. "County" means the County of Delaware.
- b. "Board" means the County Board of Supervisors.
- c. "E911 system" means an enhanced emergency telephone service which automatically connects a person dialing the digits 9-1-1 to an established public answering point, as established or authorized by resolution of the Board, and which shall include, but not be limited to, selective routing, automatic number identification and automatic location identification.
- d. "place of primary use" means the street address representative of where a wireless communications customer's use of the wireless communications service primarily occurs, and must be: (a) the residential street address or the primary business street address of the wireless communications customer; and (b) within the licensed service area of the wireless communications service supplier.
- e. "wireless communications device" means any equipment used to access a wireless communications service.
- f. "wireless communications 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, and as specifically delineated in, but not limited by, section three hundred one of the County Law.
- g. "wireless communications service supplier" means any commercial entity that operates a wireless communications service in New York State.

Section 3. Imposition of Surcharge; Effective Date.

- a. There is hereby imposed a surcharge of thirty cents per month on each wireless communications device which shall be reflected and made payable on bills rendered for wireless communications service that is provided by a wireless communications service supplier to a customer whose place of primary use is within the County.
- b. Each wireless communications service supplier shall add such surcharge amount to the billings to its customers beginning on the date this local law is filed in the office of the Secretary of State.

Section 4. Exemption from Surcharge. Lifeline customers and the County shall be exempt from the surcharge imposed under this local law.

Section 5. Collection of Surcharge.

- a. Each wireless communications service supplier serving the County shall act as collection agent for the County and shall remit the funds collected pursuant to the surcharge imposed herein to the Delaware County Treasurer 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 (2%) of its collection of the surcharge imposed hereunder.
- 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.

Section 6. Liability for Payment of Surcharge.

- a. 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.
- b. Each wireless communications service supplier shall annually provide to the County an accounting of the surcharge amounts billed and collected.

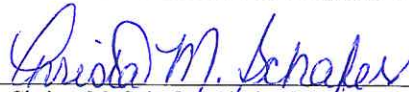
Section 7. Enforcement of Payment of Surcharge.

- a. 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 hereunder and shall state the amount of such surcharge remaining unpaid.
- b. The Delaware County Treasurer is hereby authorized to take any legal action to enforce the collection of any surcharge from any customer of a wireless communications service supplier refusing or failing to pay the surcharge imposed by this local law.

Section 8. Effective Date. This local law shall take effect immediately.

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2014 of the County of Delaware was duly passed by the Board of Supervisors on December 10, 2014, and was approved. Such local law was not subject to permissive referendum in accordance with the applicable provisions of law.


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 above.

  
Christa M. Schafer, Clerk of the Board of Supervisors  
Date: December 10, 2014

(Seal)

STATE OF NEW YORK  
COUNTY OF DELAWARE

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.

  
Porter L. Kirkwood, Delaware County Attorney  
Date: December 10, 2014