

ORDINANCE NO. 3080

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING AND DIRECTING CELLULAR/WIRELESS TELEPHONE SERVICE CARRIERS TO CHARGE TELEPHONE SUBSCRIBERS A 9-1-1 EMERGENCY SERVICE FEE; AUTHORIZING EXECUTION OF CONTRACTS WITH CELLULAR/WIRELESS TELEPHONE SERVICE CARRIERS FOR COLLECTION OF FEES; PROVIDING EXCEPTIONS; PROVIDING FOR A PUBLIC HEARING; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Mesquite has determined that it is in the interest of the public health, safety, and general welfare for a 9-1-1 emergency service system to be implemented with the City; and

WHEREAS, the cost of such implementation should be billed to telephone subscribers located within the City; and

WHEREAS, the ordinances of the City establish a 9-1-1 emergency service fee for residential, business, and business truck lines within the City; and

WHEREAS, cellular/wireless telephones impact the 9-1-1 emergency service system in the same manner as wireline telephone service;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. There is hereby imposed on each telephone subscriber's cellular/wireless telephone service in the City of Mesquite a 9-1-1 emergency service fee of Sixty-Two Cents (\$0.62) per month for each cellular/wireless telephone. Those fees shall be used to partially defray the cost of the City of Mesquite's 9-1-1 emergency service system.

SECTION 2. The Mayor of the City of Mesquite is authorized to execute a contract on behalf of the City of Mesquite with cellular/wireless telephone service carriers, both those currently in existence as well as any which might be established in the future, to perform billing of this service fee for cellular/wireless telephone customers located within the boundaries of the City of Mesquite.

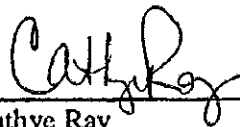
SECTION 3. Each cellular/wireless telephone service carrier shall retain records of the fees collected pursuant to this ordinance. Such records shall be retained by the carriers for a minimum period of two (2) years from the date of collection. The City may, at its sole cost and expense, audit the carriers' records of the collected fees not more often than once annually.

SECTION 4. Each cellular/wireless telephone service carrier shall remit the collected 9-1-1 emergency service fees to the City on a periodic basis, not more frequently than monthly, on or before the sixtieth (60th) day before the close of the month in which the fees were collected. Each cellular/wireless carrier may retain, from its remittance to the City, two percent (2%) of the collected 9-1-1 emergency service fees as compensation for providing such collection.

SECTION 5. Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. The fact that the present ordinances of the City of Mesquite do not adequately protect the safety of the inhabitants of the City creates an urgency and emergency and in the preservation of the public health, safety and welfare requires that this ordinance shall become effective immediately from and after its passage and the publication of caption, as the law in such cases provides, but the fees imposed hereby shall only take effect on March 1, 1996.

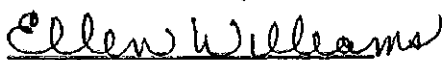
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of February, 1996.



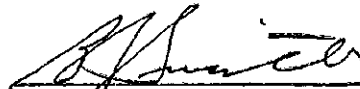
Cathye Ray
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney