

ORDINANCE #98

FIRST READING - February 28, 1995
SECOND READING - March 14, 1995

AN ORDINANCE OF THE COUNTY OF LACKAWANNA, PENNSYLVANIA IMPOSING A TELEPHONE SUBSCRIBER'S FEE FOR THE NON-RECURRING COSTS, MAINTENANCE AND OPERATING COSTS OF THE COUNTY 911 EMERGENCY COMMUNICATION SYSTEM PURSUANT TO THE PUBLIC SAFETY EMERGENCY TELEPHONE ACT (ACT 78 OF 1990).

WHEREAS, a duly advertised special public meeting was held on the evening of July 11, 1994 for the purpose of receiving public comment and the answering of questions concerning Lackawanna County's proposed Public Safety Emergency Telephone Act fee; and

WHEREAS, Lackawanna County's 911 Plan has been approved by the Pennsylvania Department of Community Affairs and the Pennsylvania Emergency Management Council; and

WHEREAS, the Pennsylvania Public Utility Commission has approved the imposition of a fee of One Dollar and Twenty-Five Cents (\$1.25) per telephone subscriber line per month for a period of three (3) years;

NOW, THEREFORE, be it ordained and enacted by the Commissioners of the County of Lackawanna, and it is hereby ordained and enacted by the authority of same as follows:

Section 1. Fee.

Effective the 1st day of April, 1995, there is hereby imposed on each Lackawanna County telephone subscriber a monthly fee of One Dollar and Twenty-Five Cents (\$1.25) on each local exchange access line. In the case of Centrex or similar multiple line system subscribers (except PBX subscribers) with more than twenty-five (25) lines, the fee shall be adjusted as provided in Section 7 of the Public Safety Emergency Telephone Act.

Section 2. Service Supplier to Collect Fee.

Bell Atlantic, Commonwealth Telephone, Northeastern, and G.T.E. Telephone Company and any other service suppliers who now provide or who may hereafter provide local exchange telephone services to subscribers in Lackawanna County are hereby required to assess, bill and collect the fee referred to in Section 1 of this Ordinance from each telephone subscriber in Lackawanna County, and to forward the fees collected to the Lackawanna County Treasurer on a quarterly basis within thirty (30) days after the end of each calendar quarter.

Section 3. Deposit by County Treasurer.

The County Treasurer shall deposit the monies received from the telephone companies in an interest bearing restricted account to be used solely for the purposes authorized by the Public Safety Emergency Telephone Act.

Section 4. List of Telephone Subscribers.

All service suppliers subject to this Ordinance shall on or before the 1st day of February of each year provide to the Lackawanna County Treasurer a list of names and addresses of all telephone subscribers who have not paid the fee imposed by this Ordinance.

Section 5. Violation.

Failure of any telephone subscriber to pay the fee imposed pursuant to this Ordinance shall be a violation of this Ordinance. Failure of any telephone company to perform the obligations imposed upon it by this Ordinance shall be a violation of this Ordinance.

Section 6. Remedies.

To enforce the provisions of this Ordinance, the County may exercise any and all available remedies provided by applicable laws, rules and regulations.

Any telephone subscriber who fails to pay the fee imposed pursuant to this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) and costs of prosecution, and in default of payment thereof, to imprisonment for not more than thirty (30) days.

Section 7. Repealer.

All Ordinances and resolutions or parts of Ordinances and resolutions which are inconsistent herewith are hereby repealed.

Section 8. Severability.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the County Commissioners of Lackawanna County that this Ordinance would have been adopted had such constitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

COUNTY OF LACKAWANNA


JOSEPH J. CORCORAN

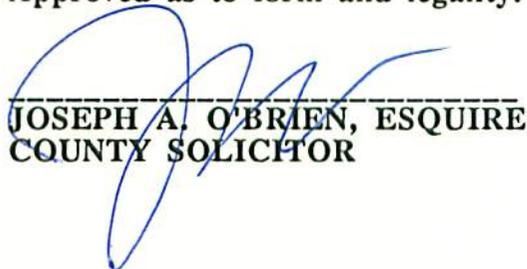

RAY A. ALBERIGI


JOHN SENIO

ATTEST:


GERALD L. STANVITCH,
ADMINISTRATIVE DIRECTOR

Approved as to form and legality:


JOSEPH A. O'BRIEN, ESQUIRE
COUNTY SOLICITOR