

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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

~~City~~ of LIVINGSTON
~~Town~~
~~Village~~

Local Law No. 5 of the year 19 99

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

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

County

~~City~~ of Livingston as follows:
~~Town~~
~~Village~~

See attached.

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

Section 1. Name. This local law shall be known as the Livingston 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 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.

This 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 Livingston County are routed to anywhere other than directly to the single countywide Livingston County Public Service Answering Point (PSAP) which is under the jurisdiction of the Livingston County Sheriff's Office.

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

The Board of Supervisors further finds that the Livingston County Public Service Answering Point (PSAP) has the most accurate, current and extensive knowledge of Livingston County's geography, roadways, 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 service suppliers directly to the Livingston County Public Service Answer 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 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 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 those terms are defined in section 1080 of the Tax Law, which provides wireless telephone service in New York State.

c) "Livingston County Public Service Answering Point" or "Livingston County PSAP" means the site designated and operated by the County of Livingston 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 Livingston County shall route all 911 emergency calls to the Livingston County Public Service Answering Point (PSAP).

Section 6. Remedies.

a) 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 Livingston County 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 7. 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 affected thereby and shall remain in full force and effect.

Section 8. Effective Date. This law shall be effective upon its filing with the New York State Secretary of State.

Dated at Geneseo, New York
October 13, 1999 (Introduced)
October 27, 1999 (Adopted)

(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.5..... of 1999.. of the (County)(~~City~~)(~~Town~~)(~~Village~~) of ..Livingston..... was duly passed by the ..Board of Supervisors..... on October 27, 19 99, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 19.... of the (County)(City)(Town)(Village) of was duly passed by the on 19 .., and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on 19...., in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.... of the (County)(City)(Town)(Village) of was duly passed by the on 19...., and was (approved)(not approved)(repassed after disapproval) by the on 19.... . 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 19...., in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19.... of the (County)(City)(Town)(~~Village~~) of was duly passed by the on 19...., and was (approved)(not approved)(repassed after disapproval) by the on 19.... . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 19...., in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

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 19____ 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 _____ 19____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

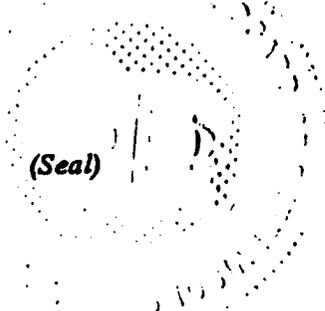
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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 _____, above.



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

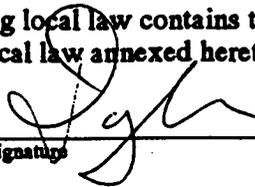
Date: 10/27/99



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

STATE OF NEW YORK Livingston
COUNTY OF _____

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
County Attorney

Title

County
~~CITY~~ of Livingston
~~TOWN~~
~~VILLAGE~~

Date: 11/3/99



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

November 16, 1999

RECEIVED

NOV 22 1999

LIVINGSTON COUNTY
BOARD OF SUPERVISORS

VIRGINIA O. AMICO
LIVINGSTON COUNTY GOVERNMENT CENTER
6 COURT STREET ROOM 302
GENESEO, NY 14454

RE: County of Livingston, Local Law 5, 1999, filed 11/05/99

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml