

BY AUTHORITY

ORDINANCE NO. 651
SERIES OF 2009

COUNCIL BILL NO. 631
COMMITTEE OF REFERENCE:
Safety

A BILL

FOR AN ORDINANCE AMENDING THE REVISED MUNICIPAL CODE BY AMENDING ARTICLE III OF CHAPTER 16 ENTITLED "EMERGENCY TELEPHONE SERVICE."

WHEREAS, pursuant to the statutory scheme established in Chapter 29, C.R.S. for the implementation of Enhanced 911 (E911) Emergency Telephone Services and the collection of an emergency telephone charge to defray the expenses of such services, the City enacted Article III of Chapter 16 D. R. M. C. to establish a framework for the operation of an emergency telephone system and the collection and expenditure of an emergency telephone charge;

WHEREAS, the said statute has been amended to provide for the recognition of the rise in the use of telephone services by use of the internet and described as "Interconnected Voice-Over-Internet-Protocol Service" ("VOIP") and to provide for the collection of emergency telephone charges with respect to such VOIP services in order to achieve the widest application of the E911 telephone system;

WHEREAS, it is therefore necessary to amend Article III of Chapter 16, D.R.M.C., in order to comport with such statutory changes and to expand the City's E911 emergency telephone charge and related E911 service to encompass VIOP services.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Chapter 16-21 (a) of the Revised Municipal Code is hereby amended by adding the language underlined and deleting the language stricken as follows:

Sec. 16-21. Definitions.

(a) The following terms shall have the same meaning as provided in Section 29-11-101, C.R.S. (1986 Repl. Vol., as amended): "basic emergency service provider ("BESP")," "emergency telephone charge," "emergency telephone service," "exchange access facilities," "Interconnected Voice-Over-Internet-Protocol Service" "rates," "service supplier" and "wireless communications

1 access."

2 **Section 2.** That Chapter 16-22 (a) and (c) of the Revised Municipal Code is hereby amended by
3 adding the language underlined and deleting the language stricken as follows:

4
5 **Sec. 16-22. Authorization of Emergency Telephone Charge.**

6 (a) There is hereby authorized to be imposed, upon all exchange access facilities within the
7 City and County of Denver and upon all wireless communications access and Interconnected Voice-
8 Over-Internet-Protocol Service having a billing address within the City and County of Denver, an
9 emergency telephone charge in an amount not to exceed seventy cents (\$0.70) per month per
10 exchange access facility, ~~and not to exceed seventy cents (\$0.70) per month per wireless~~
11 ~~communications access, and not to exceed seventy cents(\$0.70) per month per Interconnected~~
12 Voice-Over Internet Protocol Service.

13 (c) Regardless of the level at which the emergency telephone charge is set, the amount of
14 such charge imposed per exchange access facility and the amount of such charge imposed per
15 wireless communications access and the amount for Interconnected Voice-Over-Internet Service
16 shall be equal.

17
18 **Section 3.** That Chapter 16-24 (b) of the Revised Municipal Code is hereby amended by
19 adding the language underlined and deleting the language stricken as follows:

20
21 **Sec. 16-24. Authority of Manager of Safety.**

22 (b) Each year no later than September 1, the manager shall fix a rate of charge, not to
23 exceed the amount authorized by section 16-22, that together with any surplus revenues carried
24 forward will produce sufficient revenues to fund the expenditures authorized in section 16-22 and
25 shall fix the new rate to take effect commencing with the first billing period of each customer on or
26 following the next January 1. The manager shall publish the new rate in an official publication of the
27 city and shall notify by registered mail every service supplier at least ~~ninety (90)~~ sixty (60) days
28 before the new rate will become effective.

29
30 COMMITTEE APPROVAL DATE: Week of October 12, 2009

31 MAYOR-COUNCIL DATE: October 20, 2009

1 PASSED BY THE COUNCIL November 9 2009

2 Jeanette Frodo - PRESIDENT

3 APPROVED: de Falk - MAYOR Nov. 10 2009

4
5 ATTEST: Stephanie J. O'Malley - CLERK AND RECORDER,
6 EX-OFFICIO CLERK OF THE
7 CITY AND COUNTY OF DENVER
8

9 NOTICE PUBLISHED IN THE DAILY JOURNAL Nov. 6, 2009; Nov. 13, 2009

10 PREPARED BY: Steven J. Hahn - ASSISTANT CITY ATTORNEY - October 29, 2009

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6
14 of the Charter.
15

16 David R. Fine, City Attorney

17 BY: [Signature] Assistant City Attorney

18 DATE: 28 Oct 09

