

1 BY AUTHORITY

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2009

COUNCIL BILL NO. 631  
COMMITTEE OF REFERENCE:  
4 SAFETY

5 A BILL

6 FOR AN ORDINANCE AMENDING THE REVISED MUNICIPAL CODE BY  
7 AMENDING ARTICLE III OF CHAPTER 16 ENTITLED "EMERGENCY TELEPHONE  
8 SERVICE."  
9

10 **WHEREAS**, pursuant to the statutory scheme established in Chapter 29, C.R.S. for the  
11 implementation of Enhanced 911 (E911) Emergency Telephone Services and the collection of an  
12 emergency telephone charge to defray the expenses of such services, the City enacted Article III of  
13 Chapter 16 D. R. M. C. to establish a framework for the operation of an emergency telephone  
14 system and the collection and expenditure of an emergency telephone charge;  
15

16 **WHEREAS**, the said statute has been amended to provide for the recognition of the rise in  
17 the use of telephone services by use of the internet and described as "Interconnected Voice-Over-  
18 Internet-Protocol Service" ("VOIP") and to provide for the collection of emergency telephone charges  
19 with respect to such VOIP services in order to achieve the widest application of the E911 telephone  
20 system;  
21

22 **WHEREAS**, it is therefore necessary to amend Article III of Chapter 16, D.R.M.C., in order to  
23 comport with such statutory changes and to expand the City's E911 emergency telephone charge  
24 and related E911 service to encompass VIOP services.  
25

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

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

29 **Sec. 16-21. Definitions.**

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

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

3  
4 **Sec. 16-22. Authorization of Emergency Telephone Charge.**

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

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

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

19  
20 **Sec. 16-24. Authority of Manager of Safety.**

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

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29 COMMITTEE APPROVAL DATE: Week of October 12, 2009

30 MAYOR-COUNCIL DATE: October 20, 2009

31  
32  
33 PASSED BY THE COUNCIL \_\_\_\_\_ 2009

34 \_\_\_\_\_ - PRESIDENT

1 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_ 2009

2

3 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
4 EX-OFFICIO CLERK OF THE  
5 CITY AND COUNTY OF DENVER  
6

7 NOTICE PUBLISHED IN THE DAILY JOURNAL \_\_\_\_\_ 2009; \_\_\_\_\_ 2009

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

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

13

14 David R. Fine, City Attorney

15 BY: \_\_\_\_\_ Assistant City Attorney

16 DATE: \_\_\_\_\_