

**CHAPTER 9**

**SURCHARGE FOR EMERGENCY 911 TELEPHONE SYSTEM**

**SECTION:**

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**3-9-1: SURCHARGE IMPOSED:** A surcharge is hereby imposed, subject to the provisions of Section 3-9-2, upon all billed subscribers of network connection provided by telecommunications carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the Village for funding of the implementation, maintenance and improvement of a Village "911" Emergency Telephone System.

**3-9-2: REFERENDUM AUTHORIZED:**

A. A referendum shall be placed by the County Clerk of Lake County on the November 7, 1989 ballot for all legal voters residing in the Village to vote upon the following question:

Shall the Village of Lincolnshire impose a surcharge of up to <u>\$1.50</u> per month per network connection, which surcharge expense will be added to the monthly bill you receive for telephone or telecommunications charges, for the purpose of implementing, maintaining and improving a 9-1-1 Emergency Telephone System?	YES <hr/> NO	
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B. If a majority of the votes cast upon the question are in favor thereof, a surcharge is hereby imposed at a rate as established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code, per month per in-

service network connection, as hereinafter defined. A network connection shall not be deemed to be in service where a subscriber's account is deemed uncollectible by the telecommunication carrier.(Amd. Ord. 98-1550-12, eff. 4/13/98)

**3-9-3: DEFINITIONS:** For the purpose of this Chapter the following definitions shall apply:

**NETWORK CONNECTIONS** The number of voice grade communications channels directly between a subscriber and a telecommunications carrier's public switched network without the intervention of any other telecommunications carriers' switched network which would be required to carry the subscriber's interpremises traffic.

**TELECOMMUNICATIONS** Any natural individual, firm, trust, estate, partnership, CARRIER association, joint stock company, joint adventure, corporation, Municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court engaged in the business of transmitting messages by means of electricity.

**TRANSMITTING MESSAGES** Shall have the meaning ascribed to the term in section term in section 8-11-2 of the Illinois Municipal Code<sup>1</sup>.

**3-9-4: EXEMPT NETWORK CONNECTIONS:** The Village Clerk shall provide any telecommunications carrier subject to the surcharge with a certified list of those network connections assigned to the Village to be exempt from imposition of the surcharge. The certified list may be revised by the Village on sixty (60) days prior written notice provided to the telecommunications carriers.

**3-9-5: EFFECTIVE DATE OF SURCHARGE:** The surcharge shall be imposed on the first day of the month following the expiration of thirty (30) days from the date the Village Clerk certifies to any of the telecommunications carriers who are subject to the surcharge that the referendum referred to in Section 3-9-2 has passed.

**3-9-6: REMITTANCE:** Every telecommunications carrier shall remit to the Village the amount of surcharge collected for each calendar month within thirty (30) days

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<sup>1</sup>65 ILCS5/8-11-2

following expiration of any month to which the surcharge applies, net of any network or other "911" or sophisticated "911" system charge then due the particular telecommunications carrier as shown on an itemized bill. The telecommunications carrier collecting the surcharge shall be entitled to deduct three percent (3%) of the gross amount of the surcharge collected to reimburse the telecommunications carrier for the expense of accounting and collecting the surcharge.

**3-9-7: WRITTEN REPORT OF REMITTANCE REQUIRED:** Simultaneously with the remittance required in Section 3-9-6 above, each telecommunications carrier shall make a written report to the Village Treasurer and Village Manager for the period for which the remittance applies stating as follows:

- A. The name of the telecommunications carrier.
- B. The telecommunications carrier's principal place of business.
- C. The number of network connections to which the surcharge applies.
- D. The amount of surcharge due.
- E. Such other reasonable and related information as the corporate authorities may from time to time require.

**3-9-8: ERRONEOUS PAYMENT:** If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this Chapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any surcharge due, or to become due, under this Chapter from the telecommunications carrier who made the erroneous payments; provided, that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited. (Ord. 89-1082-49)