

STATE OF GEORGIA

CITY OF COLLEGE PARK

ORDINANCE NO. 2018-12

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF COLLEGE PARK, GEORGIA, BY AMENDING ARTICLE XXV (9-1-1 CHARGES ON PREPAID WIRELESS SERVICES) OF CHAPTER 11 (OCCUPATIONAL LICENSES, TAXES, AND REGULATION) IN ITS ENTIRETY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of College Park, Georgia (the “City”) is the Mayor and Council thereof; and

WHEREAS, Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, authorizes counties and cities that operate an Emergency 9-1-1 public safety answering point to impose a 9-1-1 charge on prepaid wireless service at the retail point of sale; and

WHEREAS, during the 2018 Legislative Session, the Georgia House of Representatives passed House Bill (“HB”) 751 which significantly changes the manner in which state and local Emergency 9-1-1 funding will be accomplished in the State of Georgia; and

WHEREAS, Governor Nathan Deal signed HB 751 into law on May 7, 2018; and

WHEREAS, HB 751 was codified in Code Section 46-5-134.2 of the Official Code of Georgia Annotated, and pursuant to such code the Emergency 9-1-1 charges shall be imposed at the rate of \$1.50 per retail transaction; and

WHEREAS, the aforementioned code section mandates revenues received by a county or municipality from such charges must be deposited in the emergency telephone system fund maintained by the county or municipality; and

WHEREAS, the aforementioned code section also mandates imposition of the charge on prepaid wireless service is contingent upon the enactment of an ordinance or resolution of the county or municipality; and

WHEREAS, the City of College Park operates an Emergency 9-1-1 public safety answering point; and

WHEREAS, the City Council does now deem it in the best interest of the citizens of the City of College Park to impose such a charge; and

WHEREAS, the public health, safety, and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, and by the authority thereof:

Section 1. The Code of Ordinances of the City of College Park, Georgia is hereby amended by repealing the text of Article XXV (9-1-1 Charges On Prepaid Wireless Services) of Chapter 11 (Occupational Licenses, Taxes, And Regulation) in its entirety and inserting in lieu thereof the following:

Sec. 11-426. - 9-1-1 charge on prepaid wireless transactions.

In accordance with O.C.G.A. § 46-5-134.2, there is hereby imposed a prepaid wireless Emergency 9-1-1 charge as defined by O.C.G.A. § 46-5-134.2(a)(4) upon every prepaid wireless retail transaction occurring within the jurisdiction of the public service answering point in the amount of \$1.50.

Sec. 11-427. - Collection of 9-1-1 charge on prepaid wireless transactions.

Prepaid wireless Emergency 9-1-1 charges collected by retailers shall be remitted to the Georgia Department of Revenue, as the contracted collection partner of the Georgia Emergency Communications Authority, at the times and in the manner

provided by O.C.G.A. 46-5-134.2 and any other Georgia Department of Revenue or Georgia Emergency Communications Authority regulation or policy.

Sec. 11-428. - Administrative provisions.

The Clerk of the City is hereby directed to file with the State Revenue Commissioner a certified copy of this ordinance and amendments thereto, in accordance with O.C.G.A. § 46-5-134.2(j)(1), within ten (10) days of enactment of this ordinance or future amendment.

Sec. 11-429. - Depositing of funds; use of funds.

In accordance with O.C.G.A. § 46-5-134.2(j)(4), funds received by this city from charges imposed by this ordinance shall be deposited in the Emergency Telephone System Fund maintained by the city pursuant to O.C.G.A. § 46-5-134 and kept separate from general revenue of the jurisdiction; all such funds shall be used exclusively for the purposes authorized by O.C.G.A. § 46-5-134(f).

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intent of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intent of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intent of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the

express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed as of and effective on January 1, 2019.

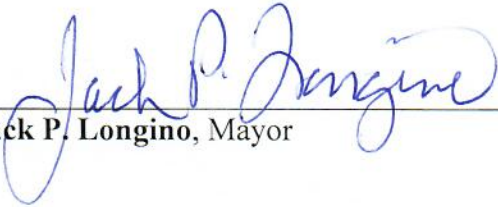
Section 5. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 6. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein. However, any previous prepaid wireless telephone Emergency 9-1-1 charge ordinance will remain in effect until January 1, 2019. On such date, the prepaid wireless telephone Emergency 9-1-1 charge shall become \$1.50 per O.C.G.A. § 46-5-134 and this resolution.

[SIGNATURES CONTINUED ON NEXT PAGE]

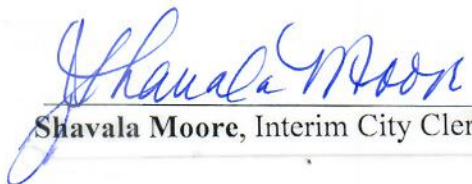
ORDAINED this 3rd day of December, 2018.

CITY OF COLLEGE PARK, GEORGIA



Jack P. Longino, Mayor

ATTEST:



Shavala Moore, Interim City Clerk

APPROVED BY:

Steven M. Fincher, City Attorney