**MODEL ORDINANCE**

**AN ORDINANCE TO AMEND CHAPTER \_\_\_\_\_\_\_\_ OF THE CODE OR ORDINANCES OF THE CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ BY THE MAYOR AND CITY COUNCIL RELATING TO THE IMPOSITION OF A 9-1-1 CHARGES; TO IMPOSE A 9-1-1 CHARGE ON PREPAID WIRLESS SERVICE AT THE RETAIL POINT OF SALE; TO SET A RATE PER RETAIL TRANSACTION; TO DEPOSIT ANY SUCH CHARGE AMOUNT RECEIVED IN THE EMERGENCY TELEPHONE ASSISTANCE FUND MAINTAINED BY THE COUNTY OR MUNICIPALITY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.**

 **WHEREAS,** Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of the Georgia Annotated, as amended by Act No. 187, Georgia Laws 2011, authorizes counties and cities that operate a 9-1-1 public safety answering point to impose a 9-1-1 charge on prepeaid wireless service at the retail point of sale; and

 **WHEREAS,** pursuant to O.C.G.A. § 46-5-134.2(b)(1), such charges may be imposed at the rate of seventy-five cents ($0.75) per retail transaction; and

 **WHEREAS,** revenues received by a county or municipality from such charges must be deposited in the emergency telephone assistance fund maintained by the county or municipality; and

 **WHEREAS,** 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 prepaid wireless 9-1-1 charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in the state, including within the jurisdiction of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and

***(Choose the option of the three below in which your city fits)***

 **WHEREAS,** the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ operates a 9-1-1 public safety answering point.

**OR**

**WHEREAS,**  the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ participates in a 9-1-1 public safety answering point operated by a joint 9-1-1 authority with the following jurisdictions: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**OR**

**WHEREAS,** the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ operates a multijurisdictional 9-1-1 public safety answering point by intergovernmental agreement with the following jurisdictions: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**NOW, THEREFORE, BE IT RESOLVED,** the Mayor and City Council of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Georgia hereby ordains that the Code of Ordinance of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Georgia be and are hereby amended as follows:

**Section 1. 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 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 seventy-five cents ($0.75).

**Section 2. Collection of 9-1-1 Charge on Prepaid Wireless Transactions**

Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the Commissioner of the Department of Revenue at the times and in the manner provided by Chapter 8 of Title 48 of the Official Code of Georgia Annotated with respect to the sales and use tax imposed on prepaid wireless calling service.

**Section 3. Administrative Provisions**

The Clerk of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 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), by December 31, 2011.

**Section 4. Depositing of Funds; Use of Funds**

In accordance with O.C.G.A. § 46-5-134.2(j)(5), funds received by this city from charges imposed by this ordinance shall be deposited in the Emergency Telephone System Fund maintained by this city pursuant to O.C.G.A. § 46-5-134(d)(2) 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 5. Repealer**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 6. Effective Date**

As required by O.C.G.A. § 46-5-134.2(j)(1), the ordinance shall become effective January 1, 2012.

**BE IT SO ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2011.**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

Mayor, City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 *Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

City Clerk, City of \_\_\_\_\_\_\_\_\_

CERTIFICATION

 I hereby certify that the foregoing is a true and correct copy of an original ordinance, Ordinance \_\_\_\_\_\_\_, duly adopted by the City Council of the City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2011.

 In witness whereof, I hereunto set my hand and affix the seal of the City, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2011.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 City Clerk

[Affix Seal]

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|  | GASEAL |  |
|  Douglas J. MacGinnitie Commissioner | State of GeorgiaDepartment of RevenueAdministrative Division – Office of Tax Policy 1800 Century Blvd., Suite 15311Atlanta, Georgia 30345-3205(404) 417-6649 |  Frank M. O’Connell Director  |
| **9-1-1 Prepaid Wireless Service Fee****Information Sheet** |
| The Georgia Department of Revenue requests you complete the following form and send it along with the any pertinent attachments to: 911resolutions@dor.ga.govThe Department will provide you with notification of receipt. |
| County/Municipality: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date Form Completed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Ordinance: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| I the undersigned Clerk of the above County/ Municipality do hereby certify the following information to be true and correct. |
| * Attached is a certified copy of the pertinent parts of all ordinances and resolutions and amendments which levy the prepaid wireless 9-1-1 charge authorized by the Official Code of Georgia Annotated.
* That the population of the county/municipality as measured by the United States decennial census of 2010 is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Counties or municipalities included in a multijurisdictional or regional 9-1-1 system are:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* The public safety answering point is located in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (City/County) and operated by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* List the contact information for the person responsible for receiving correspondence and payments:

 Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Telephone No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_E-Mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Completed by:Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Telephone No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_E-Mail Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Should you have any question please contact: 911resolutions@dor.ga.gov |

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