

RESOLUTION 2023-03

A RESOLUTION AUTHORIZING A 9-1-1 CHARGE ON PREPAID WIRELESS TELEPHONE SERVICE WITHIN the City of Smyrna, GEORGIA

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 a 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, pursuant to Code Section 46-5-134.2 of the Official Code of Georgia Annotated, such charges shall be imposed at the rate of \$1.50 per retail transaction; and

WHEREAS, 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, 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 Smyrna operates a 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 Smyrna to impose such a charge; then

IT IS HEREBY RESOLVED 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 \$1.50.

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

Prepaid wireless 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.

Section 3. 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.

Section 4. 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 5. Repealer

All ordinances and parts of ordinances in conflict with this resolution are hereby repealed as of January 1, 2023.

Section 6. Effective Date

Any previous prepaid wireless telephone 9-1-1 charge resolution will remain in effect until January 1, 2023. On such date, the prepaid wireless telephone 9-1-1 charge shall become \$1.50 per O.C.G.A. § 46-5-134 and this resolution.

SO RESOLVED in open session lawfully assembled, this the 5th day of December 2022.

Derek Norton, Mayor

ATTEST:

Heather Peacon-Corn, City Clerk

Approved as to form:

Scott Cochran, City Attorney

CITY SEAL

