

A LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE
COUNTY OF ERIE

LOCAL LAW INTRO NO. ___-2015

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A Local Law Ensuring Access to 911 Emergency Services

BE IT ENACTED BY THE ERIE COUNTY LEGISLATURE AS FOLLOWS:

Section 1: LEGISLATIVE INTENT

This Legislature finds that the County of Erie strives to protect the health and safety of County residents and visitors to the County.

This Legislature further finds and determines that 911 is the United States' universal emergency assistance line.

This Legislature finds that many telephone systems for hotels, motels and businesses use multi-line telephone systems which require that a user dial an additional number to obtain an outside line.

This Legislature determines that persons unfamiliar with such a telephone system will be unable to reach emergency services in a crisis, which in many instances has led to disastrous results.

This Legislature also finds that, on December 1, 2013, Kari Hunt was fatally attacked in a Texas hotel by her estranged husband and that Kari's 9 year old daughter tried calling 911 during the struggle, but was unable to make a connection because she didn't realize she needed to first dial 9 for an outside line.

This Legislature also determines that tragic stories like Kari's illustrate the necessity of having multi-line telephone systems that directly dial 911 without delay.

This Legislature further determines that experts on multi-line telephone systems state that direct dial 911 service can be provided in most systems through updating of software.

This Legislature further finds that the County should ensure that hotels, motels and businesses that are open to the general public allow for direct dialing of 911.

This Legislature also finds that all businesses and schools should be encouraged to update their multi-line telephone systems to allow direct dialing of 911 to protect the health and safety of their employees.

Therefore, the purpose of this law is to require all multi-line telephone systems operated by a hotel, motel or covered business that is open to the general public within Erie County directly dial 911 without the use of access codes.

Section 2: DEFINITIONS

As used in this law, the following terms shall have the meaning indicated:

“COVERED BUSINESS” shall mean any partnership, joint venture, club, corporation or other form of business organization which opens its facilities to the general public for the sale and purchase of goods or services.

“HOTEL OR MOTEL” shall mean an establishment which is regularly used and kept open as such in a bonafide manner for the feeding and lodging of guests, where all who conduct themselves properly and who are able and ready to pay for such services are received if there are accommodations for them. This term shall include a tourist cabin, camp, resort, tavern, inn, boarding house, lodging house or any other establishment comparable or equivalent to any of those previously mentioned.

“MULTI-LINE TELEPHONE SYSTEM” shall mean any system comprised of common control unit(s), telephone sets, control hardware and software, and adjunct systems which enables users to make and receive telephone calls using shared resources such as telephone network trunks or data link bandwidth. This term includes, but is not limited to, network-based and premises-based systems such as Centrex service, premises-based, hosted and cloud-based VoIP, as well as PBX, Hybrid and Key Telephone Systems, as classified by the FCC under Part 68 of its rules.

Section 3: REQUIREMENTS

- a. All hotels, motels and covered businesses which operate a multi-line telephone system in the County of Erie shall configure said system to allow any call to 911 on the system to be directly connected to a public safety answering point without the use of an access code.
- b. All hotels, motels and covered businesses which operate a multi-line telephone system in the County of Erie shall ensure that the configuration of said system will also allow any call made on their system where the system’s existing access code is dialed prior to dialing 911 be directly connected to a public safety answering point.

- c. When feasible, without improving system hardware, all hotels, motels and covered businesses shall configure their multi-line telephone system to provide notification of any 911 call made on its system to a centralized location on the same site as the system.

Section 4: EXEMPTIONS

The requirements set forth in Section 3 of this law shall not apply to any hotel, motel or covered business that would be required to upgrade the hardware of its telephone network to meet said requirements. However, these exempted entities shall be required to place an instructional sticker on or immediately adjacent to each telephone informing users of the phone's inability to directly dial 911 and the procedures to follow in case of an emergency. Each instructional sticker shall be printed in bold, easy to read font in a contrasting color with a minimum print size of 16 point font.

Section 5: ENFORCEMENT

The Department of Central Police Services and the Erie County Sheriff's Office are hereby authorized to enforce this law.

Section 6: PENALTIES

- a. Violation of this local law shall be punishable by a fine of \$250 for an initial offense, with a fine of \$500 for any second or subsequent offenses. Each violation shall be a separate and distinct offense.
- b. No fine shall be imposed until after a hearing is held by the Commissioner of the Department of Labor, Licensing and Consumer Affairs where the alleged violator shall have the opportunity to be heard.

Section 7: EFFECTIVE DATE

This law shall take effect on the one hundred eightieth (180) day immediately subsequent to filing in the Office of the Secretary of State.

Section 8: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof, to any person, individual, corporation, firm, partnership, entity or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional such order of judgment shall not affect, impair, or invalidate the

remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law or I its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such judgment or order shall be rendered.

SPONSOR: LEGISLATOR PATRICK B. BURKE