

COMMONWEALTH OF KENTUCKY
CALLOWAY COUNTY
ORDINANCE NO. 19-1016 A

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF A SERVICE FEE FOR ENHANCED 911 EMERGENCY DISPATCH SERVICES TO OWNERS OF REAL PROPERTY IN CALLOWAY COUNTY, KENTUCKY

Be it ordained by the fiscal court of county of Calloway, Commonwealth of Kentucky:

WHEREAS, Calloway County Fiscal Court as a function of state government and pursuant to KRS 67.083 has the authority to provide and finance various governmental services within broad functional areas specified in the statute; and

WHEREAS, the establishment, maintenance, and operation of the Calloway County Dispatch Center is an essential public safety service used by residents of Calloway County as well as workers and travelers while situated in the County; and

WHEREAS, Calloway County Fiscal Court has determined that the current 911 service fee (E911 service fee) of \$1.00 per telephone line per month as imposed by each city and the County is inadequate to continue to provide reliable, quality emergency communications services due to the replacement of telephone lines by wireless telephones and other technologies; and

WHEREAS, Calloway County Fiscal Court recognizes the ever-increasing use and reliance on mobile phones and the decreasing existence of land-line phones has resulted in the placement of an unfair burden of supporting Calloway County 911 on a disproportionately small segment of the citizens of Calloway County, Kentucky – namely, the elderly and businesses; and

WHEREAS, Calloway County Fiscal Court is unable under current law to assess fees to mobile phones; and

WHEREAS, Calloway County Fiscal Court has determined that KRS 65.760 provides for alternative methods of funding the operation of enhanced 911 emergency services; and

WHEREAS, Calloway County Fiscal Court has determined that a 911 service fee imposed on each individual residential unit and each individual commercial unit will result in a more fair distribution of the burden of funding this service and create a more stable funding source; and

WHEREAS, Calloway County Fiscal Court has the authority to set penalties for the failure to abide by the terms of its Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of Calloway County that the Calloway County, Kentucky Code of Ordinances hereby states as follows:

COLLECTION OF 911 SERVICE FEE

(A) For the purposes of this Ordinance, a 911 service fee shall be defined as an annual fee, the rate of which shall be set annually by the Calloway County Fiscal Court and initially shall be set at a rate of thirty (\$30.00) dollars imposed upon each individual residential unit and each individual commercial unit located upon each parcel of real property located within the County of Calloway, as determined from the records of the Calloway County Property Valuation Administrator's Office. A residential unit shall be defined as a principal residential space occupied or designed for occupancy for residential purposes. A commercial unit shall be defined as an autonomous non-residential building space of any size occupied or designed for occupancy by an individual business or public or private enterprise.

(B) Governmental, quasi-governmental, or religious entities shall only be assessed one fee each, regardless of how many residential or commercial units are owned by that particular entity.

(C) The 911 service fees collected shall be used for the delivery of Enhanced 911 emergency telephone service, as provide for by KRS 65.760.

(D) The 911 service fee shall be placed on the Calloway County ad valorem property tax bills prepared by the Calloway County Clerk pursuant to KRS 133.220(2) for the year beginning January 1, 2020 and continuing every year thereafter.

(E) All individuals and entities who own more than one (1) residential unit, as defined hereinabove, or more than one (1) commercial unit, as defined hereinabove, as of January 1, 2020 shall have a duty to report the number and location of such units to the office of the Calloway County Property Valuation Administrator, and shall fill out and complete the form provided for same by that office on or before March 15, 2020. In each following year, all such individuals or entities shall have a duty to report any change in the number, location or ownership of such units by March 15 of that year by the above-proscribed method. The failure of an individual or entity to fully report in a given year shall constitute a waiver by such individual or entity of its right to appeal any determination of the PVA or Sheriff to the Appeals Board as set forth hereinbelow.

(F) The Calloway County Property Valuation Administrator and the Calloway County Sheriff are hereby granted joint authority to resolve any issues regarding determination of fees under this ordinance. Any party whose claims regarding incorrect determination of fees for individual residential units or individual commercial units that cannot be resolved by either the

PVA or Calloway County Sheriff may file an appeal to the Appeals Board to consider and resolve any grievances. The Fiscal Court shall by resolution appoint an Appeals Board for this purpose.

(G) All 911 service fees shall be collected by the Calloway County Sheriff and transferred to the Calloway County Dispatch Center on a timely basis, as determined by the Judge Executive pursuant to Executive Order. The County Clerk, County Attorney, and Sheriff shall be entitled to a reasonable fee, as may be agreed between said offices and the head of the Calloway County Dispatch Center, to defray the actual costs of collection, enforcement, and disbursement of 911 service fees.

(H) The failure of any real property owner to pay the 911 service fee as set forth in this Ordinance shall be punishable as a Class A misdemeanor.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall continue in full force and effect, and, to this end, the provisions of this ordinance are hereby declared to be severable. This ordinance shall take effect and be in full force and effect as of September 19, 2019. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

The Clerk of the Court is directed to publish this ordinance in a local newspaper one time within thirty (30) days of passage, to obtain proof of publication thereof and to file said proof in the minutes of this Court.

First reading the 21st day of August, 2019. Published not more than seven (7) days nor more than twenty-one (21) days prior to passage on the _____ day of October, 2019. Second reading and passage occurring on the 16th day of October, 2019.

Kenneth C. Imes
Calloway County Judge Executive

Eddie Clyde Hale
Magistrate District 1

Larry Crutcher
Magistrate District 2

Don Cherry
Magistrate District 3

Paul Rister
Magistrate District 4

Publication of passage occurring on the ____ day of _____, 2019.

Attested to as officially adopted and published, by: _____

Antonia Faulkner, Clerk