

**Commonwealth of Kentucky
Hardin County Fiscal Court
Ordinance No. 312, Series 2018**

**AN ORDINANCE RELATING TO AND AMENDING ORDINANCE NO. 55, SERIES 1988
RELATED TO THE ESTABLISHMENT AND FUNDING OF ENHANCED 911
EMERGENCY TELEPHONE SERVICE WITHIN HARDIN COUNTY, KENTUCKY**

**As also amended by
Ordinance No. 68, Series 1990
Ordinance No. 76, Series 1991
Ordinance No. 88, Series 1992
Ordinance No. 123, Series 1996
Ordinance No. 224, Series 2005**

WHEREAS, in 1988 Hardin County implemented a safety answering service to provide a single telephone number for emergency services known as 911; and,

WHEREAS, at the time of its establishment, Hardin County provided for the funding of this vital service through a monthly fee levied on each landline telephone subscriber in Hardin County which was collected through telephone service providers; and,

WHEREAS, at the time of the established 911 service and fee, most households communicated through landline telephones and there were few cellular telephones in existence; and,

WHEREAS, the percentage of households in Hardin County having landline telephone service has decreased in favor of cellular phone usage; and

WHEREAS, the fee levied on landline telephone service no longer supports the funding necessary to maintain and operate an E-911 service; and

WHEREAS, KRS 65.760 permits E-911 service to be funded through the establishment of a special fee that is reasonably related to the benefit of E-911 service; Therefore,

BE IT ORDAINED BY THE HARDIN COUNTY FISCAL COURT:

1. That an E- 911 fee shall be established at \$42 per year for each occupied individual residential unit, and each occupied individual commercial, religious, charitable or educational unit upon each parcel of real property located within the territorial limits of Hardin County, as determined from the records of the Hardin County Property Valuation Administrator's office and Hardin County E-911.
2. *A residential unit* shall be defined as each residential space designed and/or utilized for occupancy for residential purposes and includes each apartment unit and mobile home

as a separate residential unit. For the year beginning January 1, 2018 only, owners of occupied rental units shall be eligible to claim a credit of \$21.00 per occupied unit against the annual fee per unit that is due. This credit, which is the equivalent of a 6-month portion of the fee, is granted in order to allow owners of rental property additional time to fully recover the amount of the fee from their tenants, as they determine. In subsequent years, the full amount of the annual fee shall be paid for all occupied units by the owner.

3. A *commercial unit* shall be defined as a non-residential building space of any size designed and/or utilized for occupancy by an individual non-residential business or public or private enterprise.
4. A *religious unit* shall be defined as a non-residential building space of any size designed and/or utilized for occupancy for religious activities and/or worship.
5. A *charitable unit* shall be defined as a non-residential building space of any size designed and/or utilized for occupancy for the carrying out of a charitable purpose as determined by Section 501(c)(3) of the Internal Revenue Code.
6. An *educational unit* shall be defined as a non-residential building space of any size designed and/or utilized for occupancy for the purpose of education, the administration thereof or extracurricular activities.
7. A unit that is occupied as of January 1 shall be deemed occupied for that year for the purposes of this ordinance.
8. Any appeal of an occupancy or individual unit determination may be made to the Hardin County Emergency Services Committee by December 15 of the year for which the fee is due.
9. The E-911 fee shall be placed upon the Hardin County ad valorem property tax bills prepared by the Hardin County Clerk, pursuant to KRS 133.220(2) for the year beginning January 1, 2018 and continuing every year thereafter. For those religious, charitable and educational organizations which are tax-exempt, the E-911 fee shall be billed for each calendar year by November 1 of each year.
10. All E-911 services fees shall be collected by the Hardin County Sheriff and transferred to the Hardin County Fiscal Court on a timely basis. The Hardin County Sheriff shall be entitled to a 4.25% collection fee to defray the actual costs of collection and disbursement of E-911 service fees.

11. The E-911 fees collected shall be used exclusively for the delivery of Enhanced 911 emergency telephone service as provided for by KRS 65.760.
12. The failure of any owner of the real property of a residential, commercial, religious, charitable or educational unit to pay the E-911 fee as set forth in this Ordinance shall be punishable as a Class B Misdemeanor and/or by civil collection process.
13. The service fee shall increase or decrease in accordance with changes in the Consumer Price Index, all urban consumers, all items, unadjusted (1967=100) as published by U.S. Department of Labor, Bureau of Labor Statistics, hereinafter referred to as "CPI", annually beginning January 2019 on a calendar year basis.
 - (a) As promptly practicable after January 1, 2019, and each January thereafter the County shall compute the change, if any, in the cost of living for the preceding one-year period, based on the CPI.
 - (b) The CPI number for January 2018, and each January thereafter shall be the "base index number" and the corresponding CPI number for December 2018 and each December thereafter shall be the "current index number" for the first CPI adjustment period.
 - (c) The current index number shall be divided by the base index number. From the quotient thereof, there shall be subtracted the integer 1, and any resulting positive or negative number shall be deemed to be the percentage of increase or decrease in the CPI.
 - (d) The percentage of increase or decrease multiplied by the then-current monthly fee rate shall be the change required in the newly determined fee.
 - (e) The County shall, within a reasonable time after obtaining the appropriate data necessary for computing such increase or decrease publish and/or announce the CPI change in the fee.
14. This Ordinance authorizes the county to enter into appropriate interlocal agreements with other local governments to carry out the purpose of the provision and funding of E-911 service as may become necessary.
15. The provisions of this Ordinance are severable and if any portion of this Ordinance or the application thereof is for any reason found to be unconstitutional or invalid, such shall not affect or repeal any of the remaining provisions of this Ordinance or the provisions of Ordinance No. 55, Series 1988; Ordinance No. 68, Series 1990; Ordinance No. 76, Series 1991; Ordinance No. 88, Series 1992; Ordinance No. 123, Series 1996 and Ordinance No.224, Series 2005.

16. This Ordinance amends Ordinance No. 55, Series 1988, Section 3 (as amended by Ordinance No. 224, Series 2005, Section 1) to the extent that it established a landline telephone subscriber fee. The termination of the landline telephone subscriber fee shall become effective July 1, 2018.

17. This Ordinance shall become effective upon its passage.

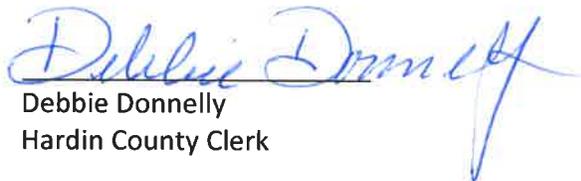
First reading on the 27th day of February, 2018.

Second reading and approval on this the 9th day of March, 2018.



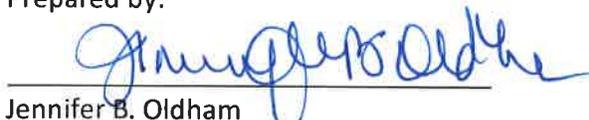
Harry L. Berry
Hardin County Judge/Executive

Attest:



Debbie Donnelly
Hardin County Clerk

Prepared by:


Jennifer B. Oldham
Hardin County Attorney