

**AN ORDINANCE OF THE NELSON FISCAL COURT
REPEALING A PREVIOUS ORDINANCE AND
ESTABLISHING A SYSTEM FOR FINANCIAL
SUPPORT OF ENHANCED 911 EMERGENCY DISPATCH
SERVICES TO OWNERS OF REAL PROPERTY IN
NELSON COUNTY KENTUCKY**

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

WHEREAS, the establishment, maintenance, and operation of a dispatch center in Nelson County is an essential public safety service used by residents of Nelson County as well as workers and travelers while situated in the County; and

WHEREAS, Nelson County Fiscal Court has determined that the current 911 service fee (E 911 service fee) of \$1.71 per telephone landline per month as imposed 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, Nelson County Fiscal Court has determined that KRS 65.760 provides for alternative methods of funding the operation of enhanced 911 emergency services; and

WHEREAS, Nelson 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, the 911 service fee imposed on residential and commercial units is intended to replace the current 911 service fee on telephone lines and the current 911 service fee is to be repealed concurrently with the imposition of the new 911 service fee; and

WHEREAS, Nelson 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 Nelson County 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 of \$24.00 imposed upon each occupied individual residential unit and each occupied individual commercial unit located upon each parcel of real property located within the County of Nelson, as determined from the records of the Nelson 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 a principal non-residential building space of any size occupied or designed for occupancy by an individual non-residential business or public or private enterprise. A unit that is occupied as of November 1 shall be deemed occupied for purposes of this ordinance.

- (B) The 911 service fees collected shall be used for the delivery of Enhanced 911 emergency telephone service, as provided for by KRS 65.760.
- (C) The 911 service fee shall be placed upon the Nelson County ad valorem property tax bills prepared by the Nelson County Clerk, pursuant to KRS 133.220(2) for the year beginning January 1, 2016 and continuing every year thereafter.
- (D) All 911 service fees shall be collected by the Nelson County Sheriff and transferred to the Nelson County Fiscal Court on a timely basis, as determined by the Judge/Executive pursuant to Executive Order to be used for enhanced 911 services only. The Nelson County Sheriff shall be entitled to a reasonable fee to defray the actual costs of collection and disbursement of 911 service fees.
- (E) The failure of any real property owner to pay the 911 service fee as set forth in this Chapter shall be punishable as a Class A misdemeanor.

The provisions of this Ordinance are severable, and the invalidity of any provision of this Ordinance shall not affect the validity of any other provision thereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

IT IS FURTHER ORDAINED that Nelson County Ordinance No. 300.1-1, dated 7/18/06, that imposes a fee on each telephone landline to fund Nelson County's Dispatch Center is hereby repealed.

This ordinance shall take effect and be in full force from and after its passage, publication and recording, according to law.

Adopted: This 7 day of June, 2016, by 5 ayes and 0 nays.

ATTEST:



Nelson County Clerk

1st Reading 5/26/16

NELSON FISCAL COURT


County Judge/Executive