

Fiscal Court Orders

October 5, 2004
REGULAR SESSION OF NELSON FISCAL COURT

Book 31
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ORDINANCE REGULATING SUBSCRIBER FEES FOR FIRE DEPARTMENTS (SECOND READING)

AN ORDINANCE: PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING THE COLLECTION OF SUBSCRIBER FEES BY FIRE DEPARTMENTS WITHIN NELSON COUNTY.

Pursuant to House Bill 483 passed in the 2002 Regular Session of the Kentucky General Assembly, Nelson Fiscal Court may require the annual membership charges or subscriber fees charged by certain fire departments be added to property tax bills to use the property tax collection system, including levying a lien against the property, to collect the membership charge or subscriber fee.

NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Nelson, this ordinance shall be known as the Fire Department Subscriber Fee Collection Ordinance.

SECTION 1- DEFINITIONS

For the purpose of this ordinance the following terms shall be deemed to have the meaning indicated below:

FIRE DEPARTMENT — a fire department established under the provisions of KRS Chapter 67, a fire department established under the provisions of KRS Chapter 75 or a corporate fire department established under KRS Chapter 273. SUBSCRIBER FEES — subscriber fees or membership charges that are levied by a fire department in order to provide fire protection services for a certain tract of land in lieu of assessing a charge for fire protection services actually rendered.

SECTION 2- PETITION

Any fire department that wants to have its subscriber fees added to the property tax bills for Nelson County must file a petition with the Nelson Fiscal Court.

SECTION 3- CONTENTS OF PETITION.

The petition set forth in Section 2 above shall contain the following:

- a. The name of the fire department.
- b. A description of the fire department's area for which it covers.
- c. Schedule of proposed fees.
- d. Criteria for adjusting fees for low income families.
- e. Financial statements for the previous three (3) years.
- f. Budget for the year in which the addition to the property tax bills is to take place.
- g. A copy of the by-laws of the fire department.
- h. Information as to how the subscriber fees are to be assessed (for example, are they to for each residential house, for each household or each tract of land).
- i. Petition shall contain a statement as to whether any of the membership dues collected through the procedure provided by this ordinance shall will be used for salaries or salary related expenses. If a fire department stated that membership dues will not be used for salary or salary related expenses and such fire department later desires to use the dues for such purpose then Fiscal Court approval be required before the dues are appropriated for such use.

SECTION 4- HEARING

Upon filing of the petition as set forth in this ordinance the Nelson County Judge Executive shall set a public hearing on the petition within sixty (60) days of the filing of the petition. Notice of the hearing shall be given pursuant to KRS Chapter 424.

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way to vote, or cause interference, harassment, or hinder to any person on his or her way to vote.
No person shall loiter or congregate in, or hinder or delay a voter, or solicit, or attempt to influence any voter in casting his vote within this one hundred (100) foot campaign free zone.

B. Electioneering shall include the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any political party, candidate or question on the ballot in any manner. Nothing contained in this section shall prohibit electioneering conducted within the interior of a private residence or business establishment by person having a leased or ownership interest in such property, within the campaign free zone, provided that all electioneering activities are confined to the interior of the buildings and cannot be heard or observed by any voters going to the polling place. Nothing in this section shall prohibit the displaying of political signs on private property or private establishment by a person having a leased or ownership interest in that private property or private establishment within the campaign free zone, regardless of the distance from the polling place provided that the sign is not accompanied by a person and does not emit any sound and is riot audio-visual or mechanical and no larger than four (4) square feet in size.

C. Any precinct election officer, county clerk, deputy county clerk, or any law enforcement official may enforce this Ordinance at the polls within one hundred (100) feet to the main entrance of the building used by voters in which the voting machine is located. Assistance may be requested of any law enforcement officer.

D. Any property used for a polling location on Election Day shall not be considered a public place in any manner for public discourse. The grounds, buildings, sidewalks and parking lots at all polling locations are designated non-public forums for the Election Day.

SECTION II

Violators of any provisions of this Ordinance shall be guilty of a Class A Misdemeanor under the laws of the Commonwealth of Kentucky and shall be fined up to One Thousand Dollars (\$1,000.00) and/or up to one year in the county Jail per violation.

SECTION III

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

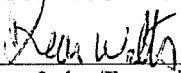
SECTION IV

Given First Reading on the 7th day of September, 2004.

Given the Second Reading on the 5th day of October, 2004.

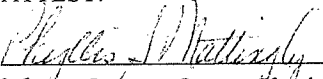
Adopted by the Fiscal Court of Nelson County, Kentucky, on the 5th day of October, 2004. Motion was made by Raymond Greer, second by Maynard Wimssett, passed by a vote of 4 ayes and 0 nays.

NELSON FISCAL COURT



County Judge/Executive

ATTEST:



Nelson County Court Clerk

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SECTION 5- DETERMINATION

Within thirty (30) days of the hearing set forth in Section 4 the Nelson Fiscal Court shall vote whether or not to grant the petitioning fire department the right to add its subscriber fees onto the property tax bills. In making its determination the Nelson Fiscal Court shall consider the following:

- a. Whether there is a public need for the subscriber fees that will be collected by being added to the property tax bills.
- b. The financial needs of the fire department.
- c. The reasonableness of the subscriber fees that are proposed to be charged.
- d. What accounting controls that have been adopted by the fire department.
- e. Historical collection rates for the past three years.
- f. Plan for discounts for low income households.

SECTION 6- ANNUAL FILINGS.

After receiving approval of the Nelson Fiscal Court to add its subscriber fees to the property tax bills each fire department shall filing the following:

- a. On or before June 15th of each year its budget for the next year.
- b. On or before August 31st of each year its financial statements for the preceding year.
- c. The Nelson Fiscal Court policy shall be followed for the purchase of any equipment.
- d. County may audit books of fire department at any time at one half the cost to county and one half the cost to fire department.

SECTION 7- APPROVAL FOR INCREASE IN SUBSCRIBER FEES

Any fire department that has been approved to have its subscriber fees added to the property tax bills may petition the Nelson Fiscal Court for an increase in fees. The petition shall contain the following:

- a. The name of the fire department.
- b. The fee schedule that is proposed.
- c. The statement as to why the increase in fees is necessary.

A hearing and a determination shall be conducted in the same manner as in the initial petition is heard and determined as set out in this ordinance.

SECTION 8- REVOCATION

A fire departments right to have its fees added to the property tax bills may be revoked upon the following grounds:

- a. Misapplication of subscriber fees.
- b. The fee schedule exceeds the reasonable needs of the fire department.
- c. Failure of the fire department to provide fire protection services to its subscribers.
- d. Dissolution of the fire department.

SECTION 9- PROCEDURE FOR REVOCATION

Any subscriber that is subject to the fees imposed by the fire department or the Nelson Fiscal Court may petition to revoke the right of the fire department to have its fees added to the property tax bills. The petition shall set for the following:

- a. The name of the petitioner.
- b. The name of the fire department.

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c. The reasons that revocation is sought.

Upon receiving the petition the Nelson Fiscal Court shall conduct a hearing and make a determination using the procedures set forth above for the adoption of an initial petition to have subscriber fees added to the property tax bills.

This ordinance shall become effective upon publication.

PASSED AND APPROVED THIS 5th DAY OF October, 2002.

Dean Watts
County Judge/Executive

ATTEST:
Phyllis J. Mattingly
Nelson County Court Clerk

The foregoing ordinance is approved on motion of Bernard Ice, second of Raymond Greer and by affirmative vote of all Court members present.

ORDINANCE AMENDING BUDGET RE HOMELAND SECURITY GRANT AND JUSTICE CENTER CONSTRUCTION (FIRST READING)

Nelson County Judge-Executive Dean Watts presented in open Court for first reading the following proposed ordinance amending the budget for Nelson County for Fiscal Year 2004-05: **Amendment #02**

AN ORDINANCE relating to the annual budget and amendment thereof:

Whereas the County of Nelson has unbudgeted carryover from the Justice Center Construction and Federal Homeland Security grants.

Be it ordained by the Fiscal Court of County of Nelson, Commonwealth of Kentucky:

Section One: The budget for fiscal year 2005 is amended to:

A. Increase/(decrease) revenues in the following funds to recognize carryover from the Justice Center Construction Fund and Homeland Security grant revenues:

Account	Description	Amount
75-4901	Prior year carryover	\$ 76,460
05-4901	Prior year carryover	64,015

B. Increase/Decrease expenditure account(s):

Account	Description	Amount
75-5136-739	Equipment purchases	\$76,460
05-5081-740	Justice Center Construction	64,015

Section Two: The amounts adjusting the receipt and expenditure accounts in Section One are for governmental purposes.

After a first reading, motion was made by Raymond Greer, second by Bernard Ice, by affirmative vote of Court members Greer, Ice, Drake and Wimssett, IT IS HEREBY ORDERED that legal notice advertising the second reading and possible adoption of the proposed ordinance be published in the Kentucky Standard in accordance with KRS 424.

PERSONNEL

On motion of Raymond Greer, second of Bernard Ice, by affirmative vote of all Court members present, IT IS HEREBY ORDERED to approve employment of