



# WHITLEY COUNTY FISCAL COURT

ORDINANCE NO. 2016-02

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**AN ORDINANCE OF THE WHITLEY FISCAL COURT REPEALING PREVIOUS ORDINANCES AND ESTABLISHING A SYSTEM FOR FINANCIAL SUPPORT OF THE WHITLEY COUNTY E- 911 COMMUNICATION CENTER; AND REPEALING THE PORTION OF THESE ORDINANCES CREATING A LANDLINE FEE FROM ORDINANCE NUMBERS. 88-12; 94-04; 94-07; 96-03; AND 2006-04 SHALL BE REPEALED**

**WHEREAS**, the Whitley County Fiscal Court is responsible for promoting public safety and the general welfare of the citizens of Whitley County, Kentucky, and

**WHEREAS**, the operation of a 911 or emergency communications system is one of the most critical of all public services, indispensable and necessary for the safety of the citizens of Whitley County and ensuring prompt responses to emergencies, and

**WHEREAS**, there currently is a system for financial support based upon a charge on “land line” phones in Whitley County, Kentucky, collected by a telephone utility and distributed directly into the account of Whitley County E-911, an account solely for the administration and operation of that PSAP.

**WHEREAS**, technology advancements have resulted in the current financial system for support of 911 emergency communications unfairly placing the burden of supporting the system on a disproportionately small segment of the citizens of Whitley County, Kentucky, and

**WHEREAS**, Kentucky Revised Statute (KRS) 65.760 (3) is a specific provision wherein the General Assembly expressly permits local governments to fund 911 emergency telephone services by the imposition of service fees, more particularly: “The funds required ... to establish and operate 911 emergency telephone service ... may be obtained through the levy of any ... fee not in conflict with the Constitution and Statutes of this state,” and

**WHEREAS**, the Whitley County Fiscal Court believes that distributing the burden among the citizens through a service fee on water service is more equitable; that it bears a reasonable relationship to the benefit received, and requires more persons to support the system than a “land line” phone fee, and

**WHEREAS**, there are six water distributions systems in Whitley County, the City of Williamsburg, City of Corbin, Cumberland Falls Water District, Whitley County Water District, Pineville Water District and the Knox County Water District, providing essential water service to the citizens of Whitley County. Additionally, all of these entities provide a unique and appreciated public service.

Whitley County wishes to also engage the water entities collection services for the collection the County's 911 service funding fee, more particularly, to collect a 911 service fee of \$ 3.00 from the utilities' water service subscription customers and to distribute the collected funds to Whitley County E-911, PO Box 237, Williamsburg, KY 40769 due by on or before the 25<sup>th</sup> day of each month.

**NOW, THEREFORE,**

**§ 1 BE IT HEREBY ORDAINED** by the Whitley County Fiscal Court that there is established, imposed and implemented a service fee on active water services provided to occupied households; apartments; each apartment unit in a apartment complex (which shall be considered individual households); businesses; agribusinesses in Whitley County, Kentucky, calculated at \$ 3.00 per active water meter to take effect on July 1, 2016. Apartment owners whom have individual apartments on one water meter will have a 6 month grace period to incorporate this fee into their tenants leases.

**§ 2 IT IS FURTHER ORDAINED** that the county may enforce this fee on active water services by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the county shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this ordinance.

**§ 3 IT IS FURTHER ORDAINED** that every water company, water association or other entity operating a water distribution system in Whitley County, Kentucky shall collect the herein established service fee and remit amounts so collected each month to the Whitley County E-911, PO Box 237, Williamsburg, KY 40769 due by on or before the 25<sup>th</sup> day of each month

**§ 4 IT IS FURTHER ORDAINED** that the portion of Whitley County Ordinance Numbers, 88-12; 94-04; 94-07; 96-03; 2006-04 creating a landline telephone fee are hereby repealed effective on 8/31/16. Notwithstanding any other language in this ordinance, the portion of these ordinances that setup the E-911 Board, operation of the E-911 Center, it's purpose, it's effect and every other portion of these ordinances other than those portions for the creation and collection of a landline telephone fee remain in full force and effect in the same form as existed prior to the passage of this ordinance.

**First Reading:**

Introduced for the first reading on Motion made by HEAD and seconded by BROWN and passed by majority vote of the Whitley Fiscal Court in duly assembled session on the 15<sup>th</sup> day of March, 2016.



PAT WHITE, JR.  
WHITLEY COUNTY JUDGE/EXECUTIVE

ATTEST:

  
Kay Schwartz, WHITLEY COUNTY COURT CLERK

**Second Reading:** Introduced for the second reading on Motion made by Brown and seconded by Harrison and passed by majority vote of the Whitley Fiscal Court in duly assembled session on the 19<sup>th</sup> day of April, 2015.

**ADOPTED** by the Whitley County Fiscal Court on this the 19<sup>th</sup> day of April, 2016, this Ordinance shall take effect on July 1, 2016.



PAT WHITE, JR.  
WHITLEY COUNTY JUDGE/EXECUTIVE

ATTEST:

  
Kay Schwartz, WHITLEY COUNTY COURT CLERK

Recorded in Fiscal Book 52 Page 465