

**COMMONWEALTH OF KENTUCKY
KENTON COUNTY FISCAL COURT
KENTON COUNTY, KENTUCKY**

ORDINANCE NO. 320.13

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE FISCAL COURT OF KENTON COUNTY, COMMONWEALTH OF KENTUCKY, ESTABLISHING A SERVICE FEE FOR ENHANCED 911 EMERGENCY DISPATCH SERVICES TO CERTAIN OWNERS OF REAL PROPERTY IN KENTON COUNTY

WHEREAS, Kenton County is a political subdivision of the Commonwealth of Kentucky 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 Kenton County Communications Center is an essential public safety service used by residents of Kenton County as well as workers and travelers while situated in the county, AND;

WHEREAS, the Kenton County Fiscal Court has determined that it is essential to the health, safety and welfare of the residents of Kenton County that quality services and technological improvements be made to the Kenton County Communications Center, AND;

WHEREAS, the Kentucky Supreme Court has determined that KRS 65.760 provides for alternative methods of funding the operation of enhanced 911 emergency services such as the service fee described herein, AND;

WHEREAS, the Kenton County Fiscal Court previously authorized a 911 service fee apportioning the required annual operational appropriation for 911 services among six classifications of real property based on the corresponding percentage of 911 calls for service made to the Kenton County Emergency Communications Center during the preceding year, AND;

WHEREAS, 911 service fees charged to residential and commercial parcels based on factors such as the use of the parcels, the size of improvements thereon, and the density of population thereon, results in an equitable distribution of the burden of funding 911 Emergency Dispatch services among all the citizens of Kenton County, AND;

WHEREAS, the Kenton County Fiscal Court has determined it necessary and proper to amend the previous classifications and exemptions to the 911 service fee in order to more equitably distribute the burden of funding 911 Emergency Services amongst the citizens of Kenton County.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, THAT:

Section I

The Kenton County Fiscal Court hereby amends Chapter 33.13 of the Kenton County Code of Ordinances, as enacted by Kenton County Ordinance 320.7 and amended in Kenton County Ordinance 320.8, 320.9, 320.10 and 320.11 as follows:

33.13 COLLECTION OF 911 SERVICE FEE

A. For the purposes of this Chapter, a 911 service fee shall be defined as an annual fee imposed upon each parcel of real property located within the County of Kenton, as determined from the records of the Kenton County Property Valuation Administrator's Office. The fee shall be used for the delivery of Enhanced 911 emergency telephone service as provided for by K.R.S. 65.760 and the associated maintenance of systems and devices, including but not limited to, operating costs of the Kenton County's Communication Center (Dispatch Center), E 911 equipment, including expenditures to train communications personnel and to inform the public of the availability and proper use of 911 service. For purposes of this Chapter, the following definitions shall also apply:

1. A Low-Density Residential Parcel shall be defined as any parcel of real property upon which lies a structure (or structures) containing at least one (1), but not more than three (3), units of residential space or any parcel which is used for agricultural purposes as defined by KRS 100.111(2)(a).

...

5. A Commercial Non-Retail Parcel shall be defined as any parcel used by the owner, occupant, lessee, or other possessor of the property for any business, governmental, educational, religious, public, semi-public, or community purpose which involves:

- a. the production, manufacture, or distribution of goods on-site to be sold to retailers or other non-retail entities; OR
- b. the provision of services to be rendered off-site; OR
- c. the delivery of governmental services to the public, excepting therefrom parcels defined in §33.13(A)(10).; OR
- d. ~~the provision of religious services.~~

- i. These parcels may include, but are not limited to, commercial farms, meat processing facilities, manufacturing buildings and plants, office buildings, ~~houses of worship~~, oil and gas storage facilities, public utilities, railroad facilities, elementary schools,

middle schools, high schools, colleges and universities, trade schools, trucking terminals, libraries, parks, and warehouses.

9. Any other section herein notwithstanding, a ~~Local Government~~ Public Use Parcel shall be defined as any parcel owned or leased by:

- a. ~~a-Any~~ City or County Government for the purposes of conducting the regular business of its governing body, its police department, or its fire department. ~~A Local Government Parcel shall also include any parcel owned or leased by a Fire District used by that entity to deliver fire protection services pursuant to KRS Ch. 75.~~
- b. A Fire District so long as the parcel is used by the District to deliver fire protection services pursuant to KRS Ch. 75.
- c. Any institution of religion, religious group, or religious congregation for which the parcel's primary purpose is serving as a house of worship.

...

K. The Fiscal Court hereby imposes an annual 911 service fee of seventy five (\$75.00) upon each ~~Local Government~~ Public Use Parcel.

L. Any property owner may appeal the classification of their property under the terms of this Ordinance. Any owner of a parcel classified under §§33.13(~~GD~~) or (~~DE~~) may appeal the amount of fee assessed against their parcel due to the total number of units located upon the parcel multiplied by the Low-Density Residential Parcel fee being a lesser amount than the standard fee applied to parcels under §§33.13(~~GD~~) or (~~DE~~).

Any property owner desiring an appeal shall deliver a written notice of appeal to the Kenton County Fiscal Court identifying the property in question, the basis for the appeal, the desired classification of the parcel, and any supporting facts for the 911 Service Fee Appeals Board to consider no later than ~~November~~ January 1 of each year. The property owner shall bear the burden of proof in establishing that the property has been misclassified or incorrectly assessed by clear and convincing evidence. The Board will consider the evidence presented by the property owner along with any public records of the property valuation administrator, aerial maps, site photographs, building plans and permits, surveys, plats, deeds, official documents, advertisements, site visits, or any other evidence which may aid in the determination of the classification or assessment of a parcel. Reclassification or reassessment of any parcel pursuant to an appeal under this section shall be done by a majority vote of the members present.

...

N. The following parcels, which are generally identified by a code established by the Kenton County Property Valuation Administrator, shall be exempt from the parcel fee:

- ~~1. Parcels located in the cities of Erlanger, Elsmere, and Crescent Springs;~~
21. Mobile homes which are identified by the PVA with a code 999;
32. Parcels of 0.01 acres or less.

Section II

Should any section or part of any section or any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance. Further, should any 911 service fee levied herein be declared invalid as applied to any class of property, the fee for any parcel within that class or classes of property shall be no less than the lowest 911 service fee imposed by this ordinance.

Section III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law. Any ordinances, resolutions, or executive orders in conflict with any section of this ordinance are hereby repealed or rescinded.

Adopted this 24th day of August, 2018.

1st Reading – August 21st, 2018

2nd Reading – August 24th, 2018 Vote: x , Yes, , No

Fiscal Court of Kenton County, Kentucky

By: 

Kris Knochelmann, Judge/Executive

Attest:


Sue Kaiser, Fiscal Court Clerk