

**ORDINANCE NO. 220.46**

**AN ORDINANCE ESTABLISHING A WATER METER FEE FOR THE SUPPORT OF 911 EMERGENCY SERVICES AND REPEALING SECTION 3, 911 FEE, ESTABLISHED IN HART COUNTY ORDINANCE NO. 220.9**

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

**WHEREAS**, 911 emergency services are one of the most critical of all public services, indispensable and necessary for the safety of the citizens of Hart County and ensuring prompt responses to emergencies, and

**WHEREAS**, Hart County Ordinance No. 220.9 established a system for financial support of emergency services based upon a charge on "land line" phones in Hart County, Kentucky, collected by a telephone utility and distributed directly to the Hart County Fiscal Court for the administration and operation of 911 emergency services.

**WHEREAS**, technology advancements have resulted in the current financial system for support of 911 emergency services unfairly placing the burden of supporting the system on a disproportionately small segment of the citizens of Hart County, Kentucky, with "land lines", and

**WHEREAS**, Kentucky Revised Statute 65.760(3) expressly permits local governments to fund 911 emergency 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 Hart 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**, multiple water companies, water associations, or other entities operate water distribution systems in Hart County (water services), providing essential water service to the citizens of Hart County.

**WHEREAS**, Hart County wishes to engage these water services for the collection of a 911 emergency services fee in the amount of \$3.00 per month from water services' customers and to distribute the collected funds to the Hart County Fiscal Court, provided said water service may retain a reasonable administrative, not to exceed three (3%) percent fee for the collection of said revenues.

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Hart County Fiscal Court as follows:

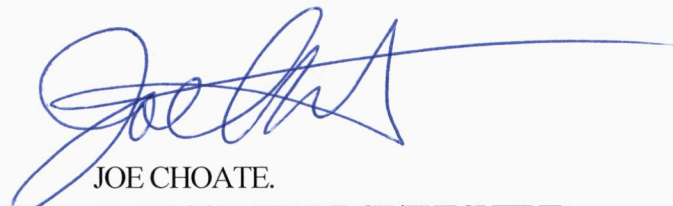
**SECTION 1.** That there is established a service fee on active water services provided to occupied households; apartments; each apartment unit in a apartment complex (which shall be considered individual households); businesses; and agribusinesses in Hart County, Kentucky, calculated at \$ 3.00 per active water meter per month to take effect on the 1<sup>st</sup> day of January 2020. 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.

**SECTION 2.** 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.

**SECTION 3.** That every water service provider operating in Hart County, Kentucky shall collect the service fee established herein and remit said amounts so collected each month to the Hart County Fiscal Court, P. O. Box 490, Munfordville, Kentucky, 42765, on or before the 20<sup>th</sup> day of each month, for purposes of 911 emergency services, provided said water service may retain a reasonable administrative, not to exceed three (3%) percent fee for the collection of said revenues.

**SECTION 4.** This Ordinance shall take effect on the 1st day of January 2020.

**First Reading:** Introduced for the first reading on Motion made by Lee Miles and seconded by Doug Wells and passed by majority vote of the Hart Fiscal Court in duly assembled session on the 17 day of September, 2019.

  
JOE CHOATE.  
HART COUNTY JUDGE/EXECUTIVE

ATTEST:



HART FISCAL COURT CLERK

**Second Reading:** Introduced for the second reading on Motion made by Lee Miles  
and seconded by Doug Wells and passed by majority vote of the Hart Fiscal Court in duly assembled  
session on the 17<sup>th</sup> of October, 2019.

**ADOPTED** by the Hart County Fiscal Court on this the 17 day of October, 2019.

  
JOE CHOATE  
HART COUNTY JUDGE/EXECUTIVE

ATTEST:



HART FISCAL COURT CLERK