

HART COUNTY FISCAL COURT
ORDINANCE NO. 220.9

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF
A 911 EMERGENCY TELEPHONE SERVICE
WITHIN HART COUNTY, KENTUCKY

WHEREAS, the members of the Hart County Fiscal Court have received information from various sources concerning the enhancement of the health, safety and welfare of the general public by having available an Emergency 911 Telephone Service (911); and

WHEREAS, The Hart County Fiscal Court has the authority under KRS 65.760 to establish 9-1-1 in Hart County, Kentucky; to adopt regulations concerning the provision of 9-1-1 in Hart County, Kentucky; to enter into cooperative agreements for the operation of 9-1-1 in Hart County, Kentucky; and to levy a fee to fund the establishment and operation of 9-1-1 in Hart County, Kentucky;

WHEREAS, pursuant to KRS 65.760, local governments are authorized to establish fees to be paid by the general public as telephone users to pay the cost of establishing and maintaining emergency telephone service; and

WHEREAS, South Central Rural Telephone Cooperative hereinafter referred to as "phone company" is the provider of the local telephone service in all incorporated and unincorporated areas of Hart County, hereinafter referred to as "local area", and have available 9-1-1 emergency telephone service for the local area, and;

THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF
HART COUNTY, COMMONWEALTH OF KENTUCKY as follows:

SECTION ONE - ESTABLISHMENT OF "911" SYSTEM
AND BOARD FOR MANAGEMENT

1.1 There is hereby established a safety answering service to provide a single telephone number for emergency services within the Local Area, which service shall be known as "911".

1.2 The safety answering service shall be managed by a Board to be known as the "911" Board to be appointed by the Judge/Executive and approved by Fiscal Court which shall consist of not less than the following with a reasonable effort to be made in selecting members from across the county:

- (1) One (1) member to represent the cities of Munfordville, Horse Cave, and Bonnieville.
- (2) One (1) member representing the police and sheriff departments.
- (3) One (1) member representing the fiscal court.
- (4) One (1) member representing the fire, rescue and emergency management.
- (5) One (1) member representing the EMS.

SECTION TWO. AGREEMENTS

2.1 Hart County, Kentucky, by and through the Hart County Judge/Executive is hereby authorized and empowered to enter into appropriate agreements with telephone companies providing telephone service within Hart County, Kentucky, to provide for the implementation, construction and ongoing maintenance of "911" within the Local Area. Said agreements shall reflect the installation costs and the current tariffed recurring charges for 911 service charges during the contract period.

2.2 The Hart County Judge/Executive is authorized and empowered on behalf of Hart County to enter into agreements for the purchase and installment of 9-1-1 equipment necessary to implement and utilize 9-1-1 service contemplated by this Ordinance.

2.3 The Hart County Judge/Executive, subject to the approval of the Hart County Fiscal Court, is further authorized to enter into Interlocal Cooperative Agreement as is necessary and appropriate, with the cities of Bonnieville, Horse Cave and Munfordville, or other agencies or entities to create and provide 9-1-1 emergency services, including dispatching, emergency telephone service and other emergency services to the community.

2.4 The Interlocal Cooperative Agreement shall be for a period of one (1) year after its execution and shall be automatically renewable upon the same terms and conditions unless prior to thirty (30) days of the close of the said twelve (12) month period any party to said agreement notifies the other parties of its intention to modify and/or terminate said agreement.

SECTION THREE. "911" FEE

3.1 There is hereby established a "911" fee of \$1.50 per month for each telephone line subscriber which is levied pursuant to KRS 65.760 (3) as a special tax, license and/or fee to be paid by each telephone line subscriber in the Local Area on an individual exchange line basis limited to a maximum of 25 exchange line per account.

3.2 The telephone companies shall collect the "911" fee from its subscriber and remit said fee to Hart County according to the terms of the agreement. The telephone companies shall be entitled to a reasonable fee for billing and collecting the 911 service charge.

3.3 The monthly 9-1-1 service charge shall be effective after 3-1-2000 and all revenues collected from the service charge shall be expended solely for the purpose of funding 9-1-1 emergency services in Hart County, Kentucky.

SECTION FOUR - INCREASE OR DECREASE

4.1 The amount of the special tax, license or fee may be increased or decreased from time to time by order of the Hart County Fiscal Court in order to provide sufficient funds for the purpose as herein stated.

SECTION FIVE - CONTRACT

5.1 The Hart County Fiscal Court may contract with necessary parties in order to have the special tax license, or fee collected along with the regular telephone billing, or by other methods, and may use a portion of the revenue for collection purposes.

SECTION SIX - COUNTY BUDGET

6.1 All revenues received shall be accounted for in the annual Fiscal Court budget and shall be subject to audit.

6.2 The net 9-1-1 fees received by Hart County from the phone company shall be paid to the governing board. These funds shall only be used for the establishment,

maintenance, and operation of 9-1-1 services.

SECTION SEVEN - STATE AND FEDERAL MONIES

7.1 The County may apply for and accept state and federal monies and accept contributions and donations from any source for the purpose of funding a 9-1-1 Emergency Telephone Service.

SECTION EIGHT - PROPRIETARY INTEREST IN AND TO DATA AND INFORMATION

8.1 The Hart County Fiscal Court shall be the exclusive owner of all data and information supplied to the Hart County Fiscal Court in connection with the establishment and operation of a 9-1-1 emergency telephone system in Hart County, Kentucky, and the Hart County Fiscal Court shall be the exclusive owner of all data and information generated by the 9-1-1 emergency telephone system in Hart County, Kentucky, unless otherwise contracted with other agencies to share the information.

SECTION 9 - PENALTIES

9.1 In addition to any other penalties, specifically including criminal penalties which may be imposed pursuant to the Kentucky Revised Statutes, any local telephone exchange subscriber who fails to pay a monthly 9-1-1 service charge within forty-five (45) days after billing shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Hart County Fiscal Court not to exceed Thirty Dollars (\$30) for each month the subscriber has failed to pay the 9-1-1 service charge and this civil fine may be recovered by the Hart County Fiscal Court in a civil action in the nature of a

debt.

SECTION TEN.

10.1 The provisions of this ordinance are severable. If any sentence, clause or section or part of this ordinance, or the application thereof is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not effect or repeal any of the remaining provisions, sentences, clauses or parts of this ordinance.

10.2 All ordinances of the Hart County Fiscal Court or any parts thereof in conflict with this ordinance are hereby repealed.

SECTION ELEVEN - FUTURE ESTABLISHMENT, MAINTENANCE AND OPERATION OF ENHANCED 9-1-1

11.1 The Hart County Fiscal Court when feasible may adopt a separate ordinance or resolution to implement the establishment, maintenance and operation of Enhanced 9-1-1.

SECTION TWELVE - PUBLICATION

12.1 This ordinance shall be effective immediately upon passage and publication.

12.2 This ordinance is to be published in accordance with the statutes and laws of the Commonwealth of Kentucky.

12.3 This ordinance may be published by Title and Summary only.

FIRST READING AND RECORD OF PASSAGE

The entire Fiscal Court being present, on motion by Don Kessinger
and being seconded by Franklin Turner, six voting in favor,
0 voting against, 0 abstaining, 0 absent, this Ordinance
was given first reading and passed on December 17, 1999.

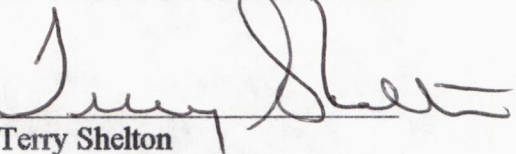
SECOND READING AND RECORD OF PASSAGE

The entire Fiscal Court being present, on motion by Albert Hoover, and
being seconded by Franklin Turner, 5 voting in favor,
1 voting against, 0 abstaining, 0 absent,
this Ordinance was given second reading and passed on 1-6, 2000.

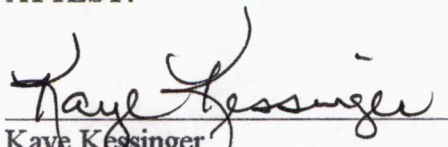
CERTIFICATION

We hereby certify that the foregoing Ordinance has been duly enacted by
the Fiscal Court of Hart County, Kentucky and published as required by law.

HART COUNTY FISCAL COURT

BY: 
Terry Shelton
Hart County Judge/Executive

ATTEST:


Kaye Kessinger
Hart County Fiscal Court Clerk