

Aug 26
1999

PENDLETON COUNTY FISCAL COURT
PENDLETON COUNTY, KENTUCKY
ORDINANCE NUMBER 99 330.2

AN ORDINANCE RELATING TO ESTABLISHING AND FUNDING THE ENHANCED 9-1-1 EMERGENCY TELEPHONE SERVICE FOR PENDLETON COUNTY, KENTUCKY AND ESTABLISHING PENALTIES FOR FAILURE TO COMPLY.

WHEREAS, the Pendleton County Fiscal Court has determined that the health, safety, and welfare of the people of Pendleton County will be improved by the establishment of an Enhanced 9-1-1 Emergency Telephone Service (E 9-1-1) in Pendleton County, Kentucky;

WHEREAS, the Cities of Butler and Falmouth have indicated an intention to consent to the establishment of E 9-1-1 within the limits of the cities and to authorize and request the Pendleton County Fiscal Court to take action necessary to establish E 9-1-1 service for Pendleton County, including the Cities of Butler and Falmouth;

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

WHEREAS, it is necessary to levy a fee to fund the establishment and operation of E 9-1-1 in Pendleton County, Kentucky; and

NOW, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF PENDLETON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION 1 - TITLE

This ordinance shall be known, and may be cited, as the "Pendleton County E 9-1-1 Ordinance".

SECTION 2 - DESIGNATION OF AGENCY

The Pendleton County Judge-Executive, subject to the approval of the Pendleton County Fiscal Court, is authorized and empowered to enter into any agreements, including agreements with the telephone company or companies serving Pendleton County, Kentucky, to establish and operate E 9-1-1 emergency telephone service for Pendleton County, Kentucky, including the Cities of Butler and Falmouth.

Said contract shall provide for the construction, implementation, and ongoing maintenance of Enhanced "911" within Pendleton County, Kentucky. The same shall be for a period of time commencing on the completion of installation by the telephone company or companies and terminating June 30, 2001, and shall be automatically renewable for twelve (12) month periods of time commencing with July 1 and running through June 30 of the pertinent years upon the same terms and conditions unless prior to thirty (30) days of the close of said twelve (12) month period, either party notifies the other of its intention to modify and/or terminate said agreement.

SECTION 3 - E 9-1-1 SERVICE CHARGE:

3.1 In accordance with the terms of the agreements authorized in Section 2 of this ordinance and in order to fund the establishment and operation of E 9-1-1 service in Pendleton County, Kentucky, all local telephone subscribers within Pendleton County, Kentucky, shall be billed a monthly E 9-1-1 service charge of Two Dollars and Fifty Cents (\$2.50) on an individual telephone exchange line basis limited to a maximum of twenty-five (25) exchange lines per account to be collected with the regular monthly telephone bill. All WATS, telephone companies' owned and operated telephone pay station lines, foreign exchange lines, and incoming only lines shall be exempt from an E 9-1-1 service charge.

3.2. The monthly 9-1-1 service charge shall begin as soon as this ordinance is passed and published, and can be implemented through the telephone company or companies, and all revenues collected from the service charge shall be expended solely for the purpose of funding E 9-1-1 emergency services in Pendleton County, Kentucky.

3.3 Any company or companies providing local telephone service shall bill and collect the monthly E 9-1-1 service charge as provided in Section 3.1 above, and shall remit the revenues to the Pendleton County Fiscal Court within sixty (60) days of the same being collected, with settlements being made not less frequently than once each thirty (30) days or said accounting and payments shall be made in accordance with any agreements subsequently reached with said telephone company or companies.

SECTION 4 - PROPRIETARY INTEREST IN AND TO DATA AND INFORMATION:

The Pendleton County Fiscal Court shall be the exclusive owner of all data and information supplied to the Pendleton County Fiscal Court in connection with the establishment and operation of an E 9-1-1 emergency telephone system in Pendleton County, Kentucky, and the Pendleton County Fiscal Court shall be the exclusive owner of all data and information generated by the E 9-1-1 emergency telephone system in Pendleton County, Kentucky.

SECTION 5 -PENALTIES

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 E 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 Pendleton County Fiscal Court not to exceed Thirty Dollars (\$30.00) for each month the subscriber has failed to pay the E 9-1-1 service charge and this civil fine may be recovered by the Pendleton County Fiscal Court in a civil action in the nature of a debt.

SECTION 6- SEVERABILITY

The invalidity, illegality or unenforceability of any provision of this ordinance shall not affect any other provision of this ordinance.

SECTION 7 - EFFECTIVE DATE

This ordinance shall become effective immediately upon final passage and publication.

SECTION 8 - FIRST READING AND RECORD OF PASSAGE

This ordinance was given first reading and passed on August 12, 1999, and August 26, 1999 was scheduled for a second reading.

SECTION 9 - SECOND READING AND RECORD OF PASSAGE

This ordinance was given second reading and passed on August 26, 1999.

Henry W. Bertram
HENRY W. BERTRAM
Pendleton County Judge-Executive

GIVEN FIRST READING AND PASSED 12 August 1999.
PUBLICATION OF SECOND READING GIVEN 17 August, 1999.
GIVEN SECOND READING AND PASSED 26 August 1999.
PUBLICATION OF PASSAGE 31 August, 1999.

ATTEST:

Bonnie S. Monroe, Clerk By: Darlene Sorrell DC.
BONNIE S. MONROE, Clerk
Pendleton County Fiscal Court