

ORDINANCE NO. 2025-08  
AN ORDINANCE OF THE POWELL FISCAL COURT ESTABLISHING  
A SYSTTEM FOR FINANCIAL SUPPORT OF 911 COMMUNICATIONS

WHEREAS, the Powell County Fiscal Court is responsible for promoting public safety and the general welfare of the citizens of Powell 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 Powell County and ensuring prompt responses to emergencies, 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, Powell County wishes to also engage the water entities collection services for the collection the County's 911 service funding fee, yet with compensation; more particularly, to collect a 911 service fee from the utilities' water service subscription customers and to distribute the collected funds to the Powell County Fiscal Court, while retaining a fee.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Powell County Fiscal Court that there is established, imposed and implemented a service fee on active water services provided to occupied households, businesses and agribusinesses in Powell County, Kentucky, calculated at \$5.00 per month for each individual residential/household unit and each individual commercial unit which receives billing for water service located upon each parcel of real property located within the territorial limits of Powell County as determined from the records of the Powell County Property Valuation Administrator's Office.

That a residential unit shall be defined as one principal residential/household space occupied or designed for occupancy for residential purposes; each apartment unit and mobile home unit that receives individual water billing is a single residential unit.

That a commercial unit shall be defined as a principal non-residential building space of any size occupied or designed for occupancy by an individual non-residential business or public or private enterprise.

IT IS FURTHER ORDAINED that this E-911 service fee along with applicable taxes shall be collected by each water company, district, association and provider of a water distribution system in Powell County for each residential unit and each commercial unit receiving water distribution service in Powell County in advance of the month or any part of the month for which service is provided. The fee will not be prorated for service less than a full month.

That each water company, district, association and provider of a water distribution system in Powell County shall remit on a monthly basis such fees collected to the Powell County Fiscal Court and shall be permitted to withhold 3% of these monies for the administration of this fee. Each water company, district, association and provider of a water distribution system in Powell County shall provide an itemized report each month showing the number of meters for which fees have been retained.

That the E-911 service fees collected pursuant to this Ordinance are not a portion of the rate charged for water distribution but are a fee levied on the customer for the exclusive purpose of funding the delivery of E- 911 emergency telephone service in Powell County as provided for by KRS 65.760. Water service cannot be discontinued for the nonpayment of the E-911 fee. For those customers not paying the E-911 fee, Powell County can pursue all legal remedies for nonpayment and noncompliance with this Ordinance, and said customers shall pay all costs and attorney fees incurred in said collection.

IT IS FURTHER ORDAINED that this ordinance shall become effective immediately upon its adoption and each water company, district, association and provider of a water distribution system in Powell County shall begin collections upon the second reading and passage of said ordinance.

IT IS FURTHER ORDAINED that the provisions of this Ordinance are severable and if any portion of this Ordinance or the application thereof is for any reason found to be unconstitutional or invalid, such unconstitutionality shall not affect or repeal any of the remaining provisions of this Ordinance

First reading on the 8<sup>th</sup> day of April, 2025

Second reading and approval on this the 13<sup>th</sup> day of May, 2025.

Ed O B

POWELL COUNTY JUDGE EXECUTIVE

First Reading: April 8<sup>th</sup>, 2025  
Second Reading: May 13<sup>th</sup>, 2025

ATTEST:

Annis C. Jones  
COUNTY FISCAL COURT CLERK

Ordinance Drafted by Robert G. King, Powell County Attorney