

# ORDINANCE

## Calloway County

An Ordinance amending increasing the franchise fees for telecommunications companies operating within Calloway County, Kentucky

WHEREAS, Calloway County enacted an Ordinance assessing all cable operations within Calloway County a three percent (3%) franchise fee on gross revenue as defined in the Franchise Ordinance, and

WHEREAS, the Kentucky General Assembly has adopted an act creating the Communications Excise Tax (CET) Act. The CET would replace franchise fees and intangible property taxes paid by telecommunication companies with a single statewide tax on services. If enacted, the CET would return to the County the amount that it currently receives from the Franchise Fee, and

WHEREAS, the County elects to increase it's Franchise Fees from three percent (3%) to five percent (5%) of gross revenue as defined in the Franchise Ordinance because after the passage and adoption of the CET the five percent (5%) would be returned to the County.

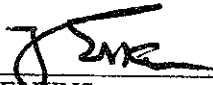
NOW THEREFORE, Be it hereby ordained by the Calloway County Fiscal Court, Kentucky, as follows, to wit:

SECTION 1. FRANCHISE FEE INCREASE. The Franchise Fee for telecommunications companies operating with Calloway County is hereby increased from three percent (3%) to five percent (5%) of gross revenue as defined in the Franchise Ordinance.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon its passage and publication.


SECTION 3. SUNSET PROVISION. In the event the Kentucky General Assembly repeals the communications Excise Tax and the Fiscal Court fails to authorize an extension of this increase, then without further action by the Fiscal Court the Franchise Fee shall revert back to three percent (3%) at the end of two years from the date of the passage of this Ordinance.

SECTION 4. NOTICE. The County Treasurer shall notify each telecommunications company operating within Calloway County of the increase provided herein and each company shall have forty-five days to notify its subscribers and implement said increase.

  
\_\_\_\_\_  
LARRY ELKINS  
CALLOWAY COUNTY JUDGE EXECUTIVE

06-21-05  
\_\_\_\_\_  
DATE

ATTEST:

  
\_\_\_\_\_  
RAY COURSEY JR.  
CALLOWAY COUNTY CLERK

6/21/05  
\_\_\_\_\_  
DATE

**AMENDMENT TO ORDINANCE ~~91-1101A~~ Establishing a 911 Emergency Telephone Service for The County of Calloway**

WHEREAS, the Fiscal Court of the County of Calloway enacted ordinance ~~91-1101A~~ on the 1<sup>st</sup> day of November, 1991 establishing a 911 emergency telephone service for Calloway County

WHEREAS, the above ordinance implemented a \$1.00 per month per telephone subscription fee in order to fund the emergency 911 service

WHEREAS, the above referenced ordinance authorized Calloway County to enter into a cooperative agreement with the Kentucky State Police for the establishment and operation of the Public Safety Answering Point.

WHEREAS, Calloway County has been a active participant in the cooperative agreement since the passage of the above ordinance.

WHEREAS, Recent developments and improvements in electronic telecommunications services will allow the Calloway County Sheriffs Office to directly receive emergency 911 calls without the assistance of the Kentucky State Police in providing a public safety answering point.

WHEREAS, The safety and protection of the citizens of Calloway County would be enhanced and improved by allowing the Calloway County Sheriffs Office to directly receive emergency 911 calls, thus eliminating the current delay in transferring such calls through the present Kentucky State Police answering point system.


NOW THEREFORE BE IT HEREBY ORDAINED by the Fiscal Court of the County of Calloway of the Commonwealth of Kentucky as follows:

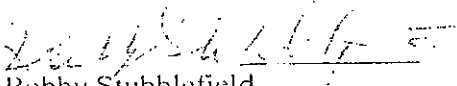
Ordinance ~~91-1101A~~ is amended to read as follows:

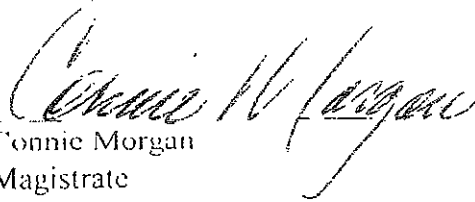
1. The County of Calloway, by and through its Judge/Executive is hereby authorized and empowered to enter into an agreement with the telephone service providers to establish and operate an Enhanced 911 Emergency Telephone System. (E911).
2. Pursuant to KRS 65.760(3), in order to fund the establishment and operation of the E911 System, a service charge is hereby levied in the sum of \$1.00 per telephone subscriber per month, on an individual exchange line basis.


3. The telephone companies service providers are hereby authorized to collect the E911 Service Charge from home and business telephone service subscribers and shall be entitled to a fee for billing and collecting the E911 Service Charge in an amount not to exceed three percent of the total amount collected.
4. All fees collected under this ordinance shall be forwarded to the Calloway County Fiscal Court by mailing the sums to the Calloway County Treasurer, 101 South 5<sup>th</sup> Street, Murray, Kentucky.
5. The provisions of this ordinance are severable, and if any provision is found to be unconstitutional or otherwise invalid, the remaining provisions shall continue in full force and effect. All other provisions of ordinance No. 31-2-10 Not amended shall also remain in full force and effect.

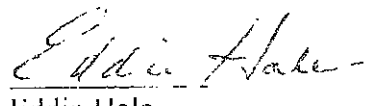
Passed on the first reading 13, day of September, 2010.

  
Larry Elkins  
Calloway County Judge Executive

  
Bobby Stubblefield  
Magistrate

  
Connie Morgan  
Magistrate

  
Johnny Gingles  
Magistrate

  
Eddie Hale  
Magistrate

Second Reading  
Publication Date 9.29.10