

**AN ORDINANCE RELATING TO STANDARDS
FOR APPROVING CONSTABLES' USE
OF EMERGENCY VEHICLE EQUIPMENT**

ORDINANCE NO. 99-_____

Be it ordained by the Fiscal Court of the County of Calloway, Commonwealth of Kentucky:

WHEREAS, KRS 189.950 provides that the Fiscal Court may approve the Constable's use of emergency equipment as described in the statute; and

WHEREAS, the office of Constable is a constitutionally elected office and the Fiscal Court does not have the power or authority to regulate or in any way supervise the activities or duties of a Constable; and

WHEREAS, Kentucky law does not require any form of law enforcement training for Constables to exercise their authority and further that Kentucky law does not permit a Fiscal Court to require such training before Constables assume office and perform their duties; and

WHEREAS, KRS 189.950 is the only statute that provides for any Fiscal Court approval of actions of a Constable and said statute only relates to the use of a motor vehicle; and

WHEREAS, the Fiscal Court of Calloway County finds that it is in the public interest to require minimum traffic safety standards and liability insurance regarding the use of emergency vehicles by a Constable; and

WHEREAS, the Fiscal Court of Calloway County desires to treat all duly elected Constable equally in the approval provided by KRS 189.950;

NOW, THEREFORE, be it ordained by the Fiscal Court of County of Calloway, Commonwealth of Kentucky, as follows:

SECTION I. Prior to the approval of the use of emergency equipment as defined by statute and this Ordinance, a duly elected Constable shall comply with the following minimum requirements, to wit:

A. The Constable shall maintain minimum automobile liability insurance in the sum of \$300,000 per occurrence on any motor vehicle used by the Constable in the performance of his duties. The Fiscal Court of Calloway County shall be listed as an additional insured on said policy of liability insurance and the Constable shall insure that his insurance company shall provide notice to the Fiscal Court of any non-payment of premium, cancellation or non-renewal of said insurance. The Constable shall maintain and file with the County Judge/Executive proof of insurance in compliance with this Ordinance.

B. The Constable shall satisfactorily complete a training class in the use and operation

of emergency vehicles in a form and at such training approved by the County Judge/Executive.

C. The motor vehicle used by the Constable shall be fit and in working order for use on the public highways and shall otherwise comply with all traffic laws and regulations.

D. The motor vehicle used by the Constable shall be clearly marked and identify that the vehicle is operated by a "Constable" and be further marked with the name of the Constable and his district. The motor vehicle shall be further of a color and style of markings sufficiently different from that of the Calloway County Sheriff's Department, Kentucky State Police and Murray Police Department such that said vehicle would not be misleading to the public as to whether the vehicle was being operated by one of said agencies. Compliance with this paragraph shall be approved by the Calloway County Sheriff and the County/Judge Executive.

E. The motor vehicle shall comply with the requirements for emergency vehicle equipment under KRS 189.950 and any other state regulations or other applicable laws.

F. Compliance with the requirements of this Ordinance shall be determined by the County/Judge Executive.

SECTION II. Upon compliance with the requirements of Section I of this Ordinance and application by the Constable, the County Judge/Executive shall recommend to the Fiscal Court approval of the use of emergency equipment as provided by the aforesaid statute by the complying Constable. The Fiscal Court shall approve the recommendation unless evidence exists that the Constable is not in compliance with this Ordinance or that the Constable has not posted bond, with sufficient surety, as required by law.


SECTION III. In the event a Constable that has been approved fails to subsequently comply with any one or more provisions of Section I of this Ordinance after said approval, then said approval shall be construed as withdrawn ipso facto as of the time of the noncompliance by the Fiscal Court as a matter of law. In addition or as an alternative thereto, upon recommendation by the County Judge/Executive that a Constable is not in compliance with any one or more provisions of Section I of this Ordinance, then the Fiscal Court shall withdraw any prior approval of use of emergency equipment as provided herein and said Constable shall be using said equipment in violation of Kentucky law.

SECTION IV. Nothing contained in this Ordinance shall be construed or implied to hold or suggest that the Fiscal Court of Calloway County has or is exercising any power or authority to regulate or in any way supervise the activities or duties of a Constable, a separately elected constitutional office.

SECTION V. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION VI. EFFECTIVE DATE: This Ordinance shall become effective upon passage by the Fiscal Court of Calloway County and upon its publication or a summary thereof, in accordance with the requirements of the Kentucky Revised Statutes.

Approved by the Calloway County Fiscal Court on First Reading:


LARRY ELKINS
CALLOWAY COUNTY-JUDGE EXECUTIVE

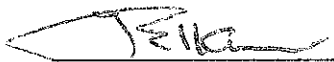
3-16-99
DATE

Attest:


RAY COURSEY, JR.
CALLOWAY COUNTY-CLERK

4-30-99
DATE

Adopted by the Calloway County Fiscal Court on Second Reading:


LARRY ELKINS,
CALLOWAY COUNTY-JUDGE EXECUTIVE

4-29-99
DATE

Attest:


RAY COURSEY, JR.
CALLOWAY COUNTY CLERK

4-30-99
DATE