

ORDINANCE NO. 2024-06

AN ORDINANCE ESTABLISHING AND IMPOSING A FEE ON ALL OCCUPIED REAL ESTATE PARCELS LOCATED WITHIN THE TERRITORIAL LIMITS OF McCRACKEN COUNTY OUTSIDE THE LIMITS OF THE CITY OF PADUCAH TO FACILITATE FUNDING FOR THE PROVISION OF JOINT 911 SERVICES AS MORE FULLY SET FORTH IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF PADUCAH AND MCCRACKEN COUNTY

WHEREAS, the City of Paducah and McCracken County are responsible for promoting public safety and the general welfare of the citizens of Paducah, McCracken County, Kentucky; and

WHEREAS, the operation of an emergency 911 communications system is one of the most critical of all public services, indispensable and necessary for the safety of the citizens of Paducah, McCracken County to ensure prompt response to emergencies; and

WHEREAS, the City of Paducah and McCracken County have entered into an Interlocal Cooperation Agreement for the provision of joint 911 services; and

WHEREAS, there is currently a fee-based system for financial support based upon a per-month charge on “land-line” phones in Paducah, McCracken County, Kentucky, and

WHEREAS, the ever-increasing use and reliance on mobile phones and the concomitant decreasing existence of land-line phones has resulted in a significant decrease in revenues to support the operations of emergency 911 communication services in Paducah, McCracken County, Kentucky; and

WHEREAS, the reduction in revenues has resulted in a lack of adequate funding to continue to operate emergency 911 communication services in Paducah, McCracken County, Kentucky; and

WHEREAS, KRS 65.760 (3) expressly permits local governments to fund emergency 911 communication services by the imposition of fees not in conflict with the Constitution and statutes

of this state; and

WHEREAS, the distribution of funding for emergency 911 communication services among the citizens of Paducah, Kentucky through a fee on parcels located in the City of Paducah is more equitable; bears a reasonable relationship to the benefit received; and requires more citizens to support the system than the existing “land-line” phone fee; and

WHEREAS, the Kentucky Supreme Court has expressly permitted fees on real estate parcels as an appropriate mechanism for funding emergency 911 communication services; and

WHEREAS, a real estate parcel fee would assist in the funding of emergency 911 communication services and also ensure the distribution of funding to a broader range of citizens rather than just those who have land-line phones; and

WHEREAS, the Fiscal Court will repeal the land-line phone fee once sufficient funding for 911 has been collected via parcel fees.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE FISCAL COURT OF McCracken County AS FOLLOWS:

SECTION 1. That there is hereby established, imposed, and implemented an annual parcel fee on all occupied individual residential units and all occupied individual commercial, religious, charitable, educational, and public use units located within the territorial limits of McCracken County, outside the limits of the City of Paducah, as determined from the records of the McCracken County Property Valuation Administrator's office. The fee shall be used for the delivery of Enhanced 911 emergency telephone service as provided for by KRS 65.760 and the associated maintenance of systems and devices, including but not limited to, operating costs of the Paducah- McCracken County 911 Services Center and purchase and maintenance of E911 equipment.

SECTION 2. The McCracken County Fiscal Court hereby imposes the following annual

parcel fees on all parcels of occupied real property, as more accurately defined in Sections 3 through 5 of this Ordinance, which are located within the jurisdictional limits of McCracken County, outside the limits of the City of Paducah:

A. Super Commercial Unit (contains structure in excess of 25,000 sq. ft.)	\$1,550
B. Large Commercial Unit (contains structure between 7,500 and 25,000 sq. ft.)	860
C. Medium Commercial Unit (contains structure between 2,500 and 7,500 sq. ft.)	325
D. Small Commercial Unit (structure between 1 and 2,500 sq. ft.)	210
E. Parking Lots (which shall include, but not be limited to, parking lots, garages, or other areas designed for the parking of motor vehicles as defined by KRS 186.010(4) whereby the owner, occupant, lessee, or possessor of any portion of the parcel leases, rents, licenses, bails, or otherwise allows the parking or storage of motor vehicles in exchange for consideration)	150
F. Public Use Units (emergency service, governmental, religious, charitable, and educational)	35
G. Residential Units	45

In the event a parcel is mixed use, the parcel shall be assessed at the highest applicable assessment rate.

SECTION 3. An occupied *residential unit* shall be defined as each residential space designed and/or utilized for occupancy for residential purposes and includes each apartment and/or duplex unit, house, and mobile home as a separate residential unit.

SECTION 4. An occupied *commercial unit* shall be defined as a non-residential building space of any size designed and/or utilized for occupancy by an individual non-residential business or private enterprise which involves the manufacture, sale, lease, or rental of goods, or services to the public.

- SECTION 5. An occupied *public use unit* shall be defined as any parcel owned or leased by:
- A. Any City, County, State, or Federal Government in which the parcel is used for the purposes of conducting the regular business of its government, its police department, or its fire department.
 - B. A Fire District so long as the parcel is used by the District to deliver fire protection services pursuant to KRS Ch. 75.
 - C. A non-residential building space of any size designed and/or utilized for occupancy for religious activities and/or worship.
 - D. A non-residential building space of any size designed and/or utilized for occupancy for the carrying out of a charitable purpose as determined by Section 501 of the Internal Revenue Code.
 - E. A non-residential building space of any size designed and/or utilized for occupancy for the purpose of education, the administration thereof or extracurricular activities.

SECTION 6. The 911 parcel fee shall be placed upon McCracken County's property tax bills prepared by the McCracken County PVA, McCracken County Sheriff and the McCracken County Clerk beginning with the 2024 tax bill and continuing every year thereafter. The due dates shall be the same as the property tax due dates set by statute.

SECTION 7. For the first year only, owners of all occupied residential rental units shall be eligible to claim a rebate of \$22.50 per unit against the annual fee due. This rebate, which is the equivalent of a 6-month share of the fee, is granted to allow owners of rental property additional time to recover some or all of the amount of the fee from tenants. In subsequent years, the full amount of the annual 911 parcel fee shall be paid for all occupied residential rental units. In order to be eligible for this rebate, the property owner of the occupied rental unit(s) shall

complete and submit the form, attached hereto, to the McCracken County Judge Executive, which shall be received by the Judge Executive on or before March 1, 2025.

SECTION 8. The Fiscal Court, in conjunction with the City of Paducah, Kentucky, shall amend the Interlocal Agreement for Provision of Emergency 911 Services to create a “Joint 911 Parcel Fee Appeals Board” to address all appeals of parcel fee assessments

SECTION 9. Any property owner may appeal the classification of their property under the terms of this Ordinance. However, an appeal shall not affect the date the parcel fee is due. A property owner wishing to appeal a classification shall file an appeal by delivering a notice of appeal to the McCracken County Judge Executive by no later than December 1st of the year for which the fee is due. The Joint Appeals Board shall set a date for a meeting in which the property owner can present evidence and otherwise be heard on the issue of classification. The property owner shall bear the burden of proof that the property has been incorrectly classified by clear and convincing evidence. The County shall also have the right to present evidence of proof that the classification is appropriate. If the property owner presents sufficient proof of lack of occupancy and/or any other evidence to indicate that the parcel was inappropriately classified, the Joint Appeals Board shall provide relief to the party by a majority vote, including, but not limited to, a refund of all or a portion of the parcel fee paid during the applicable tax year.

SECTION 10. All real estate parcel fees shall be collected by the McCracken County Sheriff.

SECTION 11. The real estate parcel fees collected shall be accounted for and kept separate and apart from other accounts and may only be used for the funding of emergency 911 services as permitted by state law and as more fully set forth in the Interlocal Cooperation

Agreement between the City of Paducah and McCracken County.


SECTION 12. The failure of any owner of real property to pay the fee as set forth in this Ordinance shall be punishable as a Class A Misdemeanor and/or by civil collection process.

SECTION 13. As more fully set forth in the Interlocal Agreement for the Provision of Emergency 911 Services entered into by the City of Paducah and McCracken County, the 911 Board shall review the fee imposed by this Ordinance and by no later than April 1st of each year make a recommendation to the Fiscal Court as to any adjustments to the then-effective parcel fee to ensure adequate funding of the Joint 911 services.

SECTION 14. Unless otherwise determined by the McCracken County Fiscal Court, commencing April 1, 2025, and on April 1st of each successive year thereafter, all parcel fees set forth in this Article shall be automatically adjusted based on the Urban Consumer Price Index for the South Region as published by the U.S. Department of Labor, Bureau of Labor Statistics, for the prior January.

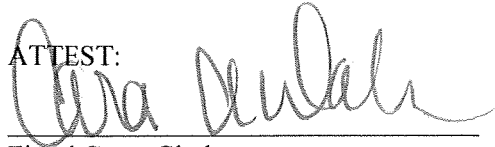
SECTION 15. The provisions of this Ordinance are declared to be severable. If any section, phrase or provision shall for any reason be declared invalid, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 16. This Ordinance shall be read on two separate days and become effective upon summary publication pursuant to KRS Chapter 424.



McCracken County Judge Executive

ATTEST:



Fiscal Court Clerk

Introduced on, 6/10, 2024

Adopted on, 6/24, 2024

Published by *The Paducah Sun*, 6/28/24, 2024

APPLICATION FOR OCCUPIED RESIDENTIAL RENTAL UNIT REBATE
(Submit one form for each parcel containing one or multiple units)

Name of Property Owner: _____

Address of Property Owner: _____

Telephone Number of Property Owner: _____

Name of Occupied Rental Property (if applicable): _____

Address of Occupied Rental Property: _____

Number of rental units located on this parcel: _____

I hereby certify that the information contained herein is true:

Signature of Property Owner

Date

THIS FORM MUST BE RECEIVED BY THE McCracken County Judge Executive's Office
ON OR BEFORE MARCH 1, 2025 BY PERSONAL DELIVERY OR MAIL TO:

McCracken County Judge Executive
McCracken County Courthouse
300 Clarence Gaines
Paducah KY 42003