

TITLE III: ADMINISTRATION

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CHAPTER 30: GENERAL PROVISIONS

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30.01 ELECTIONEERING.

(A) To fulfill the government's obligation to protect the voter and the integrity of the election process from actual or attempted fraud, from obstruction, from intimidation real or inferred, from attempted or actual vote buying, from invasion of privacy, from harassment real, threatened or implied, from hindrance or delay all done under the guise of electioneering, an electioneering free zone is established within 300 feet of the entrance to any building containing a polling place on any election day. No person shall, on the day of any election as established in KRS 118.025, do any electioneering at the polling place or within a distance of 300 feet of the main entrance of a building used by voters in which a voting machine is located on election day. No person shall, on the day of any election as established in KRS 118.025, intentionally invade the right of privacy of any person on his or her way to vote, or cause interference, harassment, or alarm to any person on his or her way to vote. No person shall loiter or congregate in, or hinder or delay a voter, or solicit, or attempt to influence any voter in casting his or her vote, within this 300-foot campaign-free zone. Electioneering shall include the displaying of signs, the distribution of campaign literature, cards, or handbills, the soliciting of signatures to any petition, or the solicitation of votes for or against any political party, candidate or question on the ballot in any manner. Nothing contained in this section shall prohibit electioneering conducted within the interior of a private residence or business establishment by persons having a leased or ownership interest in the property, within the campaign-free zone, provided that all electioneering activities are confined to the interior of the buildings and cannot be heard or observed by any voters going to the polling place. Nothing in this section shall prohibit the displaying of political signs on private property or private establishment by a person having a leased or ownership interest in that private property or private establishment within the campaign-free zone, regardless of the distance from the polling place, provided that the sign is not accompanied by a person and does not emit any sound, and is not audio-visual or mechanical, and no larger than 4 square feet in size.

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(B) Any precinct election officer, County Clerk, Deputy County Clerk, or any law enforcement official may enforce this section at the polls within 300 feet of the main entrance to the building used by voters in which the voting machine is located. Assistance may be requested of any law enforcement officer.

(C) Any property used for a polling location on election day shall not be considered a public place in any manner for public discourse. The grounds, buildings, sidewalks and parking lots at all polling locations are designated non-public forums for the election day.

(D) Any person who violates any provision of this section after he or she has been duly notified of the provisions by the sheriff of the election precinct shall, for each offense, be fined not more than \$500, or be imprisoned for a term not to exceed 12 months, or both so fined and so imprisoned.
(Ord. 8-3-06, passed 8-3-2004)

30.02 ACCESS TO PUBLIC RECORDS.

(A) Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

CITY. The City Council of Shelbyville, Kentucky.

COUNTY. The Fiscal Court of Shelby County.

CUSTODIAN. The official custodian, or any authorized person, having personal custody and control of public records. The custodian, having personal custody of most of the public records, is the Judge Executive of Shelby County.

OFFICIAL CUSTODIAN. The Judge Executive.

PERSON. A human being who makes a bodily appearance before the office of the custodian and makes a request for inspection of public records.

PUBLIC AGENCY. Every County and County governing body, council, school district board, special district board, municipal corporation, court of judicial agency, and any board, department, commission, committee, subcommittee, ad hoc committee, council, or agency thereof.

PUBLIC RECORDS. All books, papers, maps, photographs, cards, tapes, discs, recordings or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. **PUBLIC RECORDS** shall not include any records that have been excluded by division (C) below.

REQUEST. An oral petition by any person; or, at the option of the custodian, the completion of a written application that clearly states the specific public record or records that are desired for inspection and/or application.

REASONABLE FEE or FEE. The fair payment required by a public agency for making copies of public records which shall not exceed the actual cost thereof and shall not include the cost of staff time required.

(B) The following procedures shall be followed by persons making a request to inspect public records and by the official custodian and/or custodians of those public records:

(1) *Initial request with immediate inspection.*

(a) As defined in ' 30.02(A), and subject to the limitations set forth in ' 30.02(C), any person desiring to inspect or copy the public records of a governmental unit shall make a request and/or complete written application for the records at the office of the Official Custodian during regular office hours, Monday through Friday of each week, except during legal holidays.

(b) If the Custodian determines that a person=s request is in compliance with the open records law, and that the requested records are immediately available, the custodian shall deliver the requested records for inspection. Suitable facilities shall be made available for the inspection, and no person shall remove original copies of public records from the offices of any public agency without the written permission of the official custodian of the record.

(c) The applicant shall have the right to make abstracts of the public records and to obtain copies of all written public records. When written copies are requested, the custodian may require a written request and advance payment of the prescribed fee as defined in ' 30.02(A).

(2) *Referral to proper custodian.* If the Secretary for the Official Custodian does not have custody or control of the public record or records requested, the Secretary shall so notify the applicant and shall furnish the name and location of the custodian of the public record, if the facts are known by the Secretary.

(3) *Public records not immediately available.* If the public records are in active use, in storage, or not otherwise available, the official custodian shall immediately so notify the applicant and shall designate a place, time, and date for inspection of the public records, not to exceed 3 days (excepting, Saturdays, Sundays, and legal holidays) from receipt of the application, unless a detailed explanation of the cause is given for further delay as well as the place, time, and earliest date on which the public record will be available for inspection and/or duplication.

(4) *Refusal of unreasonable requests.* If the application places an unreasonable burden in producing voluminous public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records. However, refusal under this section must be sustained in writing by clear and convincing evidence and placed in the appropriate files.

(5) *Time limitation - denial of inspection.*

(a) The Public Agency, upon any request for records made under this Act, shall determine within 3 days (excepting Saturdays, Sundays, and legal holidays) after the receipt of any request whether to comply with the request, and shall notify in writing the person making the request, within the 3-day period, of its decision. Any agency response denying, in whole or in part, inspection of any record, shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld. The response shall be issued by the official custodian, or under his or her authority; and it shall constitute final agency action.

(b) A copy of the written response denying inspection of a public record shall be forwarded immediately by the Public Agency to the Attorney General of the Commonwealth of Kentucky. Upon the Attorney General's request, the agency will provide additional documentation.

(c) If, upon request by the person seeking inspection, the Attorney General reviews the denial and issues a written opinion upholding, in whole or in part, the request for inspection, the agency may institute proceedings within 30 days for injunctive or declaratory relief in the circuit court. In addition, if the Attorney General disallows the request or if the Public Agency continues to withhold the record notwithstanding the Attorney General's opinion, and the person seeking disclosure institutes proceedings in circuit court, the Public Agency shall notify the Attorney General of the action.

(6) *Miscellaneous regulations.*

(a) No official of the Governmental Body shall willfully conceal or destroy any record with the intent to violate the provisions of the Act or of these rules and regulations.

(b) Any person shall have access to any public record relating to him or her or in which he or she is mentioned by name and upon presentation of appropriate identification, subject to the provisions of ' 30.02(C) of these rules and regulations.

(C) The following public records are excluded from the application of the Act; and these rules and regulations shall be subject to inspection only upon order of a Court of competent jurisdiction:

(1) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy. Examples include acquisition, relocation, and rehabilitation files on families disclosing income or other personal data; and

(2) Records confidentially disclosed to an agency and compiled and maintained for scientific research, the regulation of commercial enterprise, including mineral exploration records, unpatented secret commercially-valuable plans, appliances, formulae, or processes which are used for the making, preparing, compounding, treating, or processing of articles or materials which are trade commodities obtained from a person and which are generally recognized as confidential, or for the grant or review of a license to do business, and if openly disclosed, would permit an unfair advantage to competitors of the subject enterprise. This exemption shall not, however, apply to records the disclosure or publication of which is directed by other statute.

(Res. 9, passed 9-10-1991)

30.03 ADOPTION OF ADMINISTRATIVE CODE.

(A) Shelby County, Kentucky, through the Shelby County Fiscal Court, hereby adopts an administrative code, a copy of which is attached to Ord. 06-20-08, and incorporated herein by reference as fully as if set out at length herein pursuant to KRS 68.005, as amended.

(B) The administrative code shall only be amended and revised pursuant to KRS 68.005, as amended.

(C) Each page of the administrative code and any subsequent revisions shall have the seal of the county placed thereon with the initials of the County Judge/Executive and the Fiscal Court Clerk to verify authenticity.

(Ord. 06-20-08, passed 6-20-2006; Am. Ord. 08-07-06, passed 8-7-2007; Am. Ord. 06-19-02, passed 7-18-2012; Am. Ord. 07-02-04, passed 7-2-2013; Am. Ord. 07-01-06, passed 7-1-2014)

30.04 ADOPTION OF PERSONNEL REGULATIONS.

(A) The rules attached hereto shall be the system of personnel administration for Shelby County.

(B) These rules shall become part of the Administrative Code of Shelby County adopted on June 12, 1979.

(Res. passed 3-15-1983)

30.05 MAGISTERIAL VOTING DISTRICTS.

The Magisterial/Constable districts are hereby established in accordance with the boundary line descriptions, a map of which is incorporated by reference as if appearing in total and is on file in the Shelby County Fiscal Court.

(A) *District #1.* The boundary lines of this Magisterial District are described as follows: Beginning at the Shelbyville City Limits and Hwy 53, follow Hwy 53 South to the Rail Road track; thence follow Railroad West to a fence line West of White Oak Court; thence follow fence South to the Shelbyville City Limits; thence follow City Limits to US60; thence East on US60 to Mack Walters Road; thence South on Mack Walters Road to the Railroad track; thence follow Rail Road East and North to 7th Street; thence follow 7th Street North to Clear Creek; thence follow Clear Creek to the City Limits; thence follow City Limits to the beginning.

(B) *District #2.* The boundary lines of this Magisterial District are described as follows: Beginning at the Jefferson County line at the centerline of KY Hwy 148 and proceeding in a Southeasterly direction to Veechdale Road; thence proceed Northeasterly along the centerline of Veechdale Road to Taylorwood Road. Follow center line of Taylorwood Road to Plum Creek; thence follow Plum Creek North to the Simpsonville City Limits as of 08/18/2011. Follow City Limits line South thence East thence North to the CSX Rail Road. Follow CSX Rail Road East to the Little Bull Skin Creek; thence follow Little Bull Skin Creek to Antioch Road, thence follow the center line of Antioch Road West to Todds Point Road. Follow center line of Todds Point Road North to Aiken Road; thence follow center line of Aiken Road to Hunters Lane; thence follow center line of Hunters Lane North West to the dead end. Then follow an imaginary line to Shelby, Oldham County line. Follow Oldham County line to Jefferson County line. Follow Jefferson County line back to the beginning.

(C) *District #3.* The boundary lines of the Magisterial District are as described as follows: Beginning at the Oldham & Shelby County line, at an imaginary point to the dead end of Hunters Lane. Follow center line of Hunters Lane South to Aiken Road. Follow center line of Aiken Road East to Todds Point Road; thence follow center line of Todds Point Road South to Antioch Road; thence follow center line of Antioch Road East to Little Bull Skin Creek; follow Little Bull Skin Creek South to the CSX Rail Road. Follow Rail Road East to Freedoms Way; thence follow center line of Freedoms Way South to US 60; thence follow East on US 60 to the Shelbyville City Limits line as of 08/18/2011. Follow City limits line North to the CSX Rail Road, thence East on the Rail Road to Hwy 53; thence North on Hwy 53 to corner of Freedoms Way & the Shelbyville City Limits line. Follow City Limits line East then West to Burks Branch Road; Thence follow Burks Branch Road South & East to 7th Street. Follow center line of 7th Street South to Eminence Pike; follow center line of Eminence Pike East & North to Hwy 55; thence follow Hwy 55 North to the Henry County line, following the Shelby County line West & South to beginning.

(D) *District #4.* The boundary lines of this Magisterial District are described as follows: Beginning at Hwy 55 at the Shelby County & Henry County line; following the center line of Hwy 55 to Eminence Pike; thence West on Eminence Pike to 7th Street. Follow center line of 7th Street North to Burks Branch Road. Thence follow Burks Branch Road West & North to the City Limits as of 08/19/2011. Follow City Limits West and South to 7th Street. Thence follow the center line of 7th Street South to Main Street. Thence East on Main Street to Boone Station Road; thence North on Boone Station Road to the Benson Pike, follow Benson Pike East to the Franklin County line.

(E) *District #5.* The boundary lines of this Magisterial District are described as follows: Beginning at Franklin County line and Benson Pike, follow West to Boone Station; thence follow center line of Boone Station South to Rail Road Track; thence West on Rail Road Track to Clear Creek; thence follow Clear Creek South and West to the City Limits of Shelbyville as of 08/18/2011. Follow City Limits line South and East to I64. Follow I64 East to Hwy 53; thence follow center line of Hwy 53 North to Old Mount Eden Road; follow center line of Old Mount Eden Road North to intersection of Old Seven Mile Pike; thence follow center line of Seven Mile Pike East & South until it dead ends at I64; thence follow center line of I64 East to the Franklin County Line.

(F) *District #6.* The boundary lines of the Magisterial District are described as follows: Beginning at I64 & the Franklin County Line; follow center line of I64 West to the point where Seven Mile Pike dead ends; thence follow center line of Seven Mile Pike North & West to the Old Mt Eden Road; thence follow center line of Old Mt Eden Road South to Hwy 53; thence follow center line of Hwy 53 South to I64; thence West on I64 to the Corporate City Limits line as of 08/18/2011. Follow City Limits line South to Meadow Run Creek; follow Meadow Run Creek East to Hwy 53; thence follow Hwy 53 in a Southern direction to Guist Creek; thence follow Guist Creek to the Spencer County line.

(G) *District #7.* The boundary lines of the Magisterial District are described as follows: Beginning at the Jefferson County line and Hwy 148; follow Hwy 148 East to Veechdale Road; follow center line of Veechdale Road to Taylor Wood Road; thence East on Taylor Wood Road to Plum Creek; thence follow Plum Creek North to City of Simpsonville; thence follow City of Simpsonville to Rail Road track; thence follow Rail Road East to Hwy 55; thence South on Hwy 55 to US 60; thence east on US 60 to Mack Walters Road; thence South on Mack Walters Road to Rail Road; then follow Railroad to 7th Street; thence North on 7th Street to Main Street; thence East on Main Street to Hwy 53; thence follow Hwy 53 South to Railroad; thence West on Railroad to Clear Creek; thence follow Clear Creek West & South to Zaring Mill Road; follow Zaring Mill Road to the Shelbyville City Limits boundary as of 08/18/2011. Follow City boundary to Meadow Run Creek; thence follow Meadow Run Creek to Hwy 53; thence follow center line Hwy 53 South to Guist Creek; thence follow Guist Creek to Spencer County line; thence West on Shelby County Spencer County line to the Jefferson County line; thence North to the beginning.

(Ord. 9-13-06, passed 9-13-2001; Am. Ord. 10-04-04, passed 10-4-2011; Am. Ord. 01-21-01, passed 1-21-2014)

' 30.06 SMOKING IN PUBLIC OR COMMON AREA OF ANY ENCLOSED COUNTY FACILITY.

(A) Smoking of tobacco products shall be prohibited in any and all public or private interior areas and exterior entryways of any enclosed county-owned building, including the Judicial Center. A No Smoking@ signs will be displayed on all buildings. Approved outdoor designated smoking areas, separated from public areas and walkways, will be identified for each building, if practical. Except for these designated smoking areas, no smoking will be allowed in public access areas on the property of any county-owned building, including but not limited to sidewalks and exterior entrances.

(B) Any person found in violation of this section shall be guilty of a violation punishable by a fine of \$100.

(Ord. 12-20-07, passed 12-20-2011)

CHAPTER 31: COUNTY ORGANIZATIONS

Section

Solid Waste Disposal District Board

- 31.01 Authority
- 31.02 Enforcement process for clean-up of illegal dump sites adopted

Joint Tourism and Convention Commission

- 31.15 Establishment; transient room tax
- 31.16 Exception to transient room taxes
- 31.17 Disposition of funds
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Appendix A: Enforcement process for clean-up of illegal dump sites

SOLID WASTE DISPOSAL DISTRICT BOARD**31.01 AUTHORITY.**

(A) To utilize an enforcement officer whom shall have full legal authority to enforce the ordinances, regulations, policies and procedures of the county and the district in all matters of solid waste;

(B) To authorize jurisdiction of the enforcement officer to be that of the boundaries of the county and its incorporated cities; and

(C) To enable the enforcement officer to be appointed by the district board, carry proper identification:

(1) Have the authority to enter onto property to examine the compliance to the ordinances, regulations, policies, and procedures;

(2) Have the authority to carry out the enforcement process contained in Appendix A to this chapter, including bringing violators to court;

(3) Have the authority to investigate and inquire into vehicles which may be in violation of the ordinances, regulations, policies, and procedures; and

(4) Recommend to the court the necessary penalties and fines for violations which may include:

(a) Clean-up cost;

(b) Administrative cost;

(c) In-kind labor;

(d) Imprisonment as determined by the ordinance in violation; and

(e) Other financial penalties so determined by the enforcement officer not to exceed \$500.

(Ord. passed 11-10-1992)

**' 31.02 ENFORCEMENT PROCESS FOR CLEAN-UP OF ILLEGAL DUMP SITES
ADOPTED.**

The city=s enforcement process for clean-up of illegal dump sites is set out in Appendix A to this chapter.

(Ord. passed 11-10-1992)

JOINT TOURISM AND CONVENTION COMMISSION

’ 31.15 ESTABLISHMENT; TRANSIENT ROOM TAX.

There is hereby established a joint tourism and convention commission with the City of Shelbyville and the City of Simpsonville to be known as the Shelby County Tourism & Convention Commission (hereinafter *Athe Commission@*) and there is further levied a transient room tax in the amount of 3% of the rent for every occupancy of suite, room, or rooms, charged by all persons, companies, corporations, or other like similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations businesses.
(Ord. 10-16-07, passed 10-16-2012)

’ 31.16 EXCEPTION TO TRANSIENT ROOM TAXES.

Transient room taxes shall not apply to the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. Apartment means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a minimum period of 30 days or more.
(Ord. 10-16-07, passed 10-16-2012)

’ 31.17 DISPOSITION OF FUNDS.

(A) All monies collected pursuant to subchapter shall be maintained in an account separate and unique from all other funds and revenues collected and shall be considered tax revenue for the purposes of KRS 68.100 and KRS 92.330.

(B) All room taxes collected pursuant to this subchapter shall be remitted to the Commission treasurer no later than 30 days following the last day of the month in which the taxes have been charged.

(C) All room taxes collected pursuant to this subchapter that are not remitted to the commission treasurer as required herein shall bear interest at the rate of 12% per annum on the whole or any part left unpaid which said amount shall be added to the principal amount due when paid.

(D) In the event that any room taxes collected pursuant to this subchapter are not remitted to the commission treasurer as required herein within 60 days of coming due, the commission may seek enforcement and collection through the county attorney=s office.

(E) Any person, owner, corporate officer, director, member, partner or any other individual or entity having an ownership interest in any facility subject to this ordinance is deemed responsible for insuring that all taxes due and owing pursuant to this subchapter are paid in a timely manner. Sixty (60)

days or more delinquency on the part of any establishment charged with collecting and paying the transient room tax shall be prima facie evidence of a willful intent not to pay same.

(F) The Commission shall maintain an authorized transient room tax reporting form that each facility subject to this subchapter shall utilize in collecting and remitting all taxes due pursuant to the subchapter. (Ord. 10-16-07, passed 10-16-2012) Penalty, see ' 31.99

' 31.18 COMMISSION MEMBERS; APPOINTMENT; TERMS; REMOVAL.

(A) The Commission shall be composed of seven members.

(B) Pursuant to KRS 91A.360, appointments to the Commission shall be made in the following manner:

(1) Two commissioners shall be jointly appointed by the Shelby County Judge Executive, Mayor of the City of Shelbyville and Mayor of the City of Simpsonville from a list of three or more names submitted by the local city hotel and motel association and one commissioner shall be jointly appointed by the Shelby County Judge/Executive, Mayor of the City of Shelbyville and Mayor of the City of Simpsonville from a list of three or more names submitted by the local county hotel and motel association, provided that if only one local hotel and motel association exists which covers both the city and the county, then three commissioners shall be appointed from a list of six or more names submitted by it. If no formal local city or county hotel and motel association is in existence upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to this division, then three commissioners shall be jointly appointed by the Shelby County Judge/Executive, the Mayor of the City of Shelbyville and the Mayor of the City of Simpsonville from persons residing within the jurisdiction of the commission and representing local hotels or motels. A local city or county hotel and motel association shall not be required to be affiliated with the Kentucky Hotel and Motel Association to be recognized as the official local city or county hotel and motel association.

(2) One commissioner shall appointed from a list of three or more names submitted by the local restaurant association or associations. If no formal local restaurant association or associations exist upon the establishment of the commission or upon the expiration of the term of a commissioner appointed pursuant to this division, then one commissioner shall be appointed by the Shelby County Judge/Executive, mayor of the City of Shelbyville and mayor of the City of Simpsonville from persons residing within the jurisdiction of the commission and representing a local restaurant. A local restaurant association or associations shall not be required to be affiliated with the Kentucky Restaurant Association to be recognized as the official local restaurant association or associations.

(3) One commissioner shall be jointly appointed from a list of three or more names submitted by the Shelby County Chamber of Commerce. If the Chamber of Commerce is no longer in existence,

upon the expiration of the term of a commissioner appointed pursuant to this division, then one commissioner shall be appointed by the Shelby County Judge/Executive, mayor of the City of Shelbyville and mayor of the City of Simpsonville from persons residing within the jurisdiction of the commission and representing local businesses.

(4) One commissioner shall be appointed by the Shelby County Judge Executive and one commissioner shall be appointed by the mayor of either the City of Shelbyville or the City of Simpsonville depending on which city has the larger population as determined by the most recent census.

(C) A candidate submitted for appointment to the commission pursuant to divisions (B)(1), (B)(2) and (B)(3) of this section shall be appointed by the joint action of the Shelby County Judge/Executive, Mayor of the City of Shelbyville and Mayor of the City of Simpsonville within 30 days of the receipt of the required list or lists. Vacancies shall be filled in the same manner that original appointments are made.

(D) The commissioners shall be appointed for terms of three years provided that, in making the initial appointments, the Shelby County Judge/Executive, Mayor of the City of Shelbyville and Mayor of the City of Simpsonville shall appoint two commissioners for a term of three years, two commissioners for a term of two years, and three commissioners for a term of one year. There shall be no limitation on the number of terms to which a commissioner is reappointed. Subsequent appointments shall be for three year terms.

(E) The commission shall elect from its membership a chairman and a treasurer and may employ personnel and make contracts necessary to carry out the purpose of KRS 91A.350 to 91A.390. The contracts may include, but shall not be limited to, the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business. Contracts of the type enumerated shall be made only with persons, organizations and firms with experience and qualifications for providing promotional services and materials, such as advertising firms, chambers of commerce, publishers and printers.

(F) The books of the commission and its account as established in KRS 91A.390(2) shall be audited annually by an independent auditor who shall make a report to the commission, to the associations submitting lists of names from which commission members are selected, to the Shelby County Judge/Executive, Mayor of the City of Shelbyville, Mayor of the City of Simpsonville, to the State Auditor of Public Accounts, and to the Shelby County Fiscal Court, the Shelbyville City Counsel and the Simpsonville City Counsel. A copy of the audit report shall be made available by the commission to members of the public upon request and at no charge.

(G) A commissioner may be removed from office by the same procedure by which the commissioner was appointed as provided by KRS 65.007.

(H) Nothing herein shall affect the terms of the present members of the Commission. However, upon expiration of the term of any presently sitting member, the procedures herein shall be utilized to appoint that member=s successor.

(Ord. 10-16-07, passed 10-16-2012)

31.19 EXAMINATION OF BOOKS AND THE LIKE TO DETERMINE ACCURACY.

The Commission or its duly appointed or designated agent or employee is authorized to examine the books, papers and records of any facility subject to this subchapter in order to determine the accuracy of any return made or, in the event that any such facility fails to make a return, to determine the amount of tax due. Each facility subject to this subchapter shall provide the Commission or its duly appointed or designated agent or employee with the means, facilities and records necessary to carry out the terms of this section.

(Ord. 10-16-07, passed 10-16-2012)

INDUSTRIAL DEVELOPMENT AUTHORITY

31.35 CREATION.

(A) Shelbyville/Shelby County Industrial Development Authority is created pursuant to KRS 154.50-304 to 154.50-346.

(B) (1) To act a governmental agency, instrumentality and constituted authority of the City of Shelbyville and the County of Shelby, Kentucky in the acquisition, improvement, construction, erection, equipping, furnishing, and financing of public projects pursuant to Kentucky law and in particular KRS 154.304 to accomplish a public purpose.

(2) To acquire, retain, develop and promote land for industrial purposes in Shelby County;

(3) To aid in the development and promotion of industrial site, parks and subdivisions to meet industrial and commercial needs in Shelby County;

(4) To encourage the acquisition, retention, and development of land for industrial and commercial needs in Shelby County by other local development organizations both public and private;

(5) To cooperate with other federal, state and local agencies in formulating development plans and in acquiring and developing land for industrial and commercial purposes in accordance with the plan;

(6) To acquire by contract, lease, purchase, gift, condemnation, or otherwise, any real or personal property, or right therein, necessary or suitable for establishing industrial sites, parks or subdivisions; and

(7) To review and make recommendations to the City Council of the City of Shelbyville and the Fiscal Court of the County of Shelby regarding requests for the issuance of Industrial Revenue Bonds. (Ord. passed 2-3-1987)

31.36 ORGANIZATION.

The establishment of the Authority is agreed to by the City of Shelbyville and the County of Shelby by the signing of an Interlocal Agreement which spells out in detail the structure thereof and is made a part hereof as if fully copied herein.

(Ord. passed 2-3-1987)

RECREATIONAL BOARD

31.50 ESTABLISHMENT.

A joint City and County Recreational Board is hereby created and established to initiate, maintain and conduct a joint parks, playground and recreational system, the Board to have all the powers and duties of KRS 97.010 to KRS 97.050, the system to be financed in equal shares by the Shelby County Fiscal Court and the City Council of the City of Shelbyville, Kentucky, the Board to be made up as follows:

(A) There shall be 9 members appointed to the Board, 4 of which shall be residents of the County and appointed by the County Judge to 4-year terms, except the first term which shall be for 1, 2, 3 and 4-year terms, and 1 of whom shall be a member of the Shelby County Fiscal Court; the other 4 shall be

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residents of the City of Shelbyville and shall be appointed by the Mayor of the City to 4-year terms, except the first term which shall be for 1, 2, 3 and 4-year terms, and 1 of whom shall be a member of the City Council of the City; the ninth member shall be appointed jointly by the County Judge and the Mayor by agreement, to a 4-year term;

(B) Members of the Board shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties out of the funds appropriated to the Board;

(C) Vacancies shall be filled for unexpired terms by appointment of the authority appointing the member whose office becomes vacant;

(D) The Board shall be a body corporate for all purposes and shall elect from its membership a Chairman, a Secretary, and a Treasurer, all of whom shall nevertheless have a vote on the Board's decisions. The Treasurer shall execute a bond conditioned on the faithful performance of this or her duties sufficient in amount to cover the total funds coming into his or her hands from all sources. The premium on the bond shall be paid from the funds of the Board;

(E) The Board shall submit a budget of proposed receipts and expenditures to the Shelby County Fiscal Court and the City Council for its approval before April 1 of each year in order that the approved appropriation from each governmental City and County unit may be included in the budgets of the respective governmental units; the fiscal year of the Board shall be from July 1 to June 30 of each year; and

(F) The Board may provide, maintain and conduct park, playground and recreation centers and buildings thereon, according to law, and may employ trained or otherwise qualified park superintendents, playground directors, supervisors, recreational superintendents or other officers and employees as it deems proper; it shall be authorized to accept any grant or device of real estate or any bequest or gift of money or any donation, the principal or income of which is to be used for parks, playground or recreation purposes. (Res. passed 1-20-1970)

CEMETERY BOARD**31.65 ESTABLISHMENT.**

Through the Shelby County Fiscal Court a County Cemetery Board that may apply to the Governor's Office for Local Development for grants to restore and maintain nonprofit cemeteries that do not receive perpetual care funds pursuant to KRS 367.952 is hereby created as authorized by KRS 67.680(1). (Ord. 10-21-04, passed 10-21-2008)

HUMAN RIGHTS COMMISSION

' **31.75 ESTABLISHMENT.**

There is hereby created a Shelby County, Shelbyville and Simpsonville Commission on Human Rights.
(Ord. 09-01-16, passed 9-1-2009)

' **31.76 PURPOSE AND MISSION STATEMENT.**

The Commission on Human Rights shall endeavor to promote and secure mutual understanding and respect among all economic, social, religious, ethnic, and racial groups in the cities and the county and shall act as conciliator in controversies involving inter-group and interracial relations. The Commission shall cooperate with federal, state, county and other city agencies in an effort to develop harmonious inter-group and interracial relations and shall endeavor to enlist the support of civic leaders dedicated to the improvement of inter-group and interracial relations and elimination of discriminatory practices.
(Ord. 09-01-16, passed 9-1-2009)

' **31.77 OFFICERS.**

The Commission on Human Rights shall elect from its membership a Chairman, a Secretary, a Treasurer and such other officers as it shall deem necessary. The Chairman of the Commission shall appoint such committees as the rules of the Commission shall provide and such other special committees from time to time as the Commission may deem it necessary in order to carry out the purposes of this subchapter. The Chair and all officers shall be Commission members.
(Ord. 09-01-16, passed 9-1-2009)

' **31.78 MEMBERS: QUALIFICATIONS: COMPENSATION.**

(A) The Commission on Human Rights shall consist of 11 members who shall be persons who are nearly as possible representative of several social, economic, religious, cultural, ethnic and racial groups which comprise the population of Simpsonville, Shelbyville and Shelby County.

(B) The Mayor of the City of Simpsonville shall appoint two members who shall be residents of the city. Of the first members appointed by the Mayor, one shall be appointed for one year and one shall be appointed for two years. After the first appointments, all appointments shall be for a term of three years.

(C) The Mayor of the city shall appoint four members who shall be residents of the city. Of the first four members appointed by the Mayor, one shall serve for a term of one year, one shall serve for two years, one shall serve for three years and one shall serve for four years. After the first appointments, all appointments shall be for a term of three years.

(D) The County Judge/Executive shall appoint five members who shall be residents of the county. Of the first appointments, one shall serve for a term of one year, two shall serve for a term of two years and two shall serve for a term of years. After the first appointments, all appointments shall be for a term of three years.

(E) All of the aforesaid appointments shall be done with the approval of the respective legislative bodies.

(F) In the event of a vacancy, the Mayor or County Judge/Executive of the respective legislative body shall appoint a member to complete the unexpired term with the approval of the respective legislative body.

(G) No elected or appointed official of Simpsonville, Shelbyville or Shelby County, Kentucky, may be a member of the Commission.

(H) Members shall serve without compensation.
(Ord. 09-01-16, passed 9-1-2009)

31.79 MEETINGS; RULES OF PROCEDURE.

(A) The Commission of Human Rights shall meet once each month and as often as it deems necessary.

(B) The Commission shall have the power to adopt rules to govern its proceedings.
(Ord. 09-01-16, passed 9-1-2009)

31.80 QUORUM.

A quorum shall consist of a majority of the members appointed to the Commission.
(Ord. 09-01-16, passed 9-1-2009)

31.81 POWERS AND DUTIES.

(A) The Commission on Human Rights may recommend to the legislative bodies such legislation as may be considered necessary to accomplish the purposes of this subchapter.

(B) The Commission shall submit an annual report regarding its activities each year to the legislative bodies.

(C) The Commission, on behalf of the cities and county, may accept grants and donations from foundations and others for the purpose of carrying out its functions.

(D) The Commission may receive inquiries consistent with its Mission Statement.

(E) The Commission shall have the following powers in addition to those otherwise enumerated in this section:

(1) Receive inquiries and seek to conciliate and hold meetings on alleged discrimination.

(2) Certify the results to the legislative bodies and the Kentucky Human Rights Commission for action in accordance with appropriate law.

(Ord. 09-01-16, passed 9-1-2009)

31.82 EXPENDITURES.

All expenditures shall be authorized by the Commission and the Commission shall make a semi-annual financial report. Copies of such semi-annual financial report shall be sent to the Mayors, the County Judge/Executive and the legislative bodies.

(Ord. 09-01-16, passed 9-1-2009)

31.83 OFFICE SPACE.

The Mayors and County Judge/Executive are authorized to allocate adequate office space and to provide the necessary facilities for the Commission if the office space and facilities are available and approval is obtained by the local governing body that has the authority over those facilities.

(Ord. 09-01-16, passed 9-1-2009)

**APPENDIX A: ENFORCEMENT PROCESS FOR
CLEAN-UP OF ILLEGAL DUMP SITES***

1. Identification of Site

The county publicizes the phone number of whom to contact (enforcement officer) if residents spot an illegal dump.

County officials spotting an illegal dump are made aware (by letters and/or memos) that they are to contact the county enforcement officer if a dump is sited or reported.

Enforcement officer locates dump sites, himself.

2. Documenting of Site Identified

Once a site has been located the enforcement officer logs the following information:

- 1) Location of site
- 2) Property owner
- 3) Date of siting.

3. Enforcement Officer Visits Site and Logs the Following Information

- 1) Priority Rating (P.R.) 1-5 with 1 being a site that will need immediate attention if not cleaned up within a 30-day period and 5 being a site that is not immediately detrimental to the environment.
- 2) Degree of Difficulty (DOD) 1-5 with 1 being a large site that will be difficult and costly to clean up and 5 being a small site that will require little time, labor or equipment.

4. Enforcement Officer=s Verbal Notification

The enforcement officer verbally contacts the property owner to discuss the situation. After the discussion the enforcement officer will:

- 1) Give the property owner or responsible party 30 days to clean up the site; or
- 2) Offer county assistance in cleaning up the site; or
- 3) Contract to have site cleaned up.

Shelby County - Administration

Also, at this time, the enforcement officer will gather evidence, and make a determination whether the property owner should be totally responsible for dump or is considered a victim of this action. A time frame for clean-up will be stated, and should the county or its contractor clean the site, a determination shall be made as to who shall be responsible for the cost. The previous history of the site and the property owner shall be taken into consideration when making these decisions.

The enforcement officer shall document the date of this verbal notification, the course of action recommended, and the required date of completion. The property owner and /or the responsible party will also be made aware of the ordinance in violation and penalty involved.

The responsible party may appeal the decisions to the Solid Waste Coordinator. If still not satisfied, the responsible party may request an appearance before the Disposal District Board. The decision of the board is final.

Upon clean-up, the responsible party shall show a receipt from a permitted hauler, landfill or convenience center.

5. Enforcement Officer=s Written Notification

After the required time (if the site remains in violation) or as a measure of the first notice, if deemed necessary, the enforcement officer may serve a Notice of Illegal Dump Site@ to the responsible party which documents the ordinance in violation and possible penalties. The notice must be signed by the enforcement officer.

The notice shall list the location of the site and the required date of compliance. Copies of the notice shall also be forwarded to the county attorney and then documented in the log by the enforcement officer.

6. Court Summons

If after the date of compliance, and after a visit to the site by the enforcement officer, the site has not been cleaned, the enforcement officer may cause to have issued a summons to the responsible party. The enforcement officer shall document the date of this summons and a copy shall be maintained by the county attorney and the enforcement officer.

7. Final Site Inspection

Following the summons, the enforcement officer will contact the responsible party to assess the situation and attempt to avoid court action. The date of this visit will also be documented in the log by the law enforcement officer.

8 Clean-up and Court Action

At this time, if the site has not been cleaned up, the enforcement process will be handed over to the county attorney to represent the county in court. Fines shall be sought to cover the cost of clean-up, and the administrative cost involved. In-kind labor from the offender, to clean up other illegal dump sites in the county, shall be sought and any other penalties state in the appropriate county ordinances.

Also, at this time, if the site has not been cleaned up by the responsible party, or the county, the county may initiate clean-up through whichever means it deems appropriate and bill the responsible party for the cost through a court order.

9. Evaluation

After the site has been cleaned up, the enforcement officer will monitor the site, and make recommendations to the solid waste coordinator concerning the prevention mechanisms (fencing, posting signs, policing, etc...). These recommendations will be communicated to the property owner.

10. Disposal District Board Report

The enforcement officer shall make a report to the Disposal District Board concerning the status of illegal dump sites.

*This process is a recommended course of action and not a required procedure or policy of the Shelbyville/Shelby County Solid Waste Disposal District Board. Usage of these procedures shall be at the discretion of the District Board.

(Ord. passed 11-10-1992)

' 31.99 PENALTY.

Anyone convicted of violating ' ' 31.15 through 31.19 shall be guilty of a Class A misdemeanor and, in addition being required to pay all taxes and penalties due thereunder, shall be fined not less than \$100 nor more than \$500 and/or imprisoned in the county jail for up to 12 months.

(Ord. 10-16-07, passed 10-16-2012)

CHAPTER 32: EMERGENCY MANAGEMENT

Section

- 32.01 Office of Emergency Management; creation
- 32.02 Emergency Management Director; appointment
- 32.03 Director=s powers and duties
- 32.04 Operating units
- 32.05 Effective date

- 32.99 Penalty

32.01 OFFICE OF EMERGENCY MANAGEMENT; CREATION.

(A) There is hereby created the Shelby County Office of Emergency Management, in accordance with the provisions of KRS 39B.010, which shall serve in the interest of public safety within the territorial boundaries of Shelby County.

(B) The Shelby County Office of Emergency Management shall develop, implement, and maintain the local comprehensive emergency management program for Shelby County in accordance with the provisions KRS Chapters 39A to 39F, the comprehensive emergency management program requirements of the state Division of Emergency Management, the provisions of the Kentucky Emergency Operations Plan, administrative regulations promulgated by the state Division of Emergency Management, and the resolutions, orders or ordinances of the Fiscal Court of Shelby County.

(C) The Shelby County Office of Emergency Management shall be an organization unit of county government attached to the Office of County Judge/Executive and shall have primary jurisdiction, responsibility, and authority for all matters pertaining to the comprehensive emergency management program of Shelby County.

(D) The Shelby County Office of Emergency Management shall meet all requirements for a local emergency management agency as specified in KRS Chapters 39A to 39F, and shall serve as the executive branch of the Shelby County Disaster and Emergency Services organization established pursuant to KRS 39B.050.

(E) The Shelby County Judge/Executive shall designate, prepare, and include a separate Office of Emergency Management budget unit classification within each annual fiscal year Shelby County budget, and all financial matters of the Shelby County Office of Emergency Management shall be handled through the County Treasury and uniform budget system.

(Ord. 11-5-06, passed 11-5-2002)

‘ **32.02 EMERGENCY MANAGEMENT DIRECTOR; APPOINTMENT.**

(A) The County Judge/Executive, within 30 days of assuming office, shall appoint a Shelby County Emergency Management Director in accordance with the provisions of KRS 39B.020, and shall immediately notify the state Division of Emergency Management of the appointment.

(B) The Shelby County Emergency Management director, appointed pursuant to this section, shall be sworn by oath to the office of Emergency Management Director immediately upon appointment, and shall serve at the pleasure of the County Judge/Executive, but shall serve no longer than 4 consecutive years without reappointment and, as a minimum, shall meet all the qualification requirements as specified in KRS 39B.020.

(Ord. 11-5-06, passed 11-5-2002)

‘ **32.03 DIRECTOR=S POWERS AND DUTIES.**

The Shelby County Emergency Management Director shall have and exercise all the powers, authorities, rights, and duties as specified in, or referenced in KRS 39B.030, and in the orders or ordinances of the Fiscal Court of Shelby County, to include the following:

(A) To represent the County Judge/Executive on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of Shelby County;

(B) To be the executive head of, and chief administrative officer of, the Shelby County Office of Emergency Management and direct, control, supervise, and manage the development, preparation, organization, administration, operation, implementation, and maintenance of the comprehensive emergency management program of Shelby County;

(C) To develop, update, and maintain the Shelby County Emergency Operations Plan in compliance with the provisions of KRS 39B.030(3);

(D) To establish and maintain the Shelby County Disaster and Emergency Services organization in accordance with the provisions of the Shelby County Emergency Operations Plan, the Kentucky Emergency Operations Plan, and the provisions of KRS 39B.050;

(E) To notify the County Judge/Executive and the state Division of Emergency Management immediately of the occurrence, or threatened or impending occurrence, of any emergency, declared emergency, disaster, or catastrophic incident or situation, and provide in the notice an assessment of possible or actual damages or threats to life, health, safety, property, or the environment, and recommend any emergency actions or orders which should be executed;

(F) To be the chief advisor to, and the primary on-scene representative of, the County Judge/Executive in the event of any emergency, declared emergency, disaster, or catastrophe within Shelby County in a coordinating capacity;

(G) To respond and have full access to the scenes of an emergency, declared emergency, disaster, or catastrophe and immediately investigate, analyze, or assess the nature, scope, or seriousness of all situations; coordinate the establishment and operation of an incident command or management system; execute the provisions of the Shelby County Emergency Operations Plan; activate the Shelby County Emergency Operations Center or on-scene command post; convene meetings, gather information, and conduct briefings; notify the County Judge/Executive and the state Division of Emergency Management immediately of the nature, scope or seriousness of an emergency situation and provide information on all on-going response actions being taken in association with the incident; provide any assistance requested, as deemed necessary or appropriate; and take any actions to fully expedite and coordinate the local disaster and emergency response as specified in the Shelby County Emergency Operations Plan;

(H) To take or direct immediate actions to protect public safety at the direction of the County Judge/Executive during any declared emergency or disaster;

(I) To act as an official representative of the state Division of Emergency Management when specifically requested by the State Director;

(J) To report directly to the County Judge/Executive and act in an official policy-making capacity when carrying out all duties of Emergency Management Director;

(K) To have full signatory authority for execution of all contracts, agreements, or other official documents pertaining to the administration, organization, and operation of the Shelby County Office of Emergency Management and the local comprehensive emergency management program;

(L) To direct all paid or volunteer employees, staff assistants, or other workers of the Shelby County Office of Emergency Management, and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the Shelby County Disaster and Emergency Services organization pursuant to the provisions of KRS 39B.070;

(M) To prepare and submit regular or scheduled program activity reports to the area manager of the state Division of Emergency Management and the County Judge/Executive;

(N) To execute bond in the amount as determined by the County Judge/Executive, when directed by the County Judge/Executive;

(O) To prepare and submit to the County Judge/Executive, on an annual basis by the first day of March, a program and agency budget request for the Shelby County Office of Emergency Management;

(P) To prepare and submit to the state Division of Emergency Management, on an annual basis by July 15, a fiscal year program paper and budget request for the Shelby County Office of Emergency Management;

(Q) To enroll and be a registered member of the Kentucky Emergency Management Association;

(R) To perform the duties of, or appoint with the approval of the Shelby County Fiscal Court, the local Search and Rescue Coordinator pursuant to the provisions of KRS 39F.200; and

(S) To perform all executive, administrative, organizational, or operational duties and tasks required pursuant to KRS Chapters 39A to 39F, Kentucky administrative regulations, the Kentucky Emergency Operations Plan, or program guidance issued by the state Division of Emergency Management; and to carry out all other emergency management-related duties as required by the resolutions, orders, or ordinances of the Shelby County Fiscal Court, the executive orders of the County Judge/Executive, and the provisions of the Shelby County Emergency Operations Plan.
(Ord. 11-5-06, passed 11-5-2002)

32.04 OPERATING UNITS.

(A) Pursuant to KRS 39B.070(3), the following entities shall constitute the Emergency Management agency supervised operating units or personnel within the Shelby County D.E.S. organization, pursuant to KRS 39B.050(1)(c):

- (1) Rescue Squad;
- (2) Urban Search and Rescue Team;
- (3) Dive Rescue and Recovery Team;
- (4) Search Dog Team;
- (5) Weather Spotters;
- (6) Auxiliary Police;
- (7) Communications;

- (8) Public Information;
- (9) Alerting and Warning;
- (10) Radiological Protection;
- (11) Administrative;
- (12) Emergency Operations Center Staff;
- (13) Social Services; and
- (14) WMD/Hazardous Material Response Team;

(B) The operating units listed above in divisions (A) (1), (2), (3), (4), (5), (6), (13), and (14), shall:

- (1) Develop written bylaws to specify, as a minimum:
 - (a) The mission of the operating unit;
 - (b) The appointment of officers;
 - (c) Financial accounting procedures;
 - (d) Property accountability;
 - (e) Membership requirements and record keeping; and
 - (f) Training requirements.

(2) Develop written standard operating procedures that specify, as a minimum:

- (a) Direction and control or incident command system procedures;
- (b) Notification and call-out procedures; and

(c) Procedures for all operations and response activities of the operating unit consistent with the mission statement.

(Ord. 11-5-06, passed 11-5-2002)

' 32.05 EFFECTIVE DATE.

The provisions of this chapter are severable and if any provisions shall be held invalid or unconstitutional or inapplicable to any person or circumstance, the invalidity, unconstitutionality, or inapplicability shall not affect or impair the remaining provision of this chapter. This chapter shall be in full force and effect from and after its approval, adoption and publication, and all ordinances or parts of ordinances in conflict herewith are hereby repealed and held for naught.

(Ord. 11-5-06, passed 11-5-2002)

' 32.99 PENALTY.

Any person violating any of the provisions of this chapter, or any lawful orders, rules or regulations promulgated pursuant to it, upon conviction shall be guilty of a Class A misdemeanor. Violators of this chapter may be issued a citation by the Sheriff of Shelby County or by a duly authorized official.

(Ord. 11-5-06, passed 11-5-2002)

CHAPTER 33: FEES

Section

County Detention Center

- 33.01 Policy
- 33.02 Definitions
- 33.03 Administrative processing; booking fee
- 33.04 Housing reimbursement fee
- 33.05 Medical and dental expenses
- 33.06 Reimbursement for county property
- 33.07 Collection of fees

County Courthouse

- 33.20 Fees and costs for payment of expenses
Appendix A: Negotiated billing statement agreement

COUNTY DETENTION CENTER

33.01 POLICY.

KRS Chapter 441 provides for reimbursement for expenses incurred by reason of the prisoner=s confinement.

(Ord. 8-14-04, passed 8-14-2000)

33.02 DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

ADMINISTRATIVE PROCESSING/BOOKING FEE. Twenty dollar fee assessed to each prisoner to help defray the cost of intake processing and release.

BILLING STATEMENT. A written statement given to the prisoner upon his or her release from confinement detailing all charges and payments assessed to the prisoner=s account.

INDIGENT PRISONER. A prisoner confirmed to have insufficient resources necessary to provide for his or her basic needs as determined by the Shelby County Detention Center.

MEDICAL AND DENTAL EXPENSES. The actual cost incurred for medical attention outside the Shelby County Detention Center.

NURSE VISIT CO-PAY. A prisoner that is seen by the staff nurse. A \$3 charge shall be assessed on the prisoner=s account.

OTC MEDICATIONS. Over the Counter Medications (non-prescription) available from the medical department or for purchase through commissary.

PRESCRIPTION FEE. The actual cost incurred for each prescription.

PRESCRIPTION HANDLING FEE. In the event that a prisoner brings with him or her, or is prescribed while here, a prescription, there shall be a \$5 handling fee assessed for each prescription and subsequent refill. This charge is not for the medication, but for the staff time of recording and administering the medication for the prisoner.
(Ord. 8-14-04, passed 8-14-2000)

33.03 ADMINISTRATIVE PROCESSING; BOOKING FEE.

(A) *Policy.* KRS Chapter 441 provides for reimbursement, including but not limited to an Administrative Processing/Booking Fee. Accordingly, the Shelby County Detention Center shall impose an Administrative Processing/Booking Fee of \$20 to all persons booked into the Shelby County Detention Center. This service fee shall be imposed on all individuals who are processed and released (bond, recognizance, and the like), as well as those persons who have been admitted to the jail. This fee shall be in addition to any other fees, payments and/or penalties in accordance with the Reimbursement Policy and/or fines imposed by the court system.

(B) *Procedure.*

(1) *Admittance.* Upon entering the Shelby County Detention Center, all persons, except those the Department of Corrections is financially responsible for housing at the time of booking, shall be charged a \$20 Administrative Processing/Booking Fee.

(2) *Notification.* The Administrative Processing/Booking Fee shall be made part of the posted rules and regulations.

(3) *Application of fee.* The prisoner=s account shall be charged \$20 at the time of intake.

(4) *Collection of fee.* Any available funds in the prisoner=s account shall be used to pay any outstanding balance owed to the Shelby County Detention Center prior to release of the funds for any other purpose except ' 33.03(5).

(5) *Prisoner posting bond.* A prisoner may use funds in his or her account in order to post bond. The current Administrative Processing/Booking Fee shall be collected prior to releasing funds for bonding.

(6) *Negative prisoner account balance.* In the event that there are not sufficient funds in the prisoner=s account, a negative balance shall be placed in their account. The negative amount shall be deducted if/when deposits are made to the prisoner=s account. This negative balance shall be maintained in the prisoner=s account.

(7) *Budget.* All monies received from the Administrative Processing/Booking Fee shall be sent to the County Treasurer for placement in the jail=s budget.
(Ord. 8-14-04, passed 8-14-2000)

' 33.04 HOUSING REIMBURSEMENT FEE.

(A) *Policy.* KRS Chapter 441 provides for reimbursement, including but not limited to, per diem for room and board not to exceed \$50 per day for the entire time of their incarceration.

(B) *Procedure.*

(1) *Admittance.* Upon entering the Shelby County Detention Center, all persons, except those the Department of Corrections is financially responsible for housing, shall be assessed a per diem for room and board of \$20 per day.

(2) *Notification.* The Housing Reimbursement Fee shall be made part of the posted rules and regulations.

(3) *Application of fee.* The prisoner=s account shall be assessed a per diem fee.

(4) *Collection of fee.* Any available funds in the prisoner=s account shall be used to pay any outstanding balance owed to the Shelby County Detention Center prior to release of the funds for any other purpose, except ' 34.04(5).

(5) *Prisoner posting bond.* A prisoner may use funds in his or her account in order to post bond. The current Housing Reimbursement Fee shall be collected prior to releasing funds for bonding.

(6) *Negative prisoner account balance.* In the event that there are not sufficient funds in the prisoner=s account, a negative balance shall be placed in their account. The negative amount shall be deducted if/when deposits are made to the prisoner=s account. This negative balance shall be maintained in the prisoner=s account for an indefinite period of time in the event of re-incarceration.

(7) *Exempt prisoners.* No per diem shall be charged to any prisoner who is required to pay a work-release fee pursuant to KRS 439.179, a prisoner that has been ordered to pay a reimbursement fee by the court pursuant to KRS 534.045, or that the Department of Corrections is financially responsible for housing

(8) *Budget.* All monies received from the Housing Reimbursement Fee shall be sent to the County Treasurer for placement in the jail=s budget.
(Ord. 8-14-04, passed 8-14-2000)

33.05 MEDICAL AND DENTAL EXPENSES.

(A) *Policy.* KRS Chapter 441 provides for the collection of actual medical and dental expenses.

(B) *Procedure.*

(1) *Medical/Dental expenses.* Any medical and/or dental expense incurred by a prisoner in the Shelby County Detention Center shall be charged to the prisoner=s account.

(2) *Medication.* Any prescribed or over the counter medications shall be charged to the prisoner=s account.

(3) *Assessment to prisoner account.* The actual cost of service received by the prisoner shall be charged to the prisoner=s account.

(4) *Prisoners without necessary funds.* No prisoner shall be denied medical care or medication based upon his or her ability to pay.

(5) *Right of refusal of treatment.* The prisoner retains the right to refuse medical care and/or treatment unless determined by the medical personnel that the delay in treatment cannot be postponed until after the period of confinement without hazard to the life or health of the prisoner.

(6) *Services not requiring medical pay:*

(a) Health Appraisal;

(b) In-House Mental Health Services; and

(c) Drug & Alcohol Programs (AA/NA).

(7) *Exempt prisoner.* A prisoner for which the Department of Corrections is financially responsible for housing shall be exempt from payment of medical services provided them, except for the Nurse Visit Co-Pay pursuant to KRS 441.045

(8) *Negative prisoner account balance.* In the event that there are not sufficient funds in the prisoner=s account, a negative balance shall be assessed to the prisoner=s account. The negative amount shall be deducted if/when deposits are made to the prisoner=s account. This negative balance shall be maintained in the prisoner=s account for an indefinite period of time in the event of re-incarceration.

(9) *Budget.* All monies received from the Medical and Dental Expense reimbursement shall be sent to the County Treasurer for placement in the jail=s budget.
(Ord. 8-14-04, passed 8-14-2000)

33.06 REIMBURSEMENT FOR COUNTY PROPERTY.

(A) *Policy.* KRS Chapter 441 provides for the collection of restitution for damage to Shelby County Detention Center property. A Negotiated Billing Statement Agreement to be used is attached at the end of this chapter as Appendix A.

(B) *Procedure.*

(1) *Abused/misused property.* Prisoner(s) who have been found to have abused or misused county property shall be responsible for restitution for any damage. A supervisor must approve the prisoner=s account being charged.

(2) *Restitution amount.* The amount of restitution shall be limited to the actual cost of repair and/or replacement and a reasonable administrative fee for the time associated with the repair and/or replacement.

(3) *Negative prisoner account balance.* In the event that there are not sufficient funds in the prisoner=s account, a negative balance shall be placed in their account. The negative amount shall be deducted if/when deposits are made to the prisoner=s account. This negative balance shall be maintained in the prisoner=s account for an indefinite period of time in the event of re-incarceration.

(4) *Budget.* All monies received from the restitution for damage to property shall be sent to the County Treasurer for placement in the jail=s budget.
(Ord. 8-14-04, passed 8-14-2000)

33.07 COLLECTION OF FEES.

(A) *Policy.* The prisoner shall pay in full the balance due on the billing statement at time of release or participate in a reimbursement plan pursuant to KRS Chapter 441.

(B) *Procedure.*

(1) *Fees owed by prisoners.* Upon release, jailer or his or her designee, shall collect from prisoner all fees due.

(2) *Reimbursement plan.* In the event prisoner is unable to pay the entire amount owed upon release or there exists circumstances justifying a modification of the fees presently assessed, jailer or his or her designee may work with the prisoner to develop a reimbursement plan to be implemented upon the prisoner=s release.

(3) *Negotiated billing statement agreement.* The reimbursement plan shall be set out in the Negotiated Billing Statement. If the prisoner chooses to participate in a negotiated billing agreement with the jailer or his or her designee, the terms of the agreement shall be set forth in a Negotiated Billing Statement Agreement signed by all parties.

(4) *Contract with outside agencies.* The Fiscal Court, upon the advice of the jailer, may contract with 1 or more public agencies or private vendors to perform billing and/or collection of outstanding account balances. The jailer or his or her designee may report unpaid prisoner accounts to the collection agencies.

(5) *Civil action taken against released prisoner.* After the date of the prisoner=s release from confinement, the county attorney, jailer, or jailer=s designee, may file a civil action to seek reimbursement from the prisoner for any amount owed which remains unpaid.

(Ord. 8-14-04, passed 8-14-2000)

*COUNTY COURTHOUSE***33.20 FEES AND COSTS FOR PAYMENT OF EXPENSES.**

(A) The following fees and costs in circuit and district court in civil and criminal cases are assessed for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof:

- (1) A fee of \$25 is added to filing fees in civil cases in Circuit Court;
- (2) A cost of \$25 is added to the court costs a defendant is required to pay in criminal cases in Circuit Court;
- (3) A fee of \$25 is added to filing fees in civil cases appealed from Circuit Court to the Court of Appeals;
- (4) A cost of \$10 is added to the court costs for each traffic offense in District Court;
- (5) A cost of \$20 is added to the court costs a defendant is required to pay in misdemeanor cases in District Court;
- (6) A fee of \$10 is added to filing fees in small claims cases in District Court;
- (7) A fee of \$10 is added to filing fees in civil cases in District Court; and
- (8) A fee of \$10 is added to filing fees in probate cases in District Court.

(B) The following fees are assessed on subpoena and civil summons service by the local sheriff for the purpose of paying expenses for courthouses, bonds related to them, and administration thereof:

- (1) A fee of \$10 is added to the fees normally charged by the local sheriff to the person requesting service of a subpoena; and
- (2) A fee of \$10 is added to the fees normally charged by the local sheriff to the person requesting service of a civil summons.

(C) The Shelby County Sheriff shall not later than monthly remit to the Shelby Fiscal Court all fees collected pursuant to this section.

(D) All fees and costs collected by the Shelby County Circuit Clerk shall be forwarded to the Commonwealth of Kentucky, Finance and Administration Cabinet not later than monthly for remittance to the Shelby County Fiscal Court

(Ord. 6-4-03, passed 6-4-2002; Am. Ord. 08-07-04, passed 8-7-2012)

APPENDIX A: NEGOTIATED BILLING STATEMENT AGREEMENT

THIS NEGOTIATED BILLING STATEMENT AGREEMENT made and entered into on this the _____ day of _____, 200__, by and between the Shelby County Jailer, hereinafter referred to as AJAILER@ _____ and SSN# _____, herein referred to as ADETAINEE@.

WHEREAS, JAILER will provide KRS Chapter 441 and Shelby County Detention Center policy to DETAINEE for review, upon DETAINEE=S request, and

WHEREAS, DETAINEE is unable to pay the fees set forth in the billing statement presented to DETAINEE by JAILER, a copy of billing statement is attached hereto and marked Exhibit AA@, and

WHEREAS, DETAINEE and JAILER have negotiated a means of DETAINEE satisfying the charges due on the billing statement.

NOW THEREFORE, in consideration of the foregoing premises, the receipt of all of which is hereby acknowledged, the JAILER and DETAINEE agree as follows:

- (1) DETAINEE shall pay the total sum of \$ _____ in satisfaction of the fees set forth in the billing statement.
- (2) DETAINEE shall pay said sum to JAILER within twelve (12) months of date by paying monthly payments of \$ _____ payable to the Shelby County Detention Center and mailed, or presented to JAILER at 1000 Detention Road, Shelbyville, Kentucky 40065.
- (3) Each monthly payment is due and payable on the first day of the month commencing the month of _____ until satisfied in full.

This the _____ of _____, 200__.

JAILER

DETAINEE

(Ord. 8-14-04, passed 8-14-2000)

