

CHAPTER 31: COUNTY ORGANIZATIONS

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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

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.

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)

