

THE CITY OF PARK HILLS, KENTUCKY
ORDINANCE NO. 5, 2012

AN ORDINANCE: (I) AMENDING CHAPTER 54 OF THE PARK HILLS CODE OF ORDINANCES AND UNDERLYING ORDINANCE NO. 16, 2008; (II) SUBJECT TO RATIFICATION BY THE VOTERS OF PARK HILLS, REDUCING PERMANENTLY THE ANNUAL LEVY OF A PREVIOUSLY-ENACTED SPECIAL *AD VALOREM* TAX PROVIDING FUNDING FOR THE MAINTENANCE, REPAIR, OVERLAY, AND REPLACEMENT OF PUBLIC STREETS AND ROADS WITHIN PARK HILLS FROM THE RATE OF \$2.35 ON EACH ONE THOUSAND DOLLARS (\$1,000.00) OF ASSESSED VALUATION UPON ALL TAXABLE PROPERTY WITHIN PARK HILLS, KENTUCKY, TO \$1.55 ON EACH ONE THOUSAND DOLLARS (\$1,000.00) OF ASSESSED VALUE UPON SAID TAXABLE PROPERTY COMMENCING FISCAL YEAR 2013-2014; (III) SUBJECT TO RATIFICATION BY THE VOTERS OF PARK HILLS, REPEALING THE LEVY OF A SPECIAL *AD VALOREM* TAX ANNUALLY AT THE RATE OF \$.80 ON EACH ONE THOUSAND DOLLARS (\$1,000.00) OF ASSESSED VALUATION UPON SAID TAXABLE PROPERTY WITHIN PARK HILLS FOR THE FUNDING FOR THE ACQUISITION OF A FIRE TRUCK AND FOR COMMUNITY DEVELOPMENT AND PROPERTY ACQUISITION AT THE CONCLUSION OF FISCAL YEAR 2012-2013; (IV) SUBJECT TO RATIFICATION BY THE VOTERS OF PARK HILLS, TRANSFERRING ALL FUNDS WITHIN THE ACQUISITION FUND AT THE CONCLUSION OF FISCAL YEAR 2012-2013 TO THE STREET REPAIR FUND; (V) PLACING THE CHANGES IN THE LEVY OF THE SPECIAL *AD VALOREM* TAXES HEREIN ON THE BALLOT FOR THE NOVEMBER 2012 GENERAL ELECTION FOR THE VOTERS OF PARK HILLS TO RATIFY; AND (VI) AUTHORIZING PUBLICATION OF THIS ORDINANCE IN SUMMARY

BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY as follows:

Section 1. Except as conditioned at Section 2 of this Chapter, that Chapter 54 of the Park Hills Code of Ordinances, entitled *Road Maintenance Tax and Tax for Fire Truck Purchase and For Community Development and Acquisition*, be, and it is, amended to: (i) reduce permanently the annual levy of the special *ad valorem* tax provided for therein for road maintenance, repair, overlay, and replacement from the rate of \$2.35 to \$1.55 on each \$1,000.00 of assessed valuation on all taxable property within Park Hills commencing in fiscal year 2013-2014, and (ii) repeal permanently the levy of a special *ad valorem* tax annually at the rate of \$.80 on each one thousand dollars (\$1,000.00) of assessed valuation upon said taxable property within Park Hills for the funding for the acquisition of a fire truck and for community development and property acquisition commencing fiscal year 2013-2014, (iii) transfer any proceeds in the Acquisition Fund at the end of fiscal year 2012-2013 to the Street Repair Fund, and (iv) as otherwise provided below, as follows:

**CHAPTER 54: ROAD MAINTENANCE TAX AND TAX FOR
FIRE TRUCK PURCHASE AND FOR COMMUNITY
DEVELOPMENT AND PROPERTY ACQUISITION**

Section

- 54.01 Special ad valorem taxes
- 54.02 Collection
- 54.03 Street Repair Fund; Acquisition Fund
- 54.04 Applications
- 54.05 Reductions
- 54.06 Severability

54.01 SPECIAL AD VALOREM TAXES.

(A) In order that the City of Park Hills may provide funding for a project described and identified as the maintenance, repair, overlay, and replacement of public streets and roads in the City, which have been accepted by the City for maintenance, and including the widening thereof and the repair, maintenance, and addition of curbs, gutters, and catch basins, commencing in the fiscal year 1996-1997 and continuing during each fiscal year thereafter, except as reduced within this section (the "Project"), there is hereby levied a special ad valorem tax annually at the rate of \$2.35 on each One Thousand Dollars (\$1,000.00) of assessed valuation on all taxable real property within the City, which tax is deemed and found by the Council of the City to be sufficient to defray the cost of the Project. The tax for the fiscal year 1996-1997 shall be based upon the assessed valuation of all taxable real property within the City as of January 1, 1996, and in all succeeding fiscal years the tax shall be based upon the assessed valuation of all taxable property within the City as of the January 1 immediately preceding the fiscal year. Provided, however, notwithstanding anything to the contrary within this section, the annual rate of levy of said special ad valorem tax for fiscal year 2009-2010 and continuing during each fiscal year thereafter ~~years 2009-2010, 2010-2011, 2011-2012, 2012-2013, and 2013-2014~~ only shall be \$1.55 on each One Thousand Dollars (\$1,000.00) of assessed valuation on all taxable property within the City.

(B) In order that the City may provide funding for a project described and identified as the acquisition of a fire truck for the Park Hills Fire Department and for community development and the acquisition of real properties with the City, commencing in fiscal year 2009-2010 and continuing during fiscal years 2010-2011, 2011-2012, and 2012-2013, ~~and 2013-2014~~ only (the "Acquisition Project"), there is hereby levied a special ad valorem tax annually at the rate of \$.80 on each One Thousand Dollars (\$1,000.00) of assessed valuation on all taxable property within the City, which tax is deemed and found by the County of the City to be sufficient to

defray the cost of the Acquisition Project. The tax for the fiscal year 2009-2010 shall be based upon the assessed valuation of all taxable property within the City as of January 1, 2009, and in the other three ~~four~~ fiscal years the tax shall be based upon the assessed valuation of all taxable property within the City as of the January 1st immediately preceding the fiscal year. The special ad valorem tax imposed within this section shall expire and lapse at the end of fiscal year 2012-2013.

54.02 COLLECTION.

The tax revenues generated by the special ad valorem taxes shall be in addition to other taxes imposed by the City and shall be used solely for the Project and the Acquisition Project. The special ad valorem taxes shall be due at the same time and be collected in the same manner, from time to time in effect, as are other ad valorem taxes levied by the City, and taxes not paid shall be subject to the same interest, penalty, costs of collection expenses, and attorney's fees from time to time in effect, as are other ad valorem taxes levied by the City.

54.03 STREET REPAIR FUND; ACQUISITION FUND.

(A) There is hereby created a separate fund to be known as the "Street Repair Fund" into which shall be transferred and set aside the proceeds of the special ad valorem tax for the Project. All proceeds of the Street Repair Fund shall be kept apart from other funds of the City and shall be accounted for separately. The proceeds in the Street Repair Fund shall be invested in accordance with applicable law, and all income derived therefrom shall be carried to the credit of the Street Repair Fund and shall become a part of the proceeds of said Fund. The proceeds constituting the Street Repair Fund shall not be disbursed, expended, pledged, encumbered, or transferred by any use or purpose other than provided by this section. Any proceeds remaining in the Street Repair Fund at the end of any fiscal year shall remain in said Fund and be carried over to the succeeding fiscal year for use as provided by this section.

(B) There is hereby created a separate fund to be known as the "Acquisition Fund" into which shall be transferred and set aside the proceeds of the special ad valorem tax for the Acquisition Project. All proceeds of the Acquisition Fund shall be kept apart from other funds of the City and shall be accounted for separately. The proceeds in the Acquisition Fund shall be invested in accordance with applicable law, and all income derived therefrom shall be carried to the credit of the Acquisition Fund and shall become a part of the proceeds of said Fund. The proceeds constituting the Acquisition Fund shall not be disbursed, expended, pledged, encumbered, or transferred by any use or purpose other than provided by this section. Any proceeds remaining in the Acquisition Fund at the end of any fiscal year shall remain in said Fund

and be carried over to the succeeding fiscal year for use as provided by this section. Any proceeds remaining in the Acquisition Fund at the conclusion of fiscal year 2012-2013 shall be transferred to the Street Repair Fund.

54.04 APPLICATIONS.

To the extent permitted under and in accordance with the Constitution of the Commonwealth of Kentucky and other applicable laws and regulations, proceeds anticipated to be derived, and the proceeds held in the Street Repair Fund and the Acquisition Fund so derived, respectively from the special ad valorem taxes levied hereunder may be pledged, encumbered, and/or expended to pay the principal and interest on any indebtedness incurred, including bonds issued, by the City to carry out and perform the Project or the Acquisition Project, respectively.

54.05 REDUCTIONS.

In any fiscal year in which the Council of the City determines that the full amount of the special ad valorem taxes levied hereunder are not necessary to fund the Project or the Acquisition Project, respectively, the City may by ordinance in any fiscal year reduce the rate of the special ad valorem tax or taxes, as applicable, for such year below the amount set forth herein. In any fiscal year following the fiscal year for which the special ad valorem tax rate or rates may have been reduced by ordinance, the special ad valorem tax rate or rates shall revert to the maximum amounts as set forth in this Chapter unless reduced for such subsequent year by ordinance. Notwithstanding anything in this Chapter to the contrary, the special ad valorem tax levied under Section 54.01(B) shall cease at the end of fiscal year 2012-2013 ~~2013-2014~~.

54.06 SEVERABILITY.

~~(A) — Except as provided at subsection (B) of this Section, it shall be considered that it~~ It is the intent of Council of the City in amending ~~enacting~~ this Chapter that if any amendment to part ~~of~~ this Chapter is held unconstitutional or invalid, the remaining parts shall remain in force, unless the remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that Council would not have enacted the remaining parts without the unconstitutional part, or unless the remaining parts, standing alone, are incomplete and incapable of being executed in accordance with the intent of Council.

~~(B) — If either the special ad valorem tax levied under Section 54.01(B), the Acquisition Project, or the Acquisition Fund is held unconstitutional or invalid, then: (i) they shall not take effect, (ii) the~~

~~annual rate of levy of the special ad valorem tax at Section 54.01(A) for fiscal years 2009-2010, 2010-2011, 2011-2012, 2012-2013, and 2013-2014 shall remain \$2.35 on each One Thousand Dollars (\$1,000.00) of assessed valuation on all taxable property within the City, and (iii) all funds held in the Acquisition Fund shall be transferred into the Street Repair Fund.~~

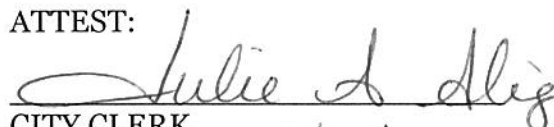
Section 2. This Ordinance shall be effective upon passage, publication according to law, and ratification by the voters of Park Hills during the general election in November 2012. This Ordinance shall be published in summary pursuant to KRS §83A.060 and other applicable law. The permanent reduction of the special *ad valorem* tax at Section 54.01(A) from the rate of \$2.35 on each \$1,000.00 of assessed valuation to the rate of \$1.55 on each \$1,000.00 of assessed valuation; the repeal of the special *ad valorem* tax at Section 54.01(B) of the rate of \$.80 on each \$1,000.00 of assessed valuation for fiscal year 2013-2014; and the transfer of the balance in the Acquisition Fund to the Street Repair Fund at the end of fiscal year 2012-2013 shall be submitted for ratification by the voters of Park Hills during the general election to be held in November 2012. The following issue shall be submitted to the voters, or in such form as approved and authorized by the Kenton County Clerk, after consultation with the Kenton County Attorney:

Are you in favor of the action taken by the City Council of The City of Park Hills, Kentucky to: (i) reduce permanently the existing road tax from the rate of \$2.35 on each \$1,000.00 of assessed valuation to \$1.55 on each \$1,000.00 of assessed valuation beginning in fiscal year 2013-2014, (ii) repeal the existing tax for the acquisition of a fire truck and for community development and property acquisition for fiscal year 2013-2014 of the rate of \$.80 per \$1,000.00 of assessed value, and (iii) transfer any balance in the fund for the acquisition of a fire truck and community development and property acquisition at the end of fiscal year 2012-2013 to the street repair fund.

Section 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.


Don Catchen, Mayor

ATTEST:


CITY CLERK
First Reading: 2/13/12
Second Reading: 3/12/12
Passed: 3/12/12

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