

PULASKI COUNTY FISCAL COURT
ORDINANCE NO: 310.4

OPEN-BURNING BAN ORDINANCE

BE IT ORDAINED BY THE FISCAL COURT OF PULASKI COUNTY:

SECTION 1:

Whenever the Division of Forestry of the Commonwealth of Kentucky notifies the County Judge Executive of Pulaski County that an extraordinary fire hazard exist in Pulaski County as determined by the National Fire Danger Rating System and Fire Occurrence, the County Judge Executive may proclaim such condition to exist in Pulaski County.

SECTION 2:

No person shall, except as hereinafter provided in Section 2, when a proclamation as provided for in Section 1 has been issued, light or maintain an open fire at any location in Pulaski County while such proclamation is in effect. Any person violating this section shall be subject to the fines and penalties hereinafter provided.

SECTION 3:

Upon request, the County Judge Executive, in his discretion, may grant permission to individuals to burn in situations involving emergency, health or extraordinary circumstances, provided the nearest local fire department has been notified and on standby status. The County Judge Executive may require such other safety measures he deems necessary to insure a controlled burn.


SECTION 4:

Notice of the proclamation provided in Section 1 shall be published in the newspaper of largest bona fide circulation in Pulaski County and made public using other available news media.


SECTION 5:

A person who violates this ordinance may be fined the sum of Fifty to Five Hundred Dollars (\$50.00 to \$500.00) for each offense of this ordinance.

PULASKI COUNTY FISCAL COURT


DARRELL BESHEARS
PULASKI COUNTY JUDGE EXECUTIVE

ATTEST:


WILLARD HANSFORD
PULASKI COUNTY COURT CLERK

FLOOD INSURANCE ORDINANCE

WHEREAS, Pulaski County wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 1910.3(b) of the Federal Insurance Administration regulations.

NOW, THEREFORE, the following measures shall be required within Zone A of the Flood Hazard Boundary Map issued by the Federal Insurance Administration for this community.

Section 1 Permit Requirements

No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate permit for each building or structure from the designated responsible person.

No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the designated responsible person for each change.

No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the designated responsible person.

Section 2 Application

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the designated responsible person before the issuance of a permit will be considered.

Section 3 Review of Applications

The DES Coordinator, hereinafter referred to as the responsible person, is appointed as the "person" responsible for receiving applications and examining the plans and specifications for the proposed construction or development.

After reviewing the application, the responsible person shall require any additional measures which are necessary to meet the minimum requirements of this document.

Section 4 The responsible person shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Section 5 The responsible person shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall: (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage and (iii) be constructed by methods and practices that minimize flood damage;

Section 6 The responsible person shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood prone area, (iii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (ii) adequate drainage is provided to reduce exposure to flood hazards;

Section 7 The responsible person shall require within flood prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

Section 8 The responsible person shall require within flood prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

Section 9 The responsible person shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

Section 10 The responsible person shall obtain, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, until such other data has been provided by the Administrator, as criteria for requiring that (i) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level and (ii) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level;

Section 11 For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FHB, the responsible person shall (i) obtain, or require the applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, (ii) obtain, or require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) maintain a record of all such information.

Section 12 The responsible person shall notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration;

Section 13 The responsible person shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

Section 14 The responsible person shall require that all mobile homes to be placed within Zone A on the community's Flood Hazard Boundary Map shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side; (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (iv) any additions to the mobile home be similarly anchored;

Section 15 The Flood Hazard Boundary Map issued by the Federal Insurance Administration for this community, dated* with panel, Numbers* and any officially published revisions to this map, is adopted as the official map for the enforcement of this document. Zone A on this map delineates the area within which the requirements of this document will be enforced.

Section 16 DEFINITIONS. Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood plain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flood").

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

"Mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes but it is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7(a)).

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Structure" means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief by a community from the terms of a flood plain management regulation.

Adoption Date: 16th day of May, 1984

Certification: William D. Sanford

John W. Garner
County Judge/Executive: John W. Garner

ORDER
PULASKI FISCAL COURT

This order replaces Pulaski Fiscal Court order dated 1st August 1979 and shall become effective January 1, 1985.

AN ORDER IMPOSING A PREMIUM TAX ON INSURANCE
COMPANIES FOR THE PRIVILEGE OF ENGAGING IN
BUSINESS WITHIN THE COUNTY

BE IT ORDERED BY THE FISCAL COURT OF PULASKI COUNTY:

SECTION 1. As used in this order unless the context requires otherwise:

(1) "County" means all the incorporated and unincorporated area of Pulaski County except the incorporated areas of the City of Somerset and the City of Burnside. Other presently incorporated cities are Ferguson, Science Hill, and Eubank.

(2) "Property" means real and tangible assets. The tax would be collected on insurance policies written for Fire and Allied Perils, Casualty, Automobile and Inland Marine.

(3) "Premium" means any assessment collected by or any payment made to an insurance company for insurance on property or within the county; but "premium" shall not be construed to include any reinsurance premiums paid to or received by any insurance company, premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the workmen's compensation act.

(4) "Insurance Company" means any insurance company or agent doing business in the county-wide area of Pulaski County, including the incorporated portions thereof, that provides insurance on property located in Pulaski County except the incorporated areas of the City of Somerset and the City of Burnside.

SECTION 2. Premium Tax.

(1) On or before the last day of quarter year, every insurance company shall file with the county treasurer a statement of the total amount of direct premiums received during the preceding calendar year for insurance on property or risks located within the county, except the incorporated areas of the City of Somerset and the City of Burnside, less premiums returned to policy holders, premiums on policies not taken, and dividends paid or credited to policy holders.

(2) Upon filing the statement, an insurance company shall pay to the county treasurer a license tax of 3.84 percent of the premiums received less the deductions provided for in subsection (1) of this section; provided, however, that the minimum annual license tax shall be \$5.00.

(3) All premium tax fees due from insurance companies shall be due and payable quarterly on or before the last day in March, June, September, and December and if not paid by this date, the insurance company shall be deemed delinquent and a penalty of 10 percent per annum may be added.

(4) The premium tax fee for insurance companies entering business after the last day in the quarter shall be due and payable at the time of establishing the business and if not paid within ten days shall be deemed delinquent and a penalty of 10 percent may be added.

(5) The county treasurer shall deposit the premium taxes collected pursuant to the provisions of this order in a sinking fund to be designated as the "Pulaski County Fire Protection Sinking Fund". The fund shall be used for fire protection and communication equipment, fire department buildings and salaries, or incidental expenses for maintaining and equipping a fire protection program, or used as security for the sale of revenue bonds commensurate with the above enumerated expenditure.

(6) The Pulaski County Fire Protection Commission shall prepare an annual budget and make all recommendations concerning the disbursements from

the Pulaski County Fire Protection Sinking Fund as provided for in the Pulaski County Fire Protection Plan adopted by the Fiscal Court March 29, 1979.

SECTION 3. Audit of Accounts.

(1) Every insurance company shall make the accounts and books of the company which reflect the premiums taxed under the provisions of this order available to the fiscal court or its representative at the local agent's office, the home office, or the state office of the company; and audits of the accounts and books may be authorized by the fiscal court.

SECTION 4. Penalty.

(1) Any insurance company violating the provisions of this order shall be fined not less than \$50.00 nor more than \$100.00. The fines and court costs shall be accounted for, as directed by Kentucky Statutes and audit cost charged to insurance company in violation.

SECTION 5. All order, resolutions, or parts thereof in conflict with this order are hereby repealed to the extent of the conflict.

SECTION 6. Should any part of this order be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 7. This order shall become effective _____.

Adopted by the Fiscal Court of Pulaski County, Kentucky, at a regular meeting on the _____ day of _____, 1984, and on the same occasion signed in open session by the County Judge/Executive under authority of Pulaski Fiscal Court, attested under seal by the Pulaski County Court Clerk.

First reading: October 10, 1984
Second reading: October 29, 1984

JOHN W. GARNER
PULASKI COUNTY JUDGE/EXECUTIVE

ATTEST:

PULASKI COUNTY CLERK

KOC # 310.1

ORDER

PULASKI FISCAL COURT

Motion by Jones, seconded by Muse.

and all Court in favor, the following license tax on certain insurance premiums in Pulaski County are adopted:

AN ORDER IMPOSING A LICENSE TAX ON FIRE AND CASUALTY
INSURANCE COMPANIES FOR THE PRIVILEGE OF ENGAGING IN
BUSINESS WITHIN THE COUNTY

BE IT ORDERED BY THE FISCAL COURT OF PULASKI COUNTY:

SECTION 1. As used in this order unless the context requires otherwise:

(1) "County" means the unincorporated area of Pulaski County; and

(2) "Premium" means any assessment collected by or any payment made to a fire and casualty insurance company for insurance on property or risks within the county; but "premium" shall not be construed to include any reinsurance premiums paid to or received by any insurance company, premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the workmen's compensation act.

(3) "Insurance company" means any fire and casualty insurance company or agent doing business in the county-wide area of Pulaski County, including the incorporated portions thereof, that provides insurance on property or risks located in the unincorporated areas of Pulaski County.

SECTION 2. License tax.

(1) On or before the last day of February of each year, every insurance company shall file with the county treasurer a statement of the total amount of

direct premiums received during the preceding calendar year for insurance on property or risks located within the county, less premiums returned to policy holders, premiums on policies not taken, and dividends paid or credited to policy holders.

(2) Upon filing the statement, an insurance company shall pay to the county treasurer a license tax of 4.9 per cent of the premiums received less the deductions provided for in subsection (1) of this section; provided, however, that the minimum annual license tax shall be \$5.00.

(3) All license fees due from insurance companies shall be due and payable annually on or before the last day in February, and if not paid by this date, the insurance company shall be deemed delinquent and a penalty of 10 per cent per annum may be added.

(4) The license fee for insurance companies entering business after the last day in February shall be due and payable at the time of establishing the business and if not paid within ten days shall be deemed delinquent and a penalty of 10 per cent may be added.

(5) The county treasurer shall deposit the license taxes collected pursuant to the provisions of this order in a sinking fund to be designated as the "Pulaski County Fire Protection Sinking Fund". The fund shall be used for fire protection equipment, fire department buildings and salaries, or incidental expenses for maintaining and equipping Pulaski County Fire Departments, or used as security for the sale of revenue bonds commensurate with the above enumerated expenditures.

SECTION 3. Audit of Accounts.

(1) Every insurance company shall make the accounts and books of the company which reflect the premiums taxed under the provisions of this order avail-

able to the fiscal court or its representative at the local agent's office, the home office, or the state office of the company; and audits of the accounts and books may be authorized by the fiscal court.

SECTION 4. Penalty.

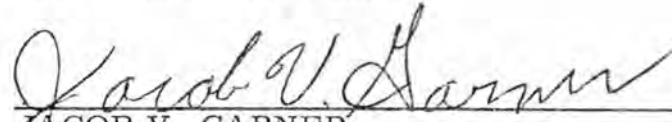
(1) Any insurance company violating the provisions of this order shall be fined not less than \$50.00 nor more than \$100.00. The fines and court costs shall be accounted for, as directed by Kentucky Statutes.

SECTION 5. All orders, resolutions, or parts thereof in conflict with this order are hereby repealed to the extent of the conflict.


SECTION 6. Should any part of this order be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 7. This order shall become effective _____.

Adopted by the Fiscal Court of Pulaski County, Kentucky, at a regular meeting on the 1 day of August, 1979, and on the same occasion signed in open session by the County Judge Executive under authority of Pulaski Fiscal Court, attested under seal by the Pulaski County Court Clerk.


JACOB V. GARNER
PULASKI COUNTY JUDGE EXECUTIVE

ATTEST:


PULASKI COUNTY CLERK

1. TOTAL PREMIUMS	5,848,717.00
PREMIUM TAX 3.84%	224,590.00
INSURANCE COMPANY 30% HANDLING TAX	67,377.00
TAX PAID TO COUNTY 1984	168,223.00
2. PREMIUM TAX 5%	292,435.00
INSURANCE COMPANY 15% HANDLING TAX	43,864.00
TAX TO COUNTY 1985	248,571.00

MEMBERS OF THE FISCAL COURT

The above is a recap of our fire tax collected in 1984 for the 1983 year. The second section is anticipated from the total premiums collected with an increase in premium tax from 3.84% to 5%. This will still give 13% or more savings to our policy holders who did pay on a class 10.

A change in KRS 91A.030 HB4 set the insurance company handling fee at 15% instead of 30% and due and payable quarterly instead of annually. This reduction plus some interest gained by quarterly payments will help.

The County Attorney has this new ordinance.

PRESENT TAX LESS 15% TO Ins Co:
 15% Ins Co. # 33,688.50
 \$ 190,901.50

MAT-Supplies & Ins ²¹²
30,000
 242,000