

City of Smiths Grove, KY Ordinance 09-02 910.00

Warren County Kentucky Fiscal Court Ordinance No. 09-17WC

Interlocal agreement

Effective April 24, 2009

ORDINANCE APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF WARREN AND THE CITY OF SMITHS GROVE ALLOWING WARREN COUNTY CODE ENFORCEMENT BOARD TO HAVE THE POWER TO ISSUE REMEDIAL ORDER AND IMPOSE CIVIL FINES IN SMITHS GROVE.

Bert Higginbotham March 29, 2011

COMMONWEALTH OF KENTUCKY
COUNTY OF WARREN

WARREN FISCAL COURT

ORDINANCE NO. 09-17WC

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**ORDINANCE APPROVING INTERLOCAL AGREEMENT BETWEEN
THE COUNTY OF WARREN AND THE CITY OF SMITHS GROVE –
ALLOWING THE CITY OF SMITHS GROVE TO JOIN THE CODE
ENFORCEMENT BOARD, CREATED BY WARREN FISCAL COURT**

WHEREAS, Warren Fiscal Court has established a Code Enforcement Board for the purposes of providing an equitable, expeditious, effective and inexpensive method of insuring compliance with the Ordinances in full force and effect within Warren County, Kentucky; and,

WHEREAS, KRS 68.8808 (1) allows Warren County to expand the Code Enforcement Board's jurisdiction to include additional cities within Warren County, Kentucky's jurisdiction to protect, promote and impose the safety, health and welfare of the citizens residing in Warren County; and,

WHEREAS, the City of Smiths Grove, Kentucky and the County of Warren, wish to enter into the attached Interlocal Agreement, which is in compliance with KRS 65.210 to 65.3100; and,

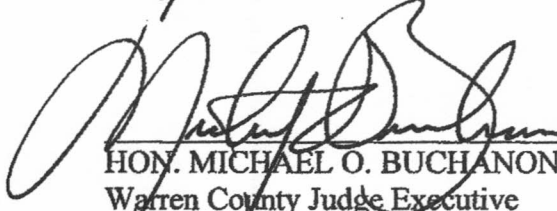
WHEREAS, the parties acknowledge that Warren County is a duly authorized county government will all powers conferred upon it under KRS 67.080 and KRS 67.083, (8), subsection a and that the City of Smiths Grove is an incorporated city of the sixth class located within the jurisdiction of Warren County, Kentucky; and,

WHEREAS, the attached Interlocal Agreement spells out the agreement between parties, and shall be incorporated herewith as if it were originally a part of this document.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE FISCAL COURT OF WARREN COUNTY, COMMONWEALTH OF KENTUCKY, that the attached Interlocal Agreement, which is attached hereto and incorporated herewith, is hereby approved and accepted by this body.

This Ordinance is adopted pursuant to KRS 67.077 in that it was published in summary form on the 10th day of April, 2009, and was introduced and read on the 9th day of April, 2009, and said Ordinance will be in full force and effect upon signature, recordation and publication in summary pursuant to KRS 424 and KRS 67.077 subsection 3.

APPROVED this the 24th day of April, 2009.



HON. MICHAEL O. BUCHANON
Warren County Judge Executive

ATTESTED:


WARREN FISCAL COURT CLERK

Passed by a vote of 6 to 0.

PREPARED BY:


AMY HALE MILLIKEN
Warren County Attorney
1001 Center Street, Suite 206
Bowling Green, KY 42101

318-C-1

ORDINANCE # 09-02-910-00
INTERLOCAL AGREEMENT

This INTERLOCAL COOPERATION AGREEMENT (the "Agreement") is made, entered into and effective this the 24th day of April, 2009, by and among the County of Warren, Kentucky ("County"), and the CITY OF SMITH GROVE, ("City"), a duly authorized City government of the 5th class located in Warren County, Kentucky. The parties herein are collectively referred to as "parties".

WITNESSETH

WHEREAS, pursuant to KRS 65.8801, Warren Fiscal Court Ordinance 07-41 created a Code Enforcement Board for the purpose of providing an equitable, expeditious, effective and inexpensive method of ensuring compliance with the ordinances in force within Warren County through the issuance of remedial orders and the imposition of civil fines; and

WHEREAS, pursuant to KRS 68.8808(1) Warren County, Kentucky, may expand its code enforcement board to include additional cities within its jurisdiction to protect, promote, and improve the health, safety, and welfare of the citizens residing in Warren County; and,

WHEREAS, the County of Warren and the City of Smith Grove, Kentucky, wish to enter into this Agreement in compliance with KRS 65.210 to 65.300; and,

WHEREAS, the parties acknowledge that Warren County, Kentucky, is a duly authorized county government with all powers conferred upon it under KRS 67.080 and KRS 67.083(8)(a) and the City of Smith Grove is an incorporated city of the 5th Class located within Warren County, Kentucky; and,

WHEREAS, the parties agree that the Warren County Code Enforcement Board shall have the power to issue remedial order and impose civil fines as a method of enforcing Warren County Ordinances when a violation of the ordinance has been classified as a civil offense. In addition, the parties agree that the codes adopted by Warren County have also been adopted by the Smith Grove City Commission. Further, the Code Enforcement Board shall not have the authority to enforce any Ordinance, the violation of which constitutes an offense under any provision of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and moving motor vehicle offense. The Code Enforcement Board shall have jurisdiction to enforce and shall enforce those Warren County ordinances which specifically provide for Code Enforcement Board. Likewise, the provisions of Warren County Ordinances shall supersede any contradictory portion of any Smith Grove City Ordinance.

WHEREAS, the parties further agree that this Interlocal Agreement shall remain in effect on a monthly basis until either party cancels same by given the other thirty (30) days notice. Said agreement to begin on the 24th day of April, 2009, and continue until either party gives notice of cancellation. Said notice shall be in writing and either party may cancel this agreement with or without cause.

SECTION 1

NATURE OF AGREEMENT

The parties agree to engage in a joint and cooperative undertaking only within the scope set out in this Agreement and does not intend to create among them any relationship of surety, indemnification or responsibilities for debts, liabilities, or claims, or liabilities incurred by any Party in its governmental operation, other than as specifically set out herein. Furthermore, the execution of this Agreement shall not constitute a waiver of any defense or immunity that the County would otherwise be entitled to under any applicable law.

The basic purpose of this agreement is to allow the Warren County Code Enforcement Board, which is currently in place, to handle civil code violation complaints for the City of Smith Grove. All fines collected will be the property of the Warren County Code Enforcement Board.

SECTION 2

CONSTRUCTION

This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky.

SECTION 3

SEVERABILITY

If any provision of this Agreement should be held to be in conflict with or in violation of any applicable statute, constitutional provision, law or regulation, or should be held by a court of competent jurisdiction to be unenforceable, the invalidity or unenforceability of such provision shall not affect any of the remaining portions of this Agreement.

SECTION 4

APPROVAL BY FISCAL COURT / CITY OF SMITH GROVE

Prior to and as a condition precedent to its entry into force this Interlocal Agreement shall be approved by both the governing body of Warren County, Kentucky, to wit Warren Fiscal Court and the governing body of the City of Smith Grove to wit the City Council of Smith Grove. Further, pursuant to KRS 65.260(2), this Interlocal Agreement shall be submitted to the Governor's Office for Local Development for approval.

Quannie M. Kollenhagen
NOTARY PUBLIC
My Commission Expires May 24, 2010

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY *[Signature]*



**OFFICE OF THE GOVERNOR
DEPARTMENT FOR LOCAL GOVERNMENT**

Steven L. Beshear
Governor

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Tony Wilder
Commissioner

June 29, 2009

Hon. Amy Milliken
Warren County Attorney
Warren County Justice Center
1001 Center St., Suite 206
Bowling Green, KY 42101-2191

RE: Interlocal Agreements 09-022a-b: Warren County – Smiths Grove; Woodburn

Dear Ms. Milliken,

Enclosed, please find the above-executed Agreements (1 original for each of 2 separate Agreements). The Department for Local Government (DLG) has retained a copy of the Agreements for DLG's files. The Agreements must also be filed with the ^{Warren} ~~Kenton~~ County Clerk and the Secretary of State to have force of law, as per KRS 65.290. If you have any questions or comments, please contact me at (800) 346-5606.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew S. Hartley".

Andrew S. Hartley
Staff Attorney

Enclosure

Kentucky A stylized logo for the state of Kentucky, featuring the word "Kentucky" in a bold, serif font, followed by a silhouette of a horse's head facing right.

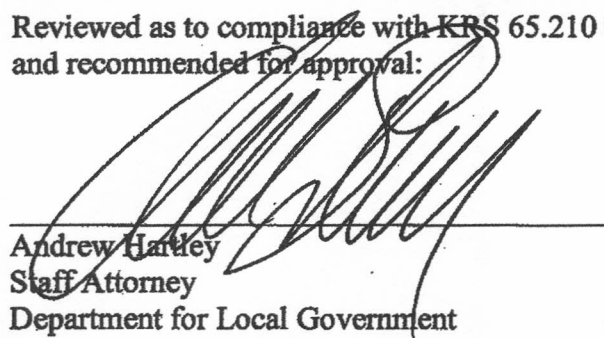
INTERLOCAL COOPERATION AGREEMENT

ICA 09-022 Code Enforcement Board

09-022a – Warren-Woodburn

09-022b – Warren-Smiths Grove

Reviewed as to compliance with KRS 65.210 to 65.300
and recommended for approval:



Andrew Hartley
Staff Attorney
Department for Local Government

6-24-09
Date