AGENDA

AGENDA

City of Franklin, Kentucky City Commission

August 26, 2019 Regular Meeting – 12:00 Noon

City Hall Meeting Room 117 West Cedar Street Franklin, Kentucky

I.	Call to Order and Member Roll Call	
II.	Opening Prayer - Eric Walker, Franklin Community Church	
III.	Approval of Minutes - Approval of Meeting Minutes of August 12, 2019 Regular Meeting	Pg. 5
IV.	Recognitions	
	Recognition of Public Works Employees, Police Department and City Hall Staff	Pg. 13
V.	Hear the Public	
VI.	Community Services	
	 Discussion and/or possible action regarding Request for Street Closure (Chamber of Commerce) Presenter: Steve Thurmond, F-S Chamber of Commerce 	
	• Discussion and/or possible action regarding Request for Street Closure (Relay for Life) *Presenter: Kenton Powell, City Manager*	Pg. 19
	Discussion and/or possible action regarding Lantern Walk at Greenlawn Cemetery Presenter: Lisa Deavers, Bicentennial Committee	Pg. 21
VII.	General Government	
	Discussion and/or possible action regarding Appointment to EPB Board Presenter: Kenton Powell, City Manager	Pg. 23
	Discussion and/or possible action regarding Proposed Parking Ordinance Presenter: Scott Crabtree, City Attorney	Pg. 24
	Discussion and/or possible action regarding Calendar of Events Presenter: Kenton Powell, City Manager	Pg. 32

VIII. Public Services

IX. Public Safety

- Discussion and/or possible action regarding Police Department Policies & Procedures

 Presenter: Scott Crabtree, City Attorney
- Discussion and/or possible action regarding Collection of 911 Fees

 Presenter: Shaunna Cornwell, Finance Director

X. Utilities

XI. Ordinances

- Second summary reading of Ordinance No. 2019-018 titled: An Ordinance
 Adopting Amended Zoning Regulations of the City of Franklin and Simpson County,
 Kentucky in Article 9, Section 9.7.7 through 9.7.12 as Recommended by the Franklin Simpson Planning and Zoning Commission
- Possible first summary reading of Ordinance No. 2019-020 titled: Ordinance Deleting and Restating Chapter 72 Parking Regulations and Revising Chapter 75 Parking Schedules of the City of Franklin Code of Ordinances
 Presenter: Cathy Dillard, City Clerk

XII. Executive Session

PERSONNEL – Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee or member {KRS 61.810(1)(f)}

XIII. City Attorney Reports

XIV. City Manager Reports

XV. Other Commission Business

XVI. Adjournment

MINUTES

MINUTES OF REGULAR SESSION OF THE CITY OF FRANKLIN CITY COMMISSION

August 12, 2019

City Hall 117 West Cedar Street Franklin, Kentucky

The Franklin, Kentucky City Commission met in Regular Session at 12:00 Noon, Monday, August 12, 2019, in the City Hall meeting room located at 117 West Cedar Street, Franklin, Kentucky.

Members attending were as follows:

Mayor Larry Dixon	Present
Commissioner Jamie Powell	Present
Commissioner Herbert Williams	Present
Commissioner Brownie Bennett	Absent
Commissioner Wendell Stewart	Present

Others present included City Manager Kenton Powell; City Attorney Scott Crabtree; City Personnel Director/Deputy Clerk, Rita Vaughn; City Finance Director, Shaunna Cornwell; City Police Chief, Roger Solomon; Public Works Superintendent Chris Klotter; City Clerk, Cathy Dillard; Community Development Director Tammie Carey; F-S Human Rights Commission Director, Donzella Lee; Franklin Favorite/WFKN media representatives, Keith Pyles and Jodi Camp; Simpson County Judge Executive Mason Barnes; City of Franklin Code Enforcement Officer Kevin Allen; F-S Planning & Zoning Administrator Carter Munday; City of Franklin Tax Collector/ABC Administrator Daniel Reetzke; Scott Waste Services representatives, Pete Reckard and Ty Bowman; F-S Renaissance representatives Amy Ellis and Morgan Cook; Riley Bright and Linda Bright.

Mayor Dixon called the meeting to order at 12:00 Noon, and Chris Patterson from the First United Methodist Church offered the opening prayer.

APPROVAL OF MINUTES

Motion was made by Commissioner Powell and seconded by Commissioner Williams to approve the minutes as presented of the July 22, 2019, special called meeting of the Franklin City Commission

Voting aye: All members present. Motion carried unanimously.

RECOGNITION

City Manager Kenton Powell asked the Commission to recognize and congratulate City Clerk Cathy Dillard on her completion of the Kentucky Municipal Clerk's Institute program and award of Certification as a Kentucky Municipal Clerk.

The Kentucky Municipal Clerk's program requires 120 hours of course study over a three year period and is awarded in conjunction with the University of Kentucky's Martin School of Public Policy and Administration.

HEAR THE PUBLIC

Riley Bright and Linda Bright asked to address the Commission regarding their concerns about homes located on Liberty Street, a commercial warehouse located on West Madison Street, and vacant lots on Pea Ridge Road.

Mr. Bright provided the Commission with four (4) photographs, two of properties on Liberty Street, one of the warehouse on West Madison Street and one of a lot on Pea Ridge Road. The Commission advised Mr. and Mrs. Bright that the Code Enforcement Board should hear their concerns and would take action accordingly.

COMMUNITY SERVICES

Amy Ellis, Executive Director of F-S Renaissance, and Morgan Cook provided the Commission with an overview of the Downtown Franklin App. The free app is downloadable on any phone, tablet or other electronic device and features downtown businesses and available parking. Ms. Ellis indicated as they move forward with development that other businesses would be included.

GENERAL GOVERNMENT

City Attorney Scott Crabtree asked the Commission to consider a proposed ordinance adopting amendments to the Planning and Zoning Regulations that had been approved by the Franklin-Simpson Planning and Zoning Commission after a public hearing pursuant to the Kentucky Revised Statutes.

Commissioner Powell and Commissioner Williams asked to sponsor the proposed ordinance with first summary reading of the ordinance taking place during the ordinance portion of the meeting.

City Attorney Scott Crabtree asked the Commission to consider approval of a contract with Westlaw, an online legal research tool for the City Attorney and City staff. The proposed month subscription cost is \$499.92 per month with a potential of a 5% increase per year for a three (3) year contract.

Motion was made by Commissioner Stewart and seconded by Commissioner Powell to approve a three year agreement for a subscription to Westlaw and to authorize the Mayor to sign any and all documents necessary for this subscription.

Voting Aye: All members present. Motion carried unanimously.

City Manager Kenton Powell asked the Commission to consider approval of a resolution appointing members to the West Fork Drakes Creek Dam and Reservoir Interstate Authority Board of Directors prior to their annual meeting.

Upon motion by Commissioner Powell and seconded by Commissioner Stewart the Commission unanimously approved Resolution D-2019 as follows:

A RESOLUTION OF THE CITY OF FRANKLIN, KENTUCKY, APPOINTING A MEMBER TO THE WEST FORK DRAKES CREEK DAM AND RESERVOIR INTERSTATE AUTHORITY

WHEREAS, KRS 151.650, et seq., created the West Fork Drakes Creek Dam and Reservoir Interstate Authority; and

WHEREAS, pursuant to KRS 151.652, the City legislative body shall appoint of its members by and through a resolution to serve on said board, along with various other members from Simpson County, Kentucky and Sumner County, Tennessee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Franklin, Kentucky, as follows:

- The Board of Commissioners hereby adopts the preamble to this Resolution the same as if set forth fully herein.
- 2. The Board of Commissioners appoints to the West Fork Drakes Creek Dam and Reservoir Interstate Authority the following:
 - (a) Judge Executive Mason Barnes as the Simpson Fiscal Court representative for his term of office to expire on December 31, 2022; and,
 - (b) City Commissioner Herbert Williams as City of Franklin representative for his term of office to expire on December 31, 2020, and,
 - (c) Mayor Larry Dixon as the Mayor of the City of Franklin representative for his term of office to expire on December 31, 2022.

RESOLVED this 12th day of August, 2019.

Finance Director Shaunna Cornwell presented the following bids for pest control services:

State Line Exterminating Orkin

Guarantee Pest Control Alpha Pest Management LLC Scott X-Terminating Grace Pest Solutions \$1500.00 (termite inspection insurance unavailable and additional one-time initial fee of \$1,780.00)
\$1760.00 (termite insurance inspection unavailable)
\$1100.00 (termite insurance inspection unavailable)
\$ 960.00 (termite insurance inspection unavailable)
\$960.00 (termite insurance inspection unavailable)

\$1,280.00 (includes termite inspection insurance)

Motion was made by Commissioner Powell and seconded by Commissioner Williams to approve a 12 month contract with State Line Exterminating for pest control services and authorize the Mayor to sign any and all documents relating to this contract.

Voting Aye: All members present. Motion carried unanimously.

Finance Director Shaunna Cornwell asked the Commission to consider approval of hot spot wireless access for Franklin Municipal Utilities and presented two quotes for services as follows:

Bluegrass Cellular

Rental Fee for Router \$10.00 per month Essential Internet Plan – 40 GB \$35.00 per month

AT&T

Rental Fee for Router \$12.50 per month – 24 month contract

Data Connect Internet Plan – 10 GB \$50.00 per month

Motion was made by Commissioner Williams and seconded by Commissioner Stewart to approve hot spot services and equipment rental from Bluegrass Cellular for a total of \$45.00 per month and authorize the Mayor to sign any and all documents relating to this contract for services.

Voting Aye: All members present. Motion carried unanimously.

City Finance Director Shaunna Cornwell provided calculations to the Commission regarding the 2019 real and personal property tax rates. After review and consideration, the Commission approved the tax rate of 12.3 cents per one hundred dollars (\$100.00) assessed valuation on all real and personal property within the City limits. This rate is unchanged from 2018 and requires a public hearing prior to approval.

Commissioner Powell and Commissioner Stewart agreed to sponsor the ordinance and Mayor Dixon asked that first reading of the ordinance be presented during the ordinance portion of the meeting.

Community Development Director Tammie Carey asked the Commission to approve an agreement with EPB Fiber for the City's phone service which utilizes VoIP technology.

Motion was made by Commissioner Stewart and seconded by Commissioner Williams to approve an agreement for phone service with EPB Fiber and authorize the Mayor to sign any and all documents related to the agreement and to further authorize Tammie Carey to make changes on behalf of the City as they relate to terminating the agreement with Windstream

Voting Aye: All members present. Motion carried unanimously.

Franklin-Simpson Planning & Zoning Administrator Carter Munday provided the Commission with an update review regarding the offices permit and inspection processes and progress. With this update Mr. Munday provided statistics relating to the number of electric and building inspections along with average cost per inspection before and after his appointment as Administrator in November 2018.

PUBLIC SAFETY

Franklin Police Chief Roger Solomon asked the Commission to consider approval of the purchase of 25 body worn cameras for the department at a cost of \$699.00 per camera. This purchase was included in the Police Department 2019-20 Fiscal Year Budget.

Motion was made by Commissioner Powell and seconded by Commissioner Stewart to approve the purchase of 25 body worn cameras from Axon Enterprises, Inc. in the total amount of \$17,475.00 and to authorize the Mayor to sign any and all documents relating to this purchase.

Voting Aye: All members present. Motion carried unanimously.

UTILITIES

City Finance Director Shaunna Cornwell asked the Commission to consider approval of award of bid to Wascon Sales and Service for the purchase of valves and actuators on filters (equipment only) for the City of Franklin Water Treatment Plant. Wascon Sales and Services submitted the only bid for Invitation to Bid #2020-01 in the amount of \$41,568.00.

Motion was made by Commissioner Williams and seconded by Commissioner Stewart to award the purchase of valves and actuators on filters (equipment only) for the City of Franklin Water Treatment Plant to Wascon Sales and Services in the amount of \$41,568.00 and to further authorize the Mayor to sign any and all documents relating to this purchase.

Voting Aye: All members present. Motion carried unanimously.

ORDINANCES

City Clerk Cathy Dillard presented second summary reading of Ordinance No. 2019-017 titled: An Ordinance Approving and Relating to an Exclusive Franchisee to Collect, Transport and Dispose of Commercial and Residential Solid Waste within the City of Franklin and Simpson County, Kentucky.

Motion was made by Commissioner Powell and seconded by Commissioner Stewart to approve Ordinance No. 2019-017 and was approved by the following roll call vote:

Mayor Dixon	_ <u>Aye_</u>	Commissioner Bennett	<u>Absent</u>
Commissioner Powell	_Aye_	Commissioner Stewart	_Aye_
Commissioner Williams	_Aye_		

City Clerk Cathy Dillard presented first summary reading of the Ordinance No. 2019-018 titled: An Ordinance Adopting Amended Zoning Regulations of the City of Franklin and Simpson County, Kentucky in Article 9, Section 9.7.7 through 9.7.12 as Recommended by the Franklin-Simpson Planning and Zoning Commission

City Clerk Cathy Dillard presented first summary reading of the Ordinance No. 2019-019 titled: Ordinance Setting Forth The Property Tax Rate For The City Of Franklin, Kentucky For The Tax Year 2019 And Calculated Using The Certified Property Assessments As Provided By The Simpson County Property Valuation Administrator And Levying An Ad Valorem Tax Of 12.3 Cents Per One Hundred Dollars (\$100.000) Assessed Valuation On All Taxable Real Property Within The Jurisdiction And An Ad Valorem Tax Of 12.3 Cents Per One Hundred Dollars (\$100.00) Assessed Valuation On All Taxable Tangible Personal Property And Merchandise Inventory Within The Jurisdiction

No action is taken on first reading of an ordinance.

EXECUTIVE SESSION

At 12:54 PM, motion was made by Commissioner Powell and seconded by Commissioner Williams to enter into Executive Session for the purpose of:

- 1. LAND ACQUISITION Deliberations on the future acquisition or sale of real property by a public agency where publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency {KRS 6l.810(1)(b)}
- 2. LITIGATION Discussion of proposed or pending litigation {KRS 61.810(1)(c)}
- 3. BUSINESS Discussions between a public agency a representative of a business entity concerning a specific proposal, where open discussions would jeopardize the siting, retention, expansion, or upgrading of the business {KRS 61.810(1)(g)}

Voting Aye: All members present. Motion carried unanimously.

Entering Executive Session were Mayor Dixon; Commissioners Powell, Williams and Stewart; City Manager Kenton Powell; and City Attorney Scott Crabtree.

Jerry Jones entered Executive Session at 1:05 PM and exited at 1:35 PM.

At 1:54 PM, motion was made by Commissioner Powell and seconded by Commissioner Stewart to exit Executive Session and return to open session.

Voting Aye: All members present. Motion carried unanimously.

OTHER COMMISSION BUSINESS

Motion was made by Commissioner Stewart and seconded by Commissioner Williams to approve the purchase of the property located at 209 Witt Road from Penny Farmer and husband, Larry Farmer for the amount of \$75,000.00 and authorize the Mayor to sign all documents relating to this purchase including, but not limited to, any contracts or deed of conveyance.

Voting Aye: All members present. Motion carried unanimously.

City Manager Kenton Powell asked Commission members to respond regarding their attendance at the Legislative Luncheon on Tuesday, August 27.

ADJOURNMENT

At 1:56 PM, motion was made by Commissioner Powell and seconded by Commissioner Stewart to adjourn the regular meeting of the Franklin City Commission.

Voting Aye: All members present. Motion carried unanimously.

Larry Dixon, Mayor City of Franklin, Kentucky Cathy Dillard, City Clerk City of Franklin, Kentucky

RECOGNITIONS



MEMO

TO:

Mayor Larry Dixon and Commissioners

FROM:

City Manager Kenton Powell

DATE:

August 22nd 2019

SUBJECT: Recognition

Steve Thurmond, Director of Chamber of Commerce, wants to personally thank the City Employees publicly, concerning the 37th Annual Garden Spot run during Mondays Commission meeting.

Attached is a letter from Steve identifying some of Monday's discussion highlights.

Thank You, Kenton Powell

FRANKLIN-SIMPSON CHAMBER OF COMMERCE



201 South Main Street • P.O. Box 513 • Franklin, KY 42135-0513 • (270) 586-7609

Mr. Kenton Powell City Manager City of Franklin P. O. Box 2805 Franklin, KY 42135

Mr. Powell,

Every year I say this but never before has it been an obvious, "we could not have done this without the help of the city." Words cannot adequately express the appreciation I personally feel for all the help given to the Chamber during this year's run. Every year city employees go above and beyond to assist us but this year due to my absence city employees stepped it up even more. Cristi tells me every time she turned around someone was there asking if there was anything else she needed done.

While we have always known this was a community event, this year more than ever proved it truly is. With 781 runners and walkers on the Square, an army of volunteers was need and because of a loving caring community, they were there. Specifically from the city I want to thank those who work so hard at Public Works, those who protect us and protected the runners and walkers at the Police Department and those who work every day in City Hall for all each and every one of them did to make this year's run/walk another success.

Recently I was asked why I thought the Garden Spot was so successful. It goes back to the adage, "it takes a village to raise a child." It takes a village to put on a race and I am certainly glad I live in this village.

To you, the Mayor and the City Commission, thank you for allowing us to close streets; thank you for allowing Public Works, the Police Department, City Hall staff and others to assist in putting on what is becoming the premier 5K run and walk in the state. The 781 participants in this year's race appreciated the results of all of those efforts.

Sincerely,

Steve Thurmond Executive Director

Franklin-Simpson Chamber of Commerce

COMMUNITY SERVICES



MEMORANDUM

To:

Mayor Larry Dixon and Commissioners

From:

Kenton Powell

Subject:

Street Closure Request

Date:

August 21, 2019

Steve Thurmond, Executive Director of the F-S Chamber of Commerce, submitted the attached request for road closures for The Festival on the Square scheduled for Thursday, September 19, 2019, and Saturday, September 21, 2019.

Thursday, September 19, 2019 (Cruise In Event) Closing from 5:00 PM until 9:30 PM West Kentucky Avenue from Main Street west to College Street College Street from Washington Street to Codar Street

Saturday, September 21, 2019 (Festival/Car Show) All Closing from 5:00 AM until 5:00 PM West Kentucky Avenue from Court Street to High Street

College Street from W. Washington to the back corner of City Hall (Regions Bank access open). Cedar Street from High Street to Main Street

Main Street from intersection of Madison & Main to the Intersection of Main & Washington

Proposed Action:

Recommend motion to approve the request for road closures for the F-S Chamber of Commerce Festival on the Square scheduled for Thursday, September 19, 2019 and Saturday, September 21, 2019.

FRANKLIN-SIMPSON CHAMBER OF COMMERCE



201 South Main Street • P.O. Box 513 • Franklin, KY 42135-0513 • (270) 586-7609

August 19, 2019

Hon, Larry Dixon Mayor City of Franklin P. O. Box 2805 Franklin, KY 42134

Mayor Dixon and Commissioners:

On Thursday and Saturday September 19th and 21st, 2019, the Franklin Simpson Chamber of Commerce will host The Festival on the Square, Presented by Graves Gilbert Clinic, in conjunction with the Franklin Car Show, hosted by the Southern Kentucky Street Rods. For the car show, this will be the 57th anniversary and for the Festival it will be the 15th anniversary.

Over the years this event has brought thousands of visitors to our community for both the cruise-in and the actual car show on Saturday. The event is looked forward to not only by visitors but also by local merchants who hold "Sidewalk Sales" during that weekend.

I appreciate very much the assistance of the many departments of the City of Franklin in preparing for and holding this event. Without Public Works, the Police Department and members of the City Hall staff, it would be virtually impossible to hold this festival:

With such a crowd and so many cars the necessity to close streets exists. With that in mind, I request the following:

Thursday, September 19th, 2019, I request permission to close West Kentucky Avenue from Main Street west to College Street at 5:00 pm; College Street from Washington to Cedar also at 5:00 pm with all streets to open by 9:30.

Saturday September 21st, 2019, I request permission to close West Kentucky Avenue from Court Street to High Street; College Street from West Washington to the back corner of City Hall, (which allows access to Regions Bank drive thru), Cedar Street from High Street to Main Street, and Main Street from the intersection of Madison and Main to the intersection of Main and Washington. (Allowance will be made to allow access to the shops on the north side of the square through the alley at the rear of those building.) This request is for a time span of 5:00 am to 5 pm. I have applied to the state where that is necessary and simply tell you of those closing for informational purposes.

On either of the dates above, the request duplicates what you allowed last year. We will post detour signs at the intersections of Main and Washington and Main and Cedar. In addition, I have requested the Highway Department erect the large orange signs at both 1008 North and South intersections to warn travelers of the difficulty getting through downtown Franklin. Lam asking the state to put detour signs at the 1008 intersections on Hwy. 100 East and West as well.

I again want to thank you for your support of this event in the past and hope the request will meet with your approval this year. We receive hundreds of compliments on our beautiful city each year. In addition many dollars are spent with local and area merchants as visitors travel to and from the downtown area.

Sincerely,

Michael S. Thurmond Executive Director

Franklin-Simpson Chamber of Commerce



MEMORANDUM

To:

Mayor Larry Dixon and Commissioners

From:

Kenton Powell

Subject:

Street Closure Request

Date:

August 21, 2019

Tom Otto, Chairman of Simpson County Relay for Life, has submitted a request to close College Street from West Codar Street to West Kentucky Avenue (in front of Methodist Church) on Saturday, September 14, 2019, from 4:00 PM to 10:00 PM for the Relay for Life event.

Tom indicated that he was committed to bringing this community event back to downtown and the square.

Proposed Action:

Recommend motion to approve the request to close College Street from West Cedar Street to West Kentucky Avenue from 4:00 PM until 10:00 PM on Saturday, September 14, 2019, for the Simpson County Relay for Life event.

	City of Franklin Downtown Street Closing R	oquest
(A) Methodist Church Signature: ACHANGA, TUBELL (B) Franklin Presbyterian Church Signature:		(I) Goldsmith Shoppe Signature: (K) Salon () Signature:
B A A STORY	D F H J Q SIMPSON COUNTY COURTHOUSE	(1) Frosgy's Quilts Signature: (M) Robert E. Taylor Attorney Signature:
		(N) Ogles Barber Shop Signature:
(C) Empty 7/29/11 Signature:	W.CEOAR ST	- (O) iGraphics and Design Signature:
(D) Hancr Company Signature:	1777	(P) Bray Lye Care Signature:
(E) Crocker Law Offices Signature:		(Q) Simpson County Court House Signature:
(F) Michael's Signature:		(a) of person of Organization Requesting Closing
(G) Short Strokes Tatoo Shop Signature: (H) Mustard Soed Market Signature:	Dete(s Time C Get sk	e Highlight area that you are requesting to close.) for closing:
(I) Old Favorite Signat	p. 20	



MEMORANDUM

To:

Mayor Larry Dixon and Commissioners

From:

Kenton Powell

Subject:

Historic Lantern Walk - Greenlawn Cemetery

Date:

August 21, 2019

Lisa Deavers, Event Coordinator for the Bicentennial Committee, will provide a power point presentation to the Commission detailing a historic lantern walk. The Bicentennial Committee is planning a lantern walk to take place in the Greenlawn Cometery.

GENERAL GOVERNMENT



MEMORANDUM

TO:

Mayor Larry Dixon and Commissioners

FROM:

Kenton Powell, City Manager

SUBJECT:

Appointment to EPB Board

DATE:

August 21, 2019

The Franklin Electric Plant Board of Directors will have an opening on their Board effective September 6, 2019, with the term limit expiration of Mickey Lewis. Mickey has served on this Board for two consecutive four year terms (a total of eight years) and we would like to thank him for his service to the community and FEPB.

Dawn Spencer has a desire to serve the community in this capacity and I would like to recommend her for a four (4) year term to expire on September 30, 2023.

Proposed Motion: Recommend motion to approve the appointment of Dawn Spencer to the Board of Directors of the Franklin Electric Plant Board for a four (4) year term to expire on September 30, 2023.



MEMO

TO:

Franklin City Commission

FROM:

Scott Crabtree

DATE:

August 23, 2019

SUBJECT: Ordinance Adopting Parking Regulations

Attached is an Ordinance adopting new parking regulations and amending the existing parking ordinance. I wanted to present it for discussion, comments or suggested changes. We obtained 2 sponsors for the Ordinance at a previous meeting (Commissioner Powell and Commissioner Stewart), and we can have first reading during the ordinance portion of the meeting if the Ordinance meets Commission approval.

ORDINANCE NO. 2019 - 020

ORDINANCE DELETING AND RESTATING CHAPTER 72 - PARKING REGULATIONS AND REVISING CHAPTER 75 - PARKING SCHEDULES OF THE CITY OF FRANKLIN CODE OF ORDINANCES

WHEREAS, the City of Franklin has certain ordinances regulating parking that are antiquated and are inneed of revision; and

WHEREAS, the City of Franklin desires to amend its existing parking ordinances to update the ordinances that are currently in existence.

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin. Kentucky, setting by and through its Board of Commissioners as follows:

Chapter 72 entitled "Parking Regulations" is hereby deleted as set forth herein and is restated to read as follows:

#\$ 72.01 PARKING REGULATIONS.

- (A) Every motor vehicle parked on the streets of the city where there are parking spaces designated by the Mayor and/or City Commission shall be parked within such spaces.
- (B) Every motor vehicle parked on the streets where there are such designated parking spaces shall be parked with one side parallel to the curb or sidewalk, and the wheels or the side next to the curb or sidewalk shall be placed at a distance not exceeding 18 inches from the curb or sidewalk.
- (C) No motor vehicle shall be stopped or left standing on any street of the city unless it is parked as designated in divisions (Δ) or (Φ) above; however, a vehicle may be stopped for passengers or freight but only long enough for that purpose and in no event longer than five minutes.
- (D) All motor vehicles in parking shall be parked on the right-hand side of the street and shall be turned to facright to park. All vehicles in leaving their parking spaces shall be carefully moved therefrom to the left.
- (b) No motor vehicle of other vehicle shall be parked within ten (10) feet of a fire <u>hydrant or on or over a water</u> meter.
- (F) No variety may be parked continuously in or at one location on any city street, roadway, or designated parking space or public parking for for more than I wenty Four (24) consecutive hours. Provided, however, that parsons who reside in the Downtown Historical District shall be exempt from this requirement, and the provisions of § 72.06 shall apply to those residents unless they fail to visibly post the City parking pass.
- (G) No yehic's shall be parted in a manner that interferes with a trush receptuale or dumpster access or removal.
- (H) No vehicle shall be parted within tyceles (12) for of the entrance to a driveway or directly across from the entrance to a driveway.
 - (I) No cehicle shall be parked in or within thirty (50) feat of an intersperion.
- (I) No vehicle shall be parked on a residential street unless parking has been designated on said street by the Mayor or City Commission or parking in a drive way is not cracticable.
- (K) No vehicle shall be parked within twelve (12) but of a mailbox, except after 5 p.m. or on days when mail is not delivered (Sundays and federal government holidays). Provided, however, a resident will be allowed in park in front of his or her own mailbox.
- (1.) No vehicle shall be carked on a curve if it obstructs the regular flow of maffic or disrupts the clear and undestructed view of approaching traffic.
- (M) No vehicle shall be puried on the road side of any vehicle already stopped or parked, whether legally unitlegally (double parkins), by the side of a stread or road.
- (N) It shall be unlawful to park a vehicle in a front yard, a side yard, or in a rear yard except as provided in these. Onlymeres or in the Revolutions of the Franklin-Simpson Planning and Zoning Commission.

- (0) It shad be relawful to park a vehicle over or on any part of the city sidewalk or cure that is parallel ic or torothing the city street or right of way including that not limited to any part of the sidewalk that is part of a driveway.
- (2) No vehicle shall be parised in such a manner that obstructs the free use of the street, and an unobstructed width of not less than 15 feet of the street must be left open for the free passage of other vehicles.

(O) No esh alca shall be partied or lin any cul-de-sac.

(R) No inoperative or unlicensed motor vehicles shall be parked on city greats or purking late.

- (3) No vehicles shall be stopped or packed in an alley, except for the purpose of actively leading or unleading goods or passengers for a curation and to exceed text (10) minutes.
- (f) No heavy duty commercial vehicles may be parked in residential areas unless the vehicle is loading or unlessling goods or has a service call in the inquestiate area. In the usad of loading or unlessling or a service call, the beavy-duty commercial vehicle shall not be parked in residential areas for tonger than a one (1) hour period.

(10) A vehicle parked in a designated, diagonal city parking space shall not exceed twenty (20) fest in overall

vehicle length so as to not hinder normal flow of vehicle traffic.

(V) Parking of any fractor, fractor broter, trailer body, probile home, house trailer, camper trailer, RV, bus or any similar vehicle or equipment on any street within any residential area or city square is prohibit except during approved events on the square or when prior approval is obtained from the Board of Commissioners

S 72.02 PARKING ZONES.

(A) When mailtings or signs are placed giving notice of no parking or limited parking zones, no person and lipsek any volviels centrary to the instruction shown in such manages of signs.

—(D) Markings or signs decign the such parking zone; shall be are set at the direction of the Mayor. (1989 Code, § 540.1-2) Possity, rec § 53.99.

Server LOADING ZONES AND TAXISTANDS.

No motor vehicles or other vehicles shall be parked by ourbs that are pointed, or otherwise marked to designate a leading some or tradications.

(1989 Gode, § 140.1-3) Penalty, see § <u>72.99</u>

3 72.04 PARKING METER ZONES.

(A) The word VETTCLE on used in this section shall mean any device in upon or by which any person or properly is or may be transported upon a street or highway, except those operated upon rails or tracks.

(ii) The percy of smach in the city where purking maters shall be installed in accordance with the provisions

happed are established as participy in dia 120,000.

(C) In addition to the parking meters now installed, there may be installed other parking meters of mediplenes as

directed by the Mayor with the sporeval of the City Commission.

(E) The Mayor shall provide for installation of meters, including curs or street marking times, regulation and operation thereof, and that cause the meters to be most retined to good workship contains. Motern at if the placed upon the carb, sidewalk or other available space next to it individual parties places are truster, shall be constructed as to display a signal showing legal parting for a designated period of time upon deposit factors of the properties, or coins of the United States, as indicated by its fractions on the ide of material to signal or some other methods of operation of the parking period so designated, at which time a charge of signal or some other methods of operation shall indicate explication of the parking times.

(16) The city is verted with the authority to onionistic occurrant for the purchase and installation of parking naviers and to provide playment therefor enclosively from the receipts obtained by the city from their operation, and the means of payment shall be in addition to may other purchasing powers benefit granted the city by its elementar, or

by the laws of the state.

(3)—(1) When a vehicle is packed next to a paising are re, the owner or expendent of the vehicle shall park within the area-designated by the curb as street much by the seal indicated for parallel or diagonal parking and upon entering the earling space shall immediately deposit in the motor owner near a coince of the United States, as indicated by instructions on the mater. No person shall be in park within designated asset, or first or neglect to deposit the proper coin excession.

— (2) The packing open may from be used by such we ricle during the legal parking limit provided by order man, and the vehicle shall be considered as unlawfully parked if it is mains in the space beyond the legal parking limit and/or when the parking messe displays a signal showing such it legal parking. Between the hears of (200 a.m. and

5:00 p.m. on Vandays, Tuerdays, Wednesdays, Thursdays and bridays and between the hours of \$:00 c.m. and \$:00 p.m. on Subtridays, it shall be unlawful for the owner or operator of any vehicle to enter such parking space without into adiately depositing point or coins of the United States for the parking time desired, and between the designated hours it shall be unlawful, except as herein provided for the owner or operator of any such vehicle to partial of the logic parking finit. Interpretative of the amount of cours deposited in a parking meter, it shall be taken in fact during the designation for the owner, or operator of a vehicle to partial the same to remain in such parking space for a partial longer than two forms; however, a vehicle may outer a parking space where he make those arrange time and may as main in that parking space for the unused time without charge. The parking apposes may be used without charge on Sundays and holidays of Pouch of July, Thurbogiving and Christmass.

- (G). My person shall deposit as course to be deposited in any packing meter any slap as other substitute for solute of

the United States.

(H) No map the rised person shall tamper with breather destroy any parking meter.

(f) It shall be the duty of the irallic officers to take the parking motor a mobest, and the date tag numbers or other alegorithms of all persons violating may provision of this section and make complaint thereof to the police count of

the city.

(3) The fee required to be deposited in the meters is levied as a police regulation and its person for the cost of providing making spaces, perking motors and install at or and maintenance the cost of the cost of regulation and inspection, control and are of the parking motor epoces and control brain, for the regulation and control of maffie moving into, in and out of the city, and maintenance of the city shores, and for the rost of any securitant raffic administration expense, maffie safety devices, signal eigens, marking, policing. Tenthic surveys and safety programs.

(1980 Code, 5 540.1-4) Penalty, see § 72.59

1 g 72.05 HANDICAPPED PERSONS AND PERSONS TRANSPORTING THE HANDICAPPED.

(A) On the application of any person who has lost the use of a leg or both legs, or an arm or both cross, or any person who is blind, or any person with a dependence of and capped who transports such dependence it and capped who transports such dependence it and capped who transports such dependent, the city, through the City Clerk, stell its near or or proportion as sected bearing the universal hardicopped symbol, to be placed on the dual board of any motor vehicle used to interpol such a hardicopped person.

(1) The detail shall be distinctly the feed. Pennits issued unser this section shall expire on first Pucceley of which

year.

(2) The Office of Commorpial Development shall formulate rules and regulations accesses to implement the

handicapped parking pormit progress.

(B) Any other provision to the country according a motor celeiche having a decal issued personation this section, when aperated by a handlerpred person or when transporting a handlerpred person, may be parted for two hours in excess of the began perford personated by the city such a motor vehicle may be perfect for two hours in excess of the began perfect personal to permitted by the city such a motor vehicle may be perfect in a backing zone for that period of time received vehicle, but it no elementations from the corked vehicle, but it no elementations forms the corked vehicle, but it no elementations forms the corked vehicle, but it no

(C) This section shall neither pernet packing where eight government ordinances or city police regulations problems
parking for the purpose of execting a fire-lase or to executate date beavy traffic during meeting, effection or evening
from a north permit a meter vehicle to be packed in such a manage as to constitute a swifter based.

(Oct., \$40.2.7, passed 3-12-1984). Penalty, cos § 72.00.

\$ 72.02 Vicarious Responsibility.

(A) The common in whose name a vehicle is registered at the time of the violation shall be obschooly responsible for all fines, jeep and penalties. It shall be no defense that the vehicle was illarably parked by someone other than the registered owner, unless it is shown that at the time of the violation the vehicle was stolen and not in the possession of the registered owner.

(B) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under within mutal or leasing agreements small not be liable for parting fines and penalties improved under this Subchapter on such rental or teased vehicles, if within thiteen (13) days after receiving notice of the parking <u>vehicles</u>, the leason provides to the

<u>Police Department the type manner address and driver's license number of the person in possession of the vehicle at the time of the issuance of the citation. A lesser who falls to comply shall be wented as any other owner.</u>

\$ 72.03 Hearing.

- (A) Any person cited for a parking violation may contest the determination that a violation occurred by requesting in writing a harring before the Franklin-Simpson Code Inforcement Board. The request for a hearing shall be delivered to the City Clerk at City Hall addressed to the Code Enforcement Board within fourteen (14) days from the days of issuance of the parking citation. When a hearing has been requested, the Board shall schedule a hearing for the next regular meeting of the Board that will permit adequate rediffication to be made to all parties. Not less than ten (10) days before the date of the hearing, the Board shall matrix the requester of the date, time and place of the hearing. The notice may be given by first class, mailt by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age of class and who is informed of the contents of the notice. Any neason requesting a herring who tails in appear at the time and place set for the bearing shall be deemed to have wrives the right to a hearing to centest the obtained and shall be deemed to have refused to pay the first levied by the citation. The Board shall enter a first order determining the violation was committed and shall impose the appropriate civil penalty. A copy of the order shall be furnished to the violation.
- (B) At the hearing after consideration of the evidence, the Board shall determine whether a violation season committee. Where it is not established that the violation was committed, an order discussing the citation shall be entered. Where it is established that a violation was committed, the Board shall ephold the citation and order the ewner to pay the citation within from or (1-f) days from the date of the written order of the Board. A copy of such order shall be furnished to the owner. Any person contact to pay the fine who fails to do so within fourteen (1-f) days shall be desired to have refused to pay the fine levied by the citation and a \$15.00 late fee and all costs incorred by the City in collecting the civil penalty shall be added to the original fine amount.

(C) The Board may consider the parking citation and any other written report made under outh by the Code Reference Officer or other officer who issued the citation is lien of the officer's personal appearance at the hearing. All other restimons shall be taken under eath and recorded. From a rules of evidence shall not apply, but fundamental due process shall be observed and shall powers the proceedings.

(1) An second from the Board's determination may be made to the Simpson District Court within thick (30) days of the Board's written order. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the Kenthaky Rules of Civil Procedure and as set out in the applicable State statutes. The appeal of the final order of the Board is filed within the time allowed, the Board's order shall be deemed final for all purposes.

8 72.04 Vehicle Impoundment without Notice.

A validle may be impounded without giving prior noting to its owner as der the following circum shapes:

- a. The vehicle is impeding as likely to impede the normal flow of vehicular or pedestrian truffic:
- The vehicle poses an immediate danger to the public safety;
- 6. The vehicle is illegally parked within ten (10) feet of a fire hydraut:
- d. The vehicle, without a valid designated plane or oldered issued under State Law, is parked in a space clearly marked and designated for use by disabled persons;
 - A police of liver responsibly ballores that the vehicle is stolen;
- f. A policy officer reasonably believes that the vehicle or its contents constitute evidence of an offense and such important is reasonably necessary to obtain or preserve such evidence; provided, however, that nothing in this Section shall be construed to authorize sellance of a vehicle without a warrant of ere a warrant would otherwise be required;
- g. The vehicle is purked in a public right-of-way or on oil ar publicly owned or controlled projectly in violation of any law, ordinance or regulation, and there are two (2) or more another line parking citations issued by intailine vehicle that have not been responded to appeared to the Code Enforcement Board or paid, or none of the final orders of the Code Enforcement Board or paid, or none of the final orders of the Code Enforcement Board are none of the final orders.
- h. The vehicle is abandoned or is a junk vehicle; or,
- i. The vehicle is parked, stopped or standing upon a street or public way it, violation of any City ordinance or State statute at the time the citation is issued.

§ 72.05 Redemption of Impounded Vehicles.

Varieties impounded by the City shall be redeemed only under the following circumstances:

- a. Only be registered owner or other person entitled to possession based on proof of ownership or right to possession may redeem an impounded vehicle. A person registering an impounded vehicle in regions of upper partials distributed should only be released upon proof that all penalties, lines or ferticitures currently owed by the registered owner laws been satisfied by fall payment.
- 5. Any person redeeming a vehicle impounded by the City shall pay the towing contractor for costs of lowing and impoundment eries to redeeming the vehicle.
- c. The owner or other person enabled to presession of a vehicle which has been impounded may challenge the validity of such impoundment by requesting in writing a hearing before the Code Inforcement Board.
- d. The hearing shall be conducted at the next regularly acheduted Code Enforcement Board hearing date. Not less than ten (10) days prior to the date set for hearing, the Board shall notify the cerson requesting the hearing of the date, time and place of the hearing. Any person requesting a hearing who returns or, except for good cause, fails to access at time and place set for the hearing shall be deemed to have conceded on his and the owner's behalf the validity of the impoundment.
- c. At the hearing after consideration of the evidence, the Board shall determine whether the impoundment was valid and resonable. Where it is not established that the impoundment was justified, an order to that effect shall be entered, and all fines and fees paid because of the Innocundment shall be reformed. Where it is established that the impoundment was justified, the Board shall upheld the impoundment and enter an Order establishing all fines and fees. A copy of such order shall be famished to the owner or person appearing on behalf of the owner. The Board may consider the parking citation and any other written report made under eath by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.
- f. An appeal for 6 he Board's deter obtation may be made to the Simpson District Court within thirty (30) days of the Board's written order. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manuar as any civil action under the Rules of Civil Procedure. If the Court finds that the impoundment was justified, the owner shall be ordered to pay to the City all fines, fees and parallies recommons of the date of the judgment.
- g. The City shall possess a lich on a vehicle imported for all fires, possities and fees imposed thereon. Such lien shall be superior to and have priority over all other liens except the lowing company for its towing charges and any person who claims a second interest on the vehicle. All vehicles towed at the request of the City for violations of this Chapter shall be towed by companies approved by the City and stored at the location of the lowing company.
- b. If within ter (10) meaners days of important a vehicle has not been claimed or a hearing has not been requested, a notice shall be mailed by certified mail to the registered ewner. If known, and kenholders of record, a fording such panies the right within ten (10) days from the date of the notice to claim the vehicle or request a hearing. The notice shall state that, if no hearing is requested, the vehicle shall be deemed absorbered unless the charges thereon are paid within long five (45) days of receipt of the notice. After forty-five (45) days from the date of the receipt of the notice, the vehicle shall be deemed absorbered and the vehicle exclude to the City. If the vehicle is judged suitable for use, the City may chain a cartificials of registration and ownership from the Simpson County Clerk pursuant to KRS 186,020 and either use the vehicle for governmental purposes or self the vehicle in accordance with the applicable City policies or ordinances repairing disposition of surplus properly. If the vehicle is not suitable for use, it may be sold for its sorary or judy value. Nothing in these provisions shall otherwise affect the rights or obligations between the owner of the meter vehicle and these nervous who claim a security interest therein.

§ 72.06 Resident Parking in Downtown Historic District.

The City Commission has previously do ignated a certain detired area as the Downtown Historic District. As the buildings in this area have been recovated, there have been multiple residential units constructed within said buildings. Accordingly, residents of those units should be allowed longer parking privileges in the Downtown Historic District than those set forth in §72.01(9) above. Therefore, the following draft apply to those residents:

a. The City shall provide two (2) parking passes per residential unit per order for year to the
context and ord of the building containing a residential unit at no cost to the ewner/landlord.
Owner/landlord shall provide the parking passes to the tenants.

- b. Any person restring to a residential unit in the Downtown Historic District that has the parking pass visible displayed in his/her vehicle shall be allowed to continuously park in or at one location on any city street, readway, or designated parking space of public parking let in the Downtown Historic District for a period of time not to exceed seven (7) days without prior notification of the Code trafforment Officer. If a resident of the Downtown Historic District reads to park his or her vehicle in one location for a forger period of time, they may remest an extension of time to park from the Code Enforcement Officer, which request shall not be processorable denied.
- Containing the Downtown Historic District fails to risplay the parking pass where it is
 visible to the Code Enforcement Officer or other enforcement authorities, the provisions of this §72.06
 chall not apply.

8 72.99 PENALTY.

(A) Any person who violates § 72.01 or § 72.06 shall be fixed \$25 for the liest offense. §50 for the second offense, and §100 for the heigh and each subsections offense.

(B) Each day a violation continues shall be a separate and distinct offense. All ponalties shall be payable within fourteen (14) days, from the date of the parking citation is the distribution is not appealed. If the parking citation is not appealed. If the parking citation is not appealed. If the parking citation is not appealed to the Code Endogreement Broard and the civil penalty is not paid within fourteen (14) days, the applicable civil penalty shall double. Any costs incurred by the City in the collection of the parking citation penalty shall also be added to the original fine emount.

(C) The Code Enforcement Board may, in its discretion, increase the civil penalties for any parting disclored appealed to the Board and which are upheld by the Board. The maximum civil penalty that the Code Enforcement Board may impose shall be \$100,000 per violation, except for parking in decisnated handicapped somes and the maximum civil penalty that the Code Inforcement Board may impose for that violation shall be \$100,00 per violation.

(D) All parking violation payments shall be made to the City of Franklin Finance Decorment.

Chapter 75 entitled "Parking Schedules" is unresided to read as follows:

CHAPTER 75: PARKING SCHEDULES

Reserved parking for handicapped persons

SCHEDULE I: RESERVED PARKING FOR HANDICAPPED PERSONS.

- (A) There shall be immediately created three restricted parking places reserved for the use of handicapped motorists.
- (B) On each of these, restricted parking places shall be placed on the north, south, suc. and west sides of the Public Square next to the crosswalk.
- (C) Forth reserved parking place shall be designated by special marking on the road surface and an appropriate sign placed next to said parking place on the sidewalk.
- (D) Parking in these restricted areas shall be restricted to:
 - Automobiles bearing special handicepped license plates;
 - (2) Automobiles locating or unlocating persons who require a device to excist the min moving about, i.e., whoolehair; and
 - (5) (a) Automobiles touting or unleading person who have been prefessionally diagnosed as unving intrained an bulatery ability.

- (b) Said motor vehicles will still be subject to normal parking violations and penalties.
- (E) Any person violating the provisions of divisions (A) through (D) above shall be fined no less than \$2550 and no more than \$100 for each violation.
- (F) The Police Department of the city is authorized to have towed away from said restricted parking areas any automobile found in violation herein at the owner's expense.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

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

	FIRST READING						
SECOND READING							
At a meeting of the Board of Commission 2019, on motion made by foregoing ordinance was adopted, after full discussion	ners of the City of Franklin, Kentucky, held on August and seconded byon, by the following vote:	, th					
	LARRY DIXON, MAYOR						
	JAMIE POWELL						
	BROWNIE BENNETT						
	WENDELL STEWART						
	HERBERT WILLIAMS						
	APPROVED BY:						
ATTEST:	Larry Dixon, Mayor	_					
Cathy Dillard, City Clerk City of Franklin, Kentucky							



MEMO

TO: Mayor Larry Dixon and Commissioners

FROM: City Manager Kenton Powell

DATE: August 22nd 2019

SUBJECT: Future Meetings/Events

The City has several important events coming soon and I would like to review the days and times during Monday's Commission Meeting.

Thank You,

Ne	num				e initiality	-	160000				-		
-Aug	gust '	19					Sep	temb	ur 119	10	XX		
5	М	T	W	Т	F	S	S	M	Т	W	T	F	S
				1	2	3	1	數	1	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	100	13	14
11	12	13	14	15	16	17:	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	酉	25	20	27	28
25	26	27	28	29	30	31	29	30					

Monday, Aug 26, 2019 – 12:00 Noon Monday, Sept 9 & Sept 23

Regular Commission Meetings

Thursday, Aug 29, 2019 - 12:00 Noon

Public Heaving to Set 2019 Tax Rate & Spec Called Mrg

Special Called Meeting Time - 12:05 PM or as soon as possible following the Public Hearing"

Thursday, Aug 29, 2019-1:00 PM West Fork Drakes Cr

West Fork Drakes Creek Dam Interstate Authority Annual

Meeting - City Hall Meeting Room

Pilotokay, Sept. 2, 2009 - 1001 UNAV

City Lind Closed

Tuesday, Sept 3, 2019 - 12:00 Noon

Regular bond Chartenary Steeling

Smpson Co. Charthouse sept 24 - 72, 2019 KRC Challerenad

PUBLIC SAFETY

MEMORANDUM

TO: City of Franklin Board of Commissioners, Mayor and City Manager

FROM: W. Scott Crabtree

DATE: August 20, 2019

RE: Police Policies and Procedures Manual

Attached please find four revised policies and two new policies that Chief Solomon would like to have approved for the FPD Policies and Procedures Manual. The policies are as follows:

- 1. Section 1, Chapter 22 Awards and Medals
- 2. Section 2, Chapter 37 Use of Intranasal Naloxone
- 3. Section 2, Chapter 40 Biased-Based Policing (new policy)
- 4. Section 2, Chapter 41 Unmanned Aircraft System (UAS) (new policy)
- 5. Section 3, Chapter 9 Accident Investigation
- 6. Section 6, Chapter 4 Dealing with Persons of Diminished Capacity

Should you need any further information, please contact Chief Solomon or me.

Attachments

FRANKLIN POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL SECTION 1 ADMINISTRATIVE

Issued: August 13, 2019 Supersedes: All Priors **Approved: Chief Roger Solomon**

References:

Chapter 22 – Awards and Medals

PURPOSE

To establish guidelines for the recognition of exemplary actions and deeds by members of the Franklin Police Department.

POLICY

It shall be the policy of the Franklin Police Department to recognize the exemplary actions and deeds of its members, and to provide such members with awards and/or commendations commensurate with such actions or deeds. The judicious administration of this awards policy will serve to enhance and reinforce the value of the award. An established eligibility criteria for selection of candidates and awards follows.

AWARD DESCRIPTIONS

<u>The Medal of Valor</u>: RC-43. Round gold medallion inscribed "Medal of Valor" with a blue ribbon with four red vertical stripes.

The Commonwealth's Medal of Valor is the highest honor that can be bestowed upon an officer of this agency for conspicuous heroism in the line of duty under circumstances of extreme personal hazard. The Chief of Police shall award this medal only if the following criteria exists:

- 1. The officer acted in the face of extreme personal danger without hesitation or regard for his own life and well being.
- 2. Said officer undertook the action willingly and with full knowledge of the grave risk(s) involved.
- 3. Said act of heroism was so clearly above and beyond the call or risk of ordinary duty, and so conspicuous an example of personal courage that any lesser award would be considered both inadequate and inappropriate.

The Citation for Bravery: RC-1. Gold cross trimmed in blue with an eagle on top and a solid red ribbon.

The Citation for Bravery may be bestowed upon officers of this agency who perform extraordinary acts of bravery in the line of duty. The Chief of Police shall award it only if the following criteria exists:

- 1. The officer acted voluntarily, without personal risk of life or limb.
- 2. Said action was undertaken at a moment of clear and obvious peril.
- 3. Said action was clearly above and beyond the call or risk of ordinary duty.

<u>The Lifesaving Medal</u>: RC-33. Six point gold star with "Life Saving" on bottom in white lettering. White ribbon with four vertical blue stripes.

The Lifesaving Medal may be bestowed upon officers of the agency who perform a lifesaving act under extraordinary circumstances. The Chief of Police shall award it only if the following criteria exists:

- 1. The officer took direct, immediate and positive action to preserve the life of another human being who was in real and imminent danger of dying.
- 2. Said action did, in fact, prevent the loss of a human life.
- 3. The circumstances under which said action was taken were such that any delay, at that moment, in awaiting or obtaining other assistance would, in all probability, have been fatal for the victim.
- 4. This award shall not be duplicated by any other award to the same officer for the same incident. These criteria shall not, however, preclude an accompanying presentation of the Purple Heart.

<u>The Purple Heart Award</u>: RC-45. Round gold medal with star inlay "Purple Heart" with a purple ribbon.

The Purple Heart Award may be bestowed upon officers of this agency who sustain a severe wound or injury while in the performance of their duties. The Chief of Police acting upon a determination that the wound or injury sustained:

- 1. Was inflicted on the officer by an assailant whose intent was to injure the officer while he was engaged in carrying out an authorized enforcement action, or was incurred in the performance of a rescue or other liefesaving act;
- 2. Required treatment by a medical doctor; and

3. Resulted in a necessary loss of time from duty.

<u>The Commonwealth's Police Star</u>: RC-21. Gold cross with blue "Police Star" and a light blue and white ribbon.

The Commonwealth's Police Star may be bestowed upon officers of this agency who distinguish themselves by an act of courage or other meritorious service. The Chief of Police shall award it only if the following criteria exists:

- 1. The act of courage, while of a lesser magnitude than required for the Medal of Valor or the Citation for Bravery, was nonetheless considered as having been performed under more than the ordinary hazards of service; or
- 2. The service cited was of such exceptional character that it contributed, in significant measure, to the success of a major command, unit or other project/endeavor. Superior performance of a normal duty will not necessarily justify presentation of this award.

<u>The Chief's Commendation</u>: RC-19. A gold squared medal with ½ blue and ½ gray ribbon.

The Chief's Commendation may be bestowed upon officers of this agency for an act of distinctive gallantry, meritorious achievement or exemplary service. The Chief of Police shall award it only if the following criteria is met:

1. The act of gallantry, achievement or service was of such distinction as to have brought great credit upon the officer and the Franklin Police Department.

<u>The Honorable Service Commendation</u>: RC-38. Gold round medal with wreath and inscribed "Honorable Service." A ribbon with two white outside stripes, two blue stripes and one gold stripe in the middle.

The Honorable Service Commendation shall be bestowed upon any officer of this agency that has spent at least twenty years of dedicated service in law enforcement.

<u>The Military Service Ribbon</u>: A green and white striped ribbon.

This ribbon shall be awarded by the Chief of Police to any officer of the Franklin Police Department that has honorably served in the United States Armed Forces.

The Chief's Award: Chosen by the Chief of Police, this award is bestowed upon an officer for one who goes above and beyond the normal call of duty.

Valor



Lifesaving







Purple Heart.



Franklin Police Policies and Procedures Manual ~Awards and Medals~

Police Star



Chief's Commendation



Military Service



Frankin Police Policies and Procedures Manual -Awards and Medals-

FRANKLIN POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL

SECTION 2 OPERATIONS

Issued: May 2, 2017 August 15, 2019

Supersedes: All Priors

Approved: Chief Roger Solomon

References:

Chapter 37 - Use of Intranasal Naloxone

PURPOSE: The purpose of this policy is to provide sworn officers with guidelines, instructions and procedures to utilize naloxone in order to reduce fatal opioid overdose.

POLICY: It is the policy of this agency to provide assistance to any persons(s) who may be suffering from an opioid overdose. Officers trained in accordance with this policy shall make every reasonable effort to use naloxone to revive victims of any apparent drug overdose.

DISCUSSION: This policy is intended to address one of the responsibilities of all sworn officers, which is to protect the safety and welfare of all persons and the community. In this regard, officers need to recognize the symptoms that victims who are suffering from an opicid overdose display so as to ensure that fast and effective medical assistance is dispensed. Drug overdoses are a major cause of preventable death in the United States. Increasingly, this includes prescription opicids, along with llegal opiate drugs like heroin. (Opicids are synthetic substances that mimic the narcetic effect of opium, from which heroin is derived.)

DEFINITIONS:

- A. Drug Intoxication: Impaired mental or physical functioning resulting from the use of physiological and/or psychoactive substances; i.e. euphoria, dysphoria, apathy, sedation, attention impairment.
- B. EMT: Emergency Medical Technician, medical care rendered by EMT practitioners, which ensure the provisions of emergency medical assistance in the field for those persons suffering from an illness or injury.
- C. MAD: The intranasal Mucesal Atomization Device which is used to deliver a mist of atomized medication that is absorbed directly into a person's blood stream and directly into the brain and cerebrospinal fluid via the nose to brain pathway. This method of medication administration achieves medication levels comparable to injections.
- **CD. Natoxone**: An opioid receptor antagonist and antidote for opioid overdose which is produced in intramuscular, intranasal or intravenous forms.

Franklin Police Policies and Procedures Manual – Lise of Intranasal Naloxone ~

- <u>DE.</u> Narcan: 4 mg prefilled Naloxone nasal spray device that is self-contained.2mg/2ml prefilled naloxone syringe that is compatible with the intranasal MAD.
- **EF. Opioid:** An opioid is a psychoactive chemical pain medication such as fentanyl, morphine, buprenorphine, codeine, hydrocodone, methadone, and oxycodone.
- **FG.** Heroin: A white, crystalline narcotic powder that is a highly addictive drug derived from morphine.
- **GH. Opioid Overdose:** An acute condition due to excessive use of narcotics, indicated by symptoms including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, resulting from the consumption or use of an opioid or another substance with which an opioid was combined, or that a layperson would reasonably believe to be caused by an opioid-related drug overdose that requires medical assistance.
- <u>H</u>I. Universal Precautions: An approach to infection control whereby all human blood and human body fluids are treated as if they were known to be infectious for HIV, HBV, and other blood-borne pathogens. The use of latex gloves for purposes of this policy is a highly recommended best practice.
- IJ. Signs of Overdose: A person who has overdosed may:
 - i. Be breathing very slow or not breathing;
 - ii. Have blue or purplish lips or fingernails;
 - iii. Be limp;
 - iv. Pinpoint pupils;
 - v. Be vomiting or gurgling; and
 - vi. Not wake up or respond if you try to rouse him.
- **JK. Issuance of Naloxone:** Naloxone for intranasal use will be issued to all sworn officers.

Each kit will include:

- i. Instructions for administering intranasal naloxone; and
- ii. A single 4 mg dose of Narcan nasal spray device (device does not have to be primed). Two (2) single-use Lucr Lock prefilled syringe systems; and
- iii. One (1) MAD.

K. Training:

- Officers will receive refresher training every two years on the administration of Narcan.
- ii. Officers will watch a training video on how to administer the Narcan to an individual, as well as read the 3-step guide on the administering of Narcan.

[~] Use of Intranasal Naloxone ~

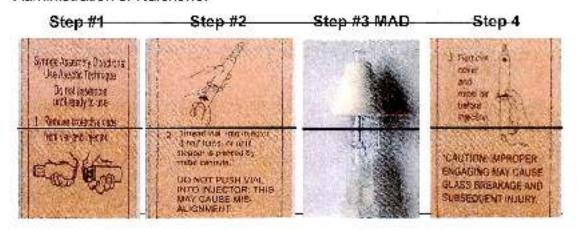
iii. Officers will then initial a document that states that they have watched the training video and read the guide.

PROCEDURE:

- A. Officers shall receive agency approved and authorized training on responding to persons suffering from an apparent opioid overdose and the use of naloxone prior to being issued an intranasal naloxone kit and/or being authorized to administer naloxone.
- B. Officers of this agency shall receive approved and authorized refresher training on responding to persons suffering from an apparent opioid overdose and the use of naloxone every two (2) years.
- C. Whenever an officer encounters a person who appears to be the victim of a drug overdose, the officer shall:
 - i. Maintain universal precautions throughout the event;
 - ii. Contact and advise the dispatcher of a possible overdose and request EMS response;
 - iii. Keep the dispatcher apprised of the condition of the overdose victim;
 - iv. Perform an assessment of the victim, checking for unresponsive and decreased vital signs;
 - v. Check for Medic Alert tags or the like, which may indicate a pre-existing medical condition, around the wrist or neck of the victim;
 - vi. Ask witnesses, family or friends of the victim what type of drug the victim ingested;
 - vii. Observe your surroundings for any evidence of drugs that may indicate what the victim ingested, such as prescription drug bottles, heroin packages, needles and syringes;
 - viii. Prior to the administration of naloxone, officers shall ensure that the victim is in a safe location and shall remove any sharp or heavy objects from the victim's reach, as the sudden onset of immediate opioid withdrawal may result in physical symptoms such as agitation, rapid heart rate, nausea, seizures and difficulty breathing;
 - ix. Administer naloxone using the approved Narcan nasal spray MAD;

- x. Seize all illegal and/or non-prescribed narcotics found on the victim or around the area of the overdose, process in accordance with agency policy, and inform medical personnel of the drugs recovered; and
- Once used, the intranasal naloxone device is considered bio-hazardous material and shall be turned over to EMS or hospital personnel for proper disposal.

D. Administration of Naloxone:



- Step 1 Remove protective caps from vial and injector.
- Step 2 Thread the vial into the injector 3 half turns, or until the stopper is pierced by the metal cannula.
- iii. Step 3 Remove the MAD and place in the tip of the injector.
- Step 4 Expel air before injection.
- v. Step 5 Place the MAD in one nostril of the victim and pinch the other closed. Administer 1 ml into the nostril. Remove the MAD and place it into the other nostril. Pinch the other nostril closed and administer the remaining 1 ml-of naloxene.



ASK person if he or she is obay and short name.

Check for signs of opioid overdose:

- Will not wake up or respond to your verse or reach.
- Practing is very dow, irregular, or has stopped
- Center part of their eyelic very small, sometimes called "pincoint publis"

Lay the person on their back to receive a dose of NARCAN® Nasal Spray.



the box



Pool (sack the tab with the circle to open the NARCAN* Rasai Spray



Held the NAPCAN[®] Festal Spray with your thundren the Settom of the plunger and your first and said to higgers on either side of the needs.



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 That a person's head back and provide support under the neck with your hand.
 Gertly insert the tip of the needs into one nustril, until your fingers or cutter sign of the needs are aparts the bottom of the person's nose.



Press the plunger firmly to give the desc of NARCANE Nasal Screen

Remove the NAFC/OTNssst
 Spray from the nostal after
given afterdose.

Call for omergency medical help, Evaluate, and Support



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Report Stop Principle instabilities.
Name Spraymogae, analysis last technicals of the result. Backets of the PLAN land Screen are sensitive, remaining 2 comply to principles and frequency to principles and frequency.

- When administering the Narcan, it is not necessary to depress the other nostril.
- If an additional dose is needed, it should be given in the other nostril if possible.
- iii. If the first dose does not cause the individual to respond, then you can dive additional doses of Narcan to the individual every two to three minutes. This can be repeated until emergency medical help arrives.
- iv. Maintain constant observation of the victim and update dispatch and medical personnel on the condition of the victim.
- You should notice improvement in breathing in 2-3 minutes.
- vi. Maintain constant ebservation of the victim and update dispatch and medical personnel on the condition of the victim.
- vit. You should notice improvement in breathing in 2-3 minutes.

- E. Reporting: After utilization of naloxone, officers shall complete the naloxone report on KYOPS.÷
 - i. Prepare an incident report to include (1) a description of the individual's condition, (2) symptoms and behaviors, (3) the fact that naloxone was deployed, (4) EMS response, (5) the hospital to which the victim was transported, (6) any narcotics seized, (7) the outcome of the agency, and (8) EMS response.
 - ii. The on-scene supervisor or the on-duty supervisor will review and approve the report.

F. Storage and Replacement:

- i. Inspection of the intranasal naloxone kit shall be the responsibility of the officer to whom it is issued and shall be conducted by the officer prior to each shift, along with the rest of the agency issued equipment.
- ii. Check the expiration date found on the box or vial.
- iii. Check the condition of the MAD. When unopened it is considered sterile for 4-5 years.
- iiiiv. Naloxone will be stored in accordance with the manufacturer's instructions, avoiding extreme cold, heat and direct sunlight.
- iv. Officers will store the vial of naloxone in a pocket of their outer vest carrier.
- <u>viii</u>. Missing, damaged and expired kits will be reported to the officer's immediate supervisor as soon as the discrepancy is noted.
- viiv. Replacement kits will be provided to officers.

FRANKLIN POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL

SECTION 2 OPERATIONS

Issued: August 13, 2019 Approved: Chief Roger Solomon

Supersedes: All Priors References: 30.2

Chapter 40 - Biased-Based Policing

PURPOSE: The purpose of this policy is to prohibit the use of race, ethnicity, gender, or national origin as a reason to restrict liberty, or exercise any other police power upon an individual, except in those cases where one of the classifications above is a descriptive factor concerning a suspect.

POLICY: The policy of this department is to respect the rights of all persons who officers encounter during any law enforcement operation.

DEFINITIONS:

Biased-Based Policing - using race, ethnicity, gender or national origin as a reason to restrict a person's liberty where race, ethnicity, gender or national origin is not a descriptive factor relating to a suspected criminal event.

PROCEDURE:

- A. All contacts made by members of this agency with any person must meet the requirements of the United States and Kentucky Constitutions.
- B. Preventing Perception of Bias:
 - 1. Officers should act with courtesy and professionalism on all stops and contacts.
 - 2. At the start of a contact, where feasible, officers should introduce themselves and inform the person of the reason for the stop. This introduction is not required where the introduction would compromise the safety of the officer or any other person.
 - 3. Officers should continue the contact for only that time which is necessary to meet the objectives of that which justified the stop to begin with (i.e. if the stop is for a traffic violation, officers should not prolong the stop beyond the time it takes to write a citation). Where reasonable delays occur, the officer should keep the person informed of the reason for the delay.

- 4. Officers should answer questions posed by the persons stopped to the extent that is possible.
- 5. Officers should provide his or her name and badge number when requested.
- C. **Complaints Regarding Bias:** All complaints regarding bias, as defined by this policy, shall be handled in accordance with the Complaints Against Police Officers/Internal Affairs Policy of this agency. (Section 1, Chapter 15)

FRANKLIN POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL SECTION 2 OPERATIONS

Issued: August 16, 2019 Supersedes: All Priors **Approved: Chief Roger Solomon**

References:

Chapter 41 – Unmanned Aircraft System (UAS)

PURPOSE

- A. An Unmanned Aircraft Systems (UASs) ability to reach inaccessible or dangerous locations has an advantage over manned helicopters because they reduce the risk to human life. UAS have the potential to aid in search and rescue missions by covering more ground and keeping police officers safe by providing an eye in the sky in dangerous situations. The UAS will be used to enhance public safety and in assisting law enforcement search and rescue operations.
- B. Tactical Operations: The UAS will be used to enhance and support tactical operations of the agency. Narcotics operations (DTF), and detectives during the execution of warrants, may utilize UAS to provide real time situational awareness of the target during high risk operations. The ability to provide this aerial view may enhance officer safety and document movements of officers and civilians.
- C. Search and Rescue: UAS equipped with a thermal / optical camera and multisensor navigation systems are designed to find people in rugged outdoor environments. The ability to use UAS to search large areas quickly using the attached technology equipment will improve the resolution of search and rescue operations.
- D. Crime and Collision Scene: The UAS can also be used to document and record crime and collision scenes.

POLICY

It is the policy of this agency to use UAS in coordination with law enforcement officers conducting specific missions in accordance with Federal Aviation Administration (FAA) regulations and any and all other applicable laws, rules, or regulations. This policy is designed to minimize risk to persons, property, and aircraft during the operation of the UAS while safeguarding constitutional protections and privacy interests of all persons.

DEFINITIONS

- A. UAS: Unmanned Aircraft System.
- B. **Pilot in Command (PIC):** The individual responsible for the overall flight operations of a specific mission.
- C. **Visual Observer (VO):** The individual responsible for the operation of all camera and remote sensing functions during UAS operations. Monitors the flight characteristics of the aircraft while in communication with the PIC to assist the PIC in avoiding obstacles and low flying air traffic.
- D. **COA:** For public operation, the FAA issues a Certificate of Authorization (COA) or waiver that permits public agencies and organizations to operate a particular UAS for a particular purpose, in a particular area. The COA allows an operator to use a defined block of airspace, and includes special safety provisions unique to the proposed operation. COAs usually are issued for a specific period up to two years in many cases. A Part 107 authorization may be obtained in addition to or in the alternative of a COA.

PROCEDURES

The PIC, VO, and supervisors will ensure operations of the UAS cause no greater intrusion on privacy interests than is necessary to carry out the mission in accordance with the law. To accomplish this primary goal, this agency will:

- A. Make a reasonable effort when the UAS is being flown to minimize inadvertent recording of uninvolved persons.
- B. Maintain video and still images in strict compliance with agency policies and procedures and Commonwealth of Kentucky Records Retention Act.
- C. Not conduct random surveillance activities with the UAS. The use of the UAS will be tightly regulated by the Chief or designee.
- D. Authorize missions for the UAS including, but not limited to:
 - 1. Video/photographs for investigative support (Crime Scene, Fatality Investigation, etc.);
 - 2. HAZMAT Response;
 - 3. Search and Rescue;
 - 4. Barricaded Persons / Hostage Situations / Active Shooters;
 - 5. Traffic Collisions:
 - 6. Disaster Response (Floods, Tornado Damage, etc.);
 - 7. Bomb Threats:

- 8. All other requested uses must be approved by the Chief or his/her designee prior to deploying the UAS; and
- 9. If UAS is going to be used over a residential property for an investigation, a warrant shall be obtained unless the UAS Pilot in Command can articulate probable cause that exigent circumstances exist.
- E. The UAS program will operate strictly within the law and regulations. The agency will balance all operations with the need to accomplish the mission while maintaining public privacy.

PERSONNEL

- A. The Chief shall designate a supervisory level officer to be the UAS Unit Commander. The commander shall report directly to the Chief or Designee. The UAS Commander shall be responsible for the overall direction and performance of the UAS unit.
- B. Commander Responsibilities:
 - 1. Select UAS personnel along with Command Staff.
 - 2. Maintain all training, flight and maintenance records for each PIC and VO, as well as individual airframes.
 - 3. Maintain compliance with FAA regulations as well as compliance with all other federal, state, and local laws, rules, and regulations.
 - 4. Evaluate airframes based on mission needs.
 - 5. Be proficient on all UAS operated by the unit.
 - 6. Prepare a written "After Action Mission Report" and brief the Chief or his/her designee.

C. PIC:

- 1. Primary duty is the safe and effective operation of UAS in accordance with the manufacturer's approved flight manual, FAA regulations and all other applicable federal, state and local laws, rules, and regulations, and agency policy and procedures. PICs must remain knowledgeable of all FAA regulations; UAS manufacturer's flight manuals, bulletins and Agency policy and procedures.
- 2. May be temporarily removed from flight status at any time by the UAS Commander, Chief's Designee or the Chief for reasons including performance, proficiency, physical condition, etc.

D. VO:

Must have sufficient training to communicate clearly to the PIC any turning instructions required to stay clear of conflicting traffic. A VO's primary duty is to operate the UAS's equipment, including cameras, FLIR, radio communications with patrol units, as well as be an observer for anything that may affect the PICs primary duty.

OUTSIDE JURISDICTION - REQUEST FOR SUPPORT - MUTUAL AID

Requests for support from other governmental agencies within or outside the jurisdiction of this agency will be forwarded to the UAS Commander, who after consideration will either deny the request outright, because the request is clearly outside the policy of the agency or contrary to an applicable law, rule, or regulation, or forward the request to the Chief or the Designee for approval for use of the UAS. Proper policy and procedure, as well as FAA regulations shall be followed when accepting mutual aid support for the UAS.

SAFETY

- 1. If any member observes, or has knowledge of, an unsafe or dangerous act committed by another member, or an act contrary to an applicable law, rule, or regulation, the UAS Commander is to be notified immediately so that corrective action may be taken.
- 2. In regard to safety, the PIC of the UAS unit is responsible for the following:
 - i. Ensuring all flight operations personnel understand applicable regulatory requirements, standards and organizational safety policies and procedures.
 - ii Observe and control safety systems by monitoring all operations.
 - iii. Review standards and the practices of agency personnel as they impact operational safety.
 - iv. Communicate all reported safety related problems and the corrective action taken, including any in-flight problems (or learned experiences).
 - v. Reading and understanding all pertinent safety information and emergency safety bulletins.
- 3. Although the PIC is responsible for the overall safety of the UAS operation, it is also emphasized that safety is a responsibility of ALL members of the UAS unit.

OPERATIONAL HAZARD AND OCCURRENCE REPORT (OHOR) AND INVESTIGATIONS

- 1. Occurrences are unplanned safety related events, including accidents and incidents that could impact safety.
- 2. A hazard is something that has the potential to cause harm. The systematic identification and control of all major hazards is foundational to safety.
- 3. The OHOR concept provides a mechanism to report hazards and occurrences, real and perceived, to those responsible for UAS operations.
- 4. There is no specific OHOR form, the information provided is what is important. Incidents should be documented without hesitation to report any anticipated, current, or experienced safety hazard, or occurrence. Further, the OHOR can be submitted anonymously, and to whatever level in the chain of command of this agency to get the matter proper attention, without fear of reprisal.
- 5. Every hazard and/or occurrence will be investigated, with the results and corrective action taken communicated to all members. The investigation will be conducted by the UAS Commander and a designee of the Chief who has authority over internal investigations. Due to the technical aspects of the UAS operations, an independent subject matter expert may be necessary in some cases to assure a thorough and complete investigation.
- 6. All UAS members are authorized to take action in order to correct a hazard if in that member's opinion delay will result in accident or injury. The UAS Unit Commander will be notified immediately in such situations.

TRAINING

- 1. The key to continued safe operations is maintaining a professional level of competency by establishing minimum qualifications for selecting and training members.
- 2. In conjunction with fulfilling all FAA and other applicable requirements for PIC/VO duties, the new member will also become familiar with the agency UAS operations and related equipment.
- 3. Before a member can fly as a PIC, they must complete at least eight hours of flight training with the UAS instructors to show proficiency of the flight training exercises

and the airframe. This must be accomplished to show their ability and knowledge of the UAS in compliance with the manufacturer's manual and instructions.

CALL OUT PROCEDURES / USE OF THE UAS

- 1. When feasible a supervisor will screen all initial requests to use a UAS from patrol or investigation units. All reasonable requests will be forwarded to the UAS Commander for consideration. In the absence of the supervisor, the dispatcher will forward the request to the UAS Commander.
- 2. UAS Commander will screen the request using the following factors:
 - i. Is the proposed use of UAS within the capabilities of the UAS equipment and personnel to perform?
 - ii. Does the proposed use of the UAS fall within the FAA and department policies and regulations for UAS usage?
 - iii. Can the UAS be deployed safely given current weather conditions?
 - iv. Does the UAS deployment require a warrant, and has one been requested/approved?
 - v. Are sufficient trained and qualified personnel available to safely operate the UAS?
- 3. If the Chief or the designee accepts the support request, the UAS Commander will contact a PIC and VO who will be provided all available mission information.
- 4. The PIC is responsible for transporting the UAS and all required equipment to the scene. Upon arriving at the requested location, the PIC will contact the on-scene Incident Commander and will check in and receive a briefing on the mission requested. The PIC will make an on-scene determination of the ability of the UAS to perform the requested mission safely and within department and FAA policies and procedures as well as within the bounds of all applicable laws, rules, and regulations.
- 5. If the PIC determines that the use of the UAS would violate department policy or directives or FAA policies or applicable laws, rules, or regulations, the PIC will inform the Incident Commander of the potential conflict, along with recommendations for modifying the requested mission to conform to the department all of the foregoing. As this is a change from the original approved mission, the PIC will contact the UAS Commander for direction on how to proceed.

- i. The PIC will have sole discretion for overall mission safety, identifying potential violations of FAA rules, and risks of potential damage to the UAS or its associated equipment. If the PIC makes this determination that any of these issues are present, the PIC will inform the Incident Commander of the reasons for refusing to operate the UAS and contact the UAS Commander immediately. The UAS will not be flown in this circumstance and the authority of the PIC is absolute.
- ii. The UAS shall not be used for the purpose of random surveillance that is not in the furtherance of a legitimate law enforcement activity.
- iii. If several separate requests for UAS support are received simultaneously, they shall be prioritized. In general terms, requests for UAS support are prioritized as:
 - (a) Life Safety
 - (b) Evidence / Documentation
 - (c) Flight Boundaries:
 - (1) Although there may be requests for UAS support outside the jurisdiction of this agency, the FAA Certificate of Authorization (COA) for the UAS restricts deployment to certain areas. This restriction would not apply under Part 107 authorization.
 - (2) At no time shall UAS support be granted outside this agency's jurisdiction without first obtaining an emergency FAA COA and approval by the UAS Commander. This restriction would not apply under Part 107 authorization.
 - (3) Maximum altitude shall not be set more than 400 feet per the FAA COA.
 - (4) Line of Sight: All UAS operations shall be conducted within line of sight of the Operator or VO such that the PIC or VO may detect and avoid hazards such as aircraft or property.

MINIMUM PERSONNEL REQUIREMENTS

A VO shall be used during all training missions.

PERSONAL EQUIPMENT

Use of the radio, cell phone or other device is strictly prohibited by the operator during flight per the COA. Part 107 authorization allows for remote operation, however.

PRE-FLIGHT/POST-FLIGHT ACTIONS

- 1. The PIC is responsible for a thorough preflight inspection of the UAS.
- 2. Before and after each deployment (whether an incident or training), the PIC shall conduct a thorough inspection of the UAS in accordance with the instructions contained in the manufacturer's user's manual.
- 3. It has been recognized that the use of a checklist is a significant method to combat UAS accidents. A pre-flight and post-flight checklist will be conducted in accord with the manufacturer's instruction and will be utilized prior to each flight.
- 4. Any physical equipment issues that cannot be resolved on-site, or which have an impact on safety of the mission, will delay the deployment. These issues will be resolved and documented before flight.

WEATHER

- 1. Before each deployment the PIC will ensure that he/she gathers enough information to make themselves familiar with the weather situation existing throughout the area of deployment. The PIC shall utilize FAA approved weather resources to obtain the latest and most current weather conditions.
- 2. The operator shall ensure that the flight will occur within FAA VFR (Visual Flight Rules) weather requirements.
- 3. Inspection and weather conditions will be documented prior to flight within the logbook.

PLANNING

- 1. The PIC/VO shall familiarize themselves with all available information concerning the deployment including, but not limited to, the weather conditions, hazards, description of the incident, deployment goals, etc.
- 2. The PIC will identify a safe location for take-off and emergency landing.
- 3. The PIC will ensure they are aware of their surroundings in the event an emergency landing is necessary. This plan includes the ability to recover the UAS.

DOCUMENTATION

After each flight, the PIC will document the UAS operations by:

i. Filling out the flight logbook, as well as the post flight checklist; and

ii. After each deployment, all video obtained by the UAS Operation will be submitted to evidence in accordance with agency policy and Commonwealth of Kentucky Records Retention Act.

MAINTENANCE

- 1. Although there are few parts on the UAS that need servicing, it is necessary that the manufacturer's maintenance schedule is followed and properly documented.
- 2. Any issues that arise during maintenance that cannot be resolved by routine methods shall be forwarded to the manufacturer for further technical support.
- 3. Maintenance and service records associated with the UAS shall by maintained by the UAV Commander.
- 4. The PIC and/or Commander of the Unit shall maintain manufacturer's software updates and/or operating requirements.

ACCIDENT REPORTING

No later than 10 calendar days after an operation that meets the criteria of either paragraph (1) or (2) of this section, a remote pilot in command must report to the FAA, in a manner acceptable to the Administrator, any operation of the small unmanned aircraft involving at least:

- 1. Serious injury to any person or any loss of consciousness; or
- 2. Damage to any property, other than the small unmanned aircraft, unless one of the following conditions is satisfied:
 - (i) The cost of repair (including materials and labor) does not exceed \$500; or
 - (ii) The fair market value of the property does not exceed \$500 in the event of total loss.

FRANKLIN POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL SECTION 3 INVESTIGATIONS

Issued: January 30, 2017 August 13, 2019

Supersedes: All Priors

Approved: Chief Roger Solomon References: KACP Standards 23

Chapter 9 - Accident Investigation

PURPOSE

The purpose of this policy is to establish guidelines for the proper handling of traffic accidents, and for the collection and use of data that will reduce automobile accidents resulting in property damage, injury, or death.

POLICY

It shall be the policy of the Franklin Police Department that all traffic accidents shall be investigated according to the laws of the Commonwealth and the procedures set forth in this manual.

PROCEDURES - GENERAL

Accident Report and Investigation

- A. Kentucky Revised Statutes concerning the reporting of traffic accidents include:
 - (1) KRS 189.580

The driver of any vehicle involved in an accident resulting in death, injury, or damage shall immediately stop, notify police and arrange for medical treatment.

- (2) KRS 189.635
 - The driver of any vehicle involved in an accident resulting in injury or death, or total property damage of five hundred dollars (\$500.00) or more, shall within ten (10) days make a written or electronic report of it to the Kentucky Justice Cabinet.
- (3) KRS 189.635

Police officers who investigate an accident for which a report must be made, either at the time of and at the scene of the accident, or thereafter and elsewhere, by interviewing participants or witnesses, shall within ten (10) days after competing the investigation forward a written report of the accident to the Kentucky Justice Cabinet.

- B. The terminology used in the above laws requires "reports of accidents." For departmental purposes, a report is made by the police officer that has investigated an accident at the scene or elsewhere, the length, duration and depth of investigative effort proportionate to the seriousness or harm done.
- C. A police officer shall respond to and prepare a report of the accident involving any of the following:
 - (1) Death or injury;
 - (2) Property damage in excess of five hundred dollars (\$500.00);
 - (3) Hit and run;
 - (4) Impairment due to alcohol and drugs;
 - (5) Hazardous materials; and
 - (6) Any accident involving town property, vehicles, equipment or facilities.
- D. Officers shall also be assigned to respond to any accident involving disturbances between parties, or which create major traffic congestion as a result of the accident, or where vehicles are damaged to the extent that towing is required. Police vehicles may be assigned to any other accident not listed above, and assist persons involved with information exchange. Time permitting, officers may investigate and report such accidents for departmental use.
- E. Accidents occurring on private property shall not be reported by the department unless it falls within categories (1), (2), or (6) of Paragraph C above. A state form will be provided to the drivers for their report to the Kentucky Justice Cabinet.
- 2. Accident Scene Responsibilities of the First Officer at the Scene
 - A. Administering emergency medical care (basic life support measures) pending arrival of a rescue squad;
 - B. Summoning additional help as required (officers, rescue, tow truck, etc.);
 - C. Protecting the accident scene;
 - D. Preserving short-lived evidence (broken parts, skid marks, etc.);

- E. Establishing a safe traffic pattern around the scene:
- F. Locating witnesses and recording key accident information (license numbers, observation of damage before vehicles are moved, etc.); and
- G. Expediting removal from roadway of vehicles, persons and debris (in property damage only accidents, and where possible, get vehicles off roadway immediately to get traffic moving).
- 3. The officer assigned to an accident shall have the responsibility and authority to request assistance from any other officers as needed. He is then also the primary investigation officer and in charge at the scene, unless the supervisor deems it more appropriate to assign another officer these responsibilities.
- 4. In case of accidents that occur on private property, accident reports need not be filled out if property damage does not exceed five hundred dollars (\$500.00). An individual Kentucky Uniform Traffic Accident Report Form (KSP-232) can be given to each driver if they wish to have a report on file.

PROCEDURES - ACCIDENT SCENE

1. Accident Scene Procedures

- A. Upon receipt of a report of a motor vehicle accident that requires the services of a police officer, the officer assigned shall proceed directly and safety to the call by the most expedient route without the use of emergency equipment under the provisions of KRS 189.940. If injuries are reported, the officer shall respond "Signal 9, Emergency Response" by illuminating the vehicle's warning lights continuously during the period of the emergency, and by the continuous sounding of the vehicle's siren, bell or exhaust whistle (KRS 189.940 (5), and the fire department life squad will be dispatched. (*Refer to Chapter 5 Vehicle Operations.) The police vehicle shall not be parked at the scene in a manner that will endanger other pedestrians, motorists, or citizens. The officer should consider using the police vehicle as a shield to protect the scene, as well as himself. The officer shall leave his vehicle emergency lights on.
- B. During periods of reduced visibility, darkness, or while working traffic control, the officer shall put on a reflective safety vest immediately after exiting the vehicle.
- C. In case of danger of fire from leaking or ruptured gas tanks or where there is any major crash of two (2) or more vehicles, or where there is any sign of hazardous materials having been transported, the fire department shall be called out.

D. All police vehicles are equipped with a copy of the current emergency response guidebook. It permits both rapid identification of DOT vehicles, and contains placards for hazardous materials, as well as gives information concerning the nature of the hazard, emergency procedures, and evacuation disasters. Any police officer arriving at the scene of such an accident and seeing hazardous materials placards shall immediately request the fire department. The Fire Chief will assume control of any scene involving hazardous materials, and all officers will provide support as required. Any investigation of the accident will occur after approval of the Fire Chief.

2. Accident Scene Information Collection

- A. At the scene of the accident, the investigating officer must gather information concerning the accident for subsequent use in completing necessary report forms. Information to be collected at the scene may include, but is not limited to:
 - 1. Interviewing principals and witnesses and securing necessary identity/address information;
 - 2. If the officer at the scene concludes DUI and the defendant is still present, DUI arrest should be made before transport;
 - 3. Examining/recording vehicle damage;
 - 4. Examining/recording effects of the accident on the roadway or off the roadway on other property/structures, etc.;
 - 5. Taking measurements as appropriate;
 - 6. Taking photographs as appropriate. When taking photographs you are to use your department-issued camera unless extenuating circumstances arise and you have to use other means.
 - 7. Collecting/processing evidence; and
 - 8. Exchanging information among principals.

3. Accident Investigation Follow-Up Activities

A. Follow-up activities, which may be necessary, include:

- 1. If the driver is transported to a hospital before arrival of an officer, and/or the officer later concludes DUI, an arrest warrant should be obtained;
- 2. In other traffic-related investigations, when the officer leaves the scene of the offense, follows up and later identifies an offender or offense, arrest warrants shall be obtained;
- 3. Collecting of scene data;
- 4. Obtaining/recording formal statements from witnesses;
- 5. Reconstructing accidents;
- 6. Submitting evidentiary materials for laboratory examination; and
- 7. Preparing accident or offense reports to support criminal charges arising from the accident.
- B. In a particularly serious accident involving severe injuries, fatalities, multiple vehicles, etc., it may be necessary to summon expert or technical assistance from photographers, surveyors, mechanics, physicians, accident crash team specialists, or other specialists. Such expert assistance shall be requested through the on-duty supervisor. The Chief of Police shall be notified if there are circumstances existing that would reasonably require the Chief of Police to be notified.
 - 1. The Franklin Police Department's Accident Reconstructionist will be notified of the need for him/her to respond to the scene of a serious accident that resulted in a fatality by the on-duty supervisor. The accident reconstructionist will then respond and take control of the scene and the investigation.
- C. Accident Reconstructionist Duties for a Fatality Accident.
 - 1. Reconstructionist will request dispatch to log the current weather conditions from the time of the call once he/she goes in-service.
 - 2. Upon arrival to the scene, the reconstructionist will shut down the area completely except for first responders.
 - 3. Reconstructionist shall check the scene for marks and debris. Also, he/she shall communicate with the first responding officer to the scene to determine if anything may have been moved from its original place.

- 4. Separate witnesses, if necessary, and obtain written statements.
- 5. Take photos of the scene including, but not limited to vehicles, marks, debris, and any other pertinent items. Retake photos after marking items with paint. When taking photographs you are to use your department-issued camera unless extenuating circumstances arise and you have to use other means.
- 6. Speak with all parties involved in the accident.
- 7. Request a blood draw on any and all drivers. If the driver is deceased, then a toxicology report must be requested from coroner/medical examiner.
- 8. Request that a tow truck driver place the vehicles back at the point of impact for photos of the exact point of the collision. (Allows for an ariel shot of the point of impact.)
- 9. Once everything is marked and photographed, the clean up process can begin.
- 10. Draw a rough diagram of the accident at final rest after choosing one or two anchor/reference point(s).
- 11. Take measurements of the accident scene.
- 12. Create a hand drawn diagram of the accident that is to scale.
- 13. Complete the ECrash report in KYOPS.

4. Accident Report (KSP On-Line Software)

- A. Section 189.635(3) of the Kentucky Revised Statutes states: "Every law enforcement agency whose officers investigate a vehicle accident of which a report must be made as required in this Chapter shall file a report of the accident with the Department of State Police within ten (10) days after investigation of the accident upon forms supplied by the Department."
- B. In the event of an accident that occurs on private property, an accident report will be filed if it meets any of the normal reporting criteria (death, personal injury, property damage in excess of five hundred dollars (\$500.00), or involves government-operated vehicles).

C.	The Franklin Police on-line software "E	ce Department crash".	utilizes	the	Kentucky	State	Police's

FRANKLIN POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL SECTION 6 CRISIS INTERVENTION

Issued: September 24, 2014 Supersedes: All Priore Approved: Chief Horace Johnson References: KASP Standard 30.8

Chapter 4 Montal Illness

PURPOSE

To provide Franklin Police Department officers with the essential tactical and processing skills necessary to effectively deal with persons of diminished capacities in a manner to provide the required professional assistance these persons need, to protect the community, to safeguard the officers/deputies involved in the encounter and to enhance the agency's risk management.

POLICY

Every community can expect its law enforcement officers to encounter persons of diminished capacities. This group of special needs persons presents field officers with different and often complex issues. These types of persons, whether from intoxication. suicidal potentials, medical complications or mental illness, present field officers/deputios with a wide range of behaviors usually different than those exhibited by other members of the community or porsons involved in criminal activities. Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable and threatening. They may not receive or comprehend commands or other forms of communication in the manner that the officer would expect. They often do not respond to authoritative persons or the display of force. It is the primary task of the field officers confronting these special needs persons to resolve the encounter in the safest manner. It is the task of the officer to bring these types of persons to professional resources, when necessary. It is not the mission of the field officer to diagnose the root cause for the person's behavior. Every officer can expect to encounter these types of special needs persons while performing their official duties. Officers are expected to control the incident. Proper tactical and intervention techniques can assist in resolving the immediate field implications of the encounter and hasten the intervention by professional resource persons.

DEFINITIONS

A. Persons of Diminished Capacity: This refers to a segment of the community efficers will be expected to encounter. It encompasses all persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable or weird. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness or medical

Frankin Poice Policies and Procedures Manual. ~ Deating with Porsons of Diminished Capacity ~

complications, intellectually and developmentally disabled (IDD), autistic, dementia and Alzheimer's.

- B. Mental Illness: This policy does not require officers to make a clinical diagnosis of whether the subject is mentally ill or what form of mental illness the subject may have, but rather to use reasonable judgment to recognize behavior which is outside the norm in which a person poses a danger to themselves or others.
- C. Mentally III Person: Refers to a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person's affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological or social factors.
- D. Professional Resources: These sources are those available to the police agency, such as mental health professionals, emergency medical facilities, and detoxification centers.
- E. Voluntary and Involuntary Commitments: These are the provisions within the State which the agency can use for the civil commitment of persons requiring professional psychological intervention.

PROCEDURES

Field Control Tactics: The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and then determine the best course of action for the subject person. This field tactical response can be segmented into four (4) distinct tactical responses: Containment, Coordination, Communication and Time.

- A. Containment: Before any reasonable control and defusing techniques can be used, the subject must be contained:
 - i. Two (2) officers shall be dispatched to an incident involving a person of diminished capacity. Should an officer find himself/herself in a situation with such a person, the officer shall request a back-up before attempting to intercede.
 - ii. Responding officers should avoid the use of emergency lights and sirens when responding to this type of call for service. Experience has demonstrated that this may agitate the response by the subject of the call or encounter.
 - iii. The officers shall devise a plan that separates the subject from other civilians. This containment should respect the comfort zone of the subject in order to reduce any unnecessary agitation. Officers should convince the

Franklin Police Policies and Procedures Manual ~ Dealing with Persons of Diminished Capacity ~

- subject that they do not have to move. Officers should continuously evaluate this comfort zone.
- iv. It is important for officers to ensure that on lookers and family members are not in a position to become involved, either verbally or physically in the control methods.
- v. Effective containment reduces the elements of agitation, such as large groupings of persons (including officers), emergency vehicle equipment, loud police radio transmissions, and multiple persons directing communications to the subject. Containment is meant to reduce outside influences and sources of agitation.
- vi. Officers should use time to their advantage when dealing with persons of diminished capacity, so long as the person is not presenting an imminent threat to themselves or others.
- vii. Officers should utilize all available tactics to de-escalate the situation where possible; however, if an officer is faced with a dynamic and violent situation which poses a threat to the officer or other persons present, then officers should utilize their law enforcement control tactics outlined under the "Response to Resistance" policy to gain control.
- B. Coordination: This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources:
 - i. When two officers are responding, contact/cover tactics should be employed.
 - ii. Contain the person with diminished capacity to ensure that outside persons and/or family members do not interfere.

iii. Officers should:

- 1. Continually gather intelligence regarding the subject being encountered. This type of information can come from persons at the scene, neighbors and/or family
- 2. Determine what resources should be requested, including additional police personnel, specialized weapons, professional resources and staged medical personnel.
- 3. Designate the location for a command post and staging area. This should be out of sight of the location of the subject encounter.
- C. Communication: Communication with the person of diminished capacity should be planned and controlled.
 - i. Prior to engaging the subject in communication, the initial responder, when practical, should wait for the arrival of a cover officer. When dealing with edged weapons officers should, where possible, maintain a zone of safety which allows for reaction should the subject decide to attack.

Franklin Police Policies and Procedures Manual ~ Dealing with Persons of Diminished Capacity ~

- ii. One officer shall be designated as the "contact" officer responsible for direct communication with the person of diminished capacity. Other officers should assist with containment and coordination of other resources (medical personnel, assist family members, etc.)
- iii. Verbal communication should be non-threatening. Whenever possible, use open-ended questions designed to facilitate the subject's participation. If the subject does not respond, use other communication techniques. It may be necessary to change the person designated as the command voice and determine whether that might be beneficial.
- iv. Officer should use calming communicative attempts when possible. Sharp, authoritative commands should be avoided unless necessary.
- v. It has been found that threats to arrest or use force are not productive when dealing with persons with diminished capacities. Reassure the subject that the police are there to help them.
- vi. Be as truthful as possible within the scope of the situation.
- vii. Officers must constantly analyze what effect, if any, their efforts are having on the subject. This is essential to identify areas that appear to agitate the subject that should then be avoided.
- viii. Normally, family members should not be used in an attempt to establish communications. This frequently exacerbates the situation.
- D. Time: The concept of elongating the encounter, rather than hastening it.
 - i. History has shown that the longer the encounter is allowed to occur, the better the chance for a successful and safe resolution.
 - ii. Increasing the time of the encounter and using defusing techniques allows the subject to reflect upon his/her predicament.
 - iii. Creating time also allows for the field units to be supported by the deployment of additional police personnel, specialized equipment and medical support personnel.
 - iv. Time encourages the ability to communicate and create a relationship between the subject and the command voice.

COMMITMENT PROCEDURES

The primary purpose for police response to an incident involving a person of diminished capacities is to control the situation and ensure that the person receives the most appropriate form of professional resources.

A. In determining if a commitment or voluntary referral is appropriate, officers should evaluate information provided by professional resources persons and family members.

Franklin Police Policies and Procedures Manual ~ Dealing with Persons of Diminished Capacity ~

i. It is important for the officers on the scene to determine what, if any, on going threat potential the subject poses to himself/herself, family, community and the officers. This threat potential may necessitate an involuntary commitment procedure to ensure the person of diminished capacity is evaluated by a QMHP (Qualified Mental Health Professional).

B. KRS 202A.041 Warrantless Arrest and Subsequent Proceedings.

- i. Any peace officer who has reasonable grounds to believe that an individual is mentally ill and presents a danger or threat of danger to self, family, or others if not restrained shall take the individual into custody and transport the individual without unnecessary delay to a hospital or psychiatric facility designated by the cabinet for the purpose of an evaluation to be conducted by a qualified mental health professional. Upon transport of the person to the hospital or psychiatric facility, the peace officer shall provide written documentation which describes the behavior of the person which caused the peace officer to take the person into custody. If, after evaluation, the qualified mental health professional finds that the person does not meet the criteria for involuntary hospitalization, the person shall be released immediately and transported back to the person's home county by an appropriate means of transportation as provided in KRS 202A.101. If, after evaluation, the qualified mental health professional finds that the person meets the criteria for involuntary hospitalization, appropriate proceedings under this chapter shall be initiated. The person may be held pending certification by a qualified mental health professional and implementation of procedures as provided in KRS 202A.028, 202A.031, or 202A.051 for a period not to exceed eighteen (18) hours.
- ii. If, after the evaluation, the qualified mental health professional finds that the person does not meet the criteria for involuntary hospitalization and the peace officer has probable cause to believe that the person has committed a criminal offense, the peace officer may swear out a warrant and take the arrested person without unnecessary delay before a judge.
- iii. Officers shall not use a jail as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending.
- iv. No officer shall place criminal charges against a person who is mentally ill and in need of hospitalization solely for the purpose of avoiding transporting the person to an appropriate medical or psychiatric facility. This does not preclude officers from placing appropriate criminal charges for any criminal offense based upon probable cause in accordance with the Kentucky Revised Statutes. Those persons who are a danger to self or others should be taken into custody and transported without delay to a hospital/designated psychiatric facility. Criminal charges, a summon(s) or arrest warrant(s) can be obtained by the officer in relation to any/all criminal offenses subsequent to the primary objective of appropriate medical and/or psychiatric treatment.

C. Use of restraints when dealing with persons of diminished capacities.

These types of persons may present officers with conflicting considerations in determining the best means for restraint and transportation. The ultimate mission is to safeguard the interests of the subject and transporting officers. In some cases an ambulance may be required. Officers shall use only those restraining devices for which they have been trained.

D. Reporting requirements.

Officers shall prepare all required reports, whether the subject of the call is arrested, committed or released. This can provide valuable information for future contacts and, when available, allows the agency to provide information to the statewide data system.

SPECIAL CIRCUMSTANCES

Excited Delirium: State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, epiphoria (excessive tears), hostility, exceptional strength, and endurance without fatigue. This should be considered a true medical emergency.

- A. Possible Causes of Excited Delirium:
 - i. Hypoxia: An inadequacy in the oxygen reaching the body's tissues.
 - ii. Hyperthermia: Unusually high body temperature.
 - iii. Hypoglycemia: Lower than normal level of blood glucose
 - iv. Drug use
 - v. Stroke
 - vi. Intracranial bleeding
 - vii. Severe mental illness
- B. Persons Suffering from Excited Delirium may exhibit one or more of the following:
 - i. Irrational speech/speaking in gibberish
 - ii. Shouting, yelling, or screaming
 - iii. Confusion
 - iv. Sudden changes in behavior, i.e. raging followed by sudden calmness
 - v. Paranoia, belief that someone is after them
 - vi. Frightened/panicky
 - vii. Hallucinating/delusional/hearing voices
 - viii. Violent/destroying property
 - ix. Unexplained strength/endurance

Franklin Police Policies and Procedures Manual ~ Dealing with Persons of Diminished Capacity ~

x. High level of pain tolerance

xi. Sweating profusely/high body temperature

xii. Difficulty breathing

xiii. Foaming at mouth

xiv. Drooling

xv. Dilated pupils

xvi. Evidence of self-inflicted injuries

xvii. Removing clothing

xviii. Completely naked

xix. Resisting violently during and post restraint

xx. Unable to follow commands or directions

xxi. Gravitation toward "shiny objects" such as lights or mirrors

xxii. Grandiose delusions

C. Procedures.

1. Initial Response (CALMS)

- Containment attempt to contain subject in a manner which protects all persons, including the officer(s) and the subject.
- Announcement—advise over the radio/dispatcher that the officer believes he/she is dealing with an excited delirium subject.
- Lots of Backup even in small agencies, mutual aid should be immediately sought to enable the officers to effectively deal with the subject. Extra officers are recommended to deal with custody/control procedures which are extremely difficult. In situations where the subject is outside, extra officers will also be necessary for the containment perimeter. If there are specially trained crisis intervention officers, or trained negotiators available, they should be called.
- Medical Attention—shall be called to the scene and staged to provide immediate medical attention to the subject once the subject is controlled and it is safe to do so.
- Slow down...If safety of subject, the public, or third parties is not in danger, take your time. Remember persons suffering from excited delirium may become more agitated by some triggering event, i.e. close in on body space or touching.

Tactical Response

Franklin Police Policies and Procedures Manual ~ Dealing with Persons of Diminished Capacity ~

- When feasible, pre-plan with assignments, i.e. which officer(s) will be responsible for direct communication with the person of diminished capacity (contact) and assist with coordination/control (cover).
- When utilizing an Electronic Control Device/TASER in the probe mode to accomplish restraint, if possible use a single deployment coupled with immediate restraint to decrease the likelihood of a drawn out confrontation which may further diminish the subject's respiration levels.
- A Four Officer Approach contemplates at least one officer for each limb.
 Officer assigned for each limb has been found to be effective for purposes of control during the restraint process.
- Officer assigned to protect the head during the restraint process to speak calmly to the subject in an effort to reduce agitation.
- Do not take to jail. Pass to medical personnel as soon as possible upon accomplishing control/restraint. Immediately notify medical personnel you have a subject exhibiting signs of excited delirium.

FRANKLIN POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL

SECTION 6 CRISIS INTERVENTION

Issued: August 13, 2019 Supersedes: All Priors Approved: Chief Roger Solomon

References: 30.8

Chapter 4 - Dealing with Persons of Diminished Capacity

PURPOSE: To provide field officers with the essential tactical and processing skills necessary to effectively deal with persons of diminished capacities in a manner to provide the required professional assistance these persons need, to protect the community, to safeguard the officers involved in the encounter and to enhance the agency's risk management.

POLICY: Every community can expect its law enforcement officers to encounter persons of diminished capacities. This group of special needs persons presents field officers with different and often complex issues. These types of persons, whether it's from intoxication, suicidal potentials, medical complications or mental illness, present field officers with a wide range of behaviors usually different than those exhibited by other members of the community or persons involved in criminal activities. Persons of diminished capacities may display conduct that is bizame, irrational, unpredictable and threatening. They may not receive or comprehend commands or other forms of communication in the manner that the officer would expect. They often do not respond to authoritative persons or the display of force. It is the primary task of the field officers confronting these special needs persons to resolve the encounter in the safest manner. It is the task of the officer to bring these types of persons to professional resources, when necessary. It is not the mission of the field officer to diagnose the root cause for the person's behavior. Every officer can expect to encounter these types of special needs persons while performing their official duties. Officers are expected to control the incident. Proper tactical and intervention techniques can assist in resolving the immediate field implications of the encounter and hasten the intervention by professional resource persons.

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- Mental Illness: This policy does not require officers to make a clinical diagnosis
 of whether the subject is mentally ill or what form of mental illness the subject may have,
 Franklin Police Folicies and Procedures Manual

but rather to use reasonable judgment to recognize behavior which is outside the norm in which a person poses a danger to themselves or others.

- 3. "Mentally III Person" means a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person's affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological or social factors.
- Professional Resources: These sources are those available to the police agency, such as mental health professionals, emergency medical facilities, and detoxification centers.
- Voluntary and Involuntary Commitments: These are the provisions within the state which the agency can use for the civil commitment of persons requiring professional psychological intervention.

PROCEDURE:

Field Control Tactics: The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and then determine the best course of action for the subject person. This field tactical response can be segmented into four (4) distinct tactical responses: Containment, Coordination, Communication and Time.

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 - b. The officers shall devise a plan that separates the subject from other civilians. This containment should respect the comfort zone of the subject in order to reduce any unnecessary agitation. Officers should convince the subject that they do not have to move. Officers should continuously evaluate this comfort zone.
 - c. It is important for officers to ensure that on-lookers and family members are not in a position to become involved either verbally or physically in the control methods.
 - d. Effective containment reduces the elements of agitation, such as large groupings of persons (including officers), emergency vehicle equipment, loud police radio transmissions, and multiple persons directing communications to

Frankin Police Polices and Procesures Menual – Dealing with Parsons of Urnioshed Capacity »

- the subject. Containment is meant to reduce outside influences and sources of agitation.
- e. Officers should use time to their advantage when dealing with persons of diminished capacity; so long as the person is not presenting an imminent threat to themselves or others.
- f. Officers should utilize all available tactics to de-escalate the situation where possible; however, if an officer is faced with a dynamic and violent situation which poses a threat to the officer or other persons present, then officers should utilize their law enforcement control tactics outlined under the Use of Force policy to gain control.
- 2. Coordination: This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources:
- a. When two officers are responding, contact/cover tactics should be employed.
- Contain the person with diminished capacity to ensure that outside persons and/or family members do not interfere.
 - Officers should:
 - Continually gather intelligence regarding the subject being encountered. This type of information can come from persons at the scene, neighbors and/or family.
 - Determine what resources should be requested, including additional police personnel, specialized weapons, professional resources and staged medical personnel.
 - Designate the location for a command post and staging area. This should be out of sight of the location of the subject encounter.
- COMMUNICATION: Communication with the person of diminished capacity should be planned and controlled:
- a. Prior to engaging the subject in communication, the initial responder, when practical, should wait for the arrival of a cover officer. When dealing with edged weapons officers should, where possible, maintain a zone of safety which allows for reaction should the subject decide to attack.
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containment and coordination of other resources (medical personnel, assist family members, etc.)

- c. Verbal communication should be non-threatening. Whenever possible, use open-ended questions designed to facilitate the subject's participation. If the subject does not respond, use other communication techniques. It may be necessary to change the person designated as the command voice and determine whether that might be beneficial.
- d. Officer should use calming communicative attempts when possible. Sharp, authoritative commands should be avoided unless necessary.
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 dealing with persons with diminished capacities. Reassure the subject that the police are
 there to help them.
 - Be as truthful as possible within the scope of the situation.
- g. Officers must constantly analyze what effect, if any, their efforts are having on the subject. This is essential to identify areas that appear to agitate the subject that should then be avoided.
- h. Normally, family members should not be used in an attempt to establish communications. This frequently exacerbates the situation.
- 4. TIME: The concept of elongating the encounter, rather than hastening it.
- a. History has shown that the longer the encounter is allowed to occur, the better the chance for a successful and safe resolution.
- b. Increasing the time of the encounter and using defusing techniques allows the subject to reflect upon his/her predicament.
- c. Creating time also allows for the field units to be supported by the deployment of additional police personnel, specialized equipment, and medical support personnel.
- d. Time encourages the ability to communicate and to create a relationship between the subject and the command voice.

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Franklin Police Policies and Procedures Manua – Dealing with Persons of Biminished Capacity –

- a. In determining if a commitment or voluntary referral is appropriate, officers should evaluate information provided by professional resources persons and family members.
- b. It is important for the officers on the scene to determine what, if any, ongoing threat potential the subject poses to himself or herself, family, community and the officers. This threat potential may necessitate an involuntary commitment procedure to ensure the person of diminished capacity is evaluated by a QMHP (Qualified Mental Health Professional).
- KR\$ 202A.041 Warrantless arrest and subsequent proceedings: (1) Any peace officer who has reasonable grounds to believe that an individual is mentally illand presents a danger or threat of danger to self, family, or others if not restrained shall take the individual into custody and transport the individual without unnecessary delay to a hospital or psychiatric facility designated by the cabinet for the purpose of an evaluation to be conducted by a qualified mental health professional. Upon transport of the person to the hospital or psychiatric facility, the peace officer shall provide written documentation which describes the behavior of the person which caused the peace officer to take the person into custody. If, after evaluation, the qualified mental health professional finds that the person does not meet the criteria for involuntary hospitalization, the person shall be released immediately and transported back to the person's home county by an appropriate means of transportation as provided in KRS 202A.101. If, after evaluation, the qualified mental health professional finds that the person meets the criteria for involuntary hospitalization, appropriate proceedings under this chapter shall be initiated. The person may be held pending certification by a qualified mental health professional and implementation of procedures as provided in KRS 202A.028, 202A.031, or 202A.051 for a period not to exceed eighteen (18) hours. (2) If, after the evaluation, the qualified mental health professional finds that the person does not meet the criteria for involuntary hospitalization and the peace officer has probable cause to believe that the person has committed a criminal offense, the peace officer may swear out a warrant and take the arrested person without unnecessary delay before a judge.
- d. Officers shall not use a jail as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending.
- c. No officer shall place criminal charges against a person who is mentally ill and in need of hospitalization solely for the purpose of avoiding transporting the person to an appropriate medical or psychiatric facility. This does not preclude officers from placing appropriate criminal charges for any criminal offense based upon probable cause in accordance with KRS. Those persons who are a danger to self or others should be taken into custody and transported without delay to a hospital/designated psychiatric facility. Criminal charges, a summon(s) or arrest warrant(s) can be obtained by the officer in relation to any/all criminal offenses subsequent to the primary objective of appropriate medical and /or psychiatric treatment.

f. Use of restraints when dealing with persons of diminished capacities: These types of persons may present officers with conflicting considerations in determining the best means for restraint and transportation. The ultimate mission is to safeguard the interests of the subject and transporting officers. In some cases, an ambulance may be required. Officers shall use only those restraining devices for which they have been trained.

REPORTING REQUIREMENTS: Officers shall prepare all required reports, whether the subject of the call is arrested, committed or released. This can provide valuable information for future contacts and, when available, allows the agency to provide information to the statewide data system.

SPECIAL CIRCUMSTANCES:

Excited Delirium: State of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, epiphora (excessive tears), hostility, exceptional strength, and endurance without fatigue. This should be considered a true medical emergency.

Possible Causes of Excited Delirium

- Hypoxia: An inadequacy in the oxygen reaching the hody's tissues
- Hyperthermia: Unusually high body temperature
- Hypoglycemia: Lower than normal level of blood glucose
- Drug Use
- Stroke
- Intracranial Bleeding
- Severe Mental Illness

Persons Suffering from Excited Delirium may exhibit one or more of the following:

- Irrational Speech / Speaking in Gibberish
- Shouting, Yelling, or Screaming
- Confusion
- Sudden changes in behavior (i.e. raging followed by sudden calmness):
- Paranoia, belief that someone is after them.
- Frightened / Panicky
- Hallucinating / delusional / hearing Voices
- Violent / Destroying Property
- Unexplained Strength / Endurance
- High level of Pain Tolerance.
- Sweating Profusely/High Body Temperature
- Difficulty broathing
- Foaming at mouth
- Drooling

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- Dilated Pupils
- Evidence of Self-inflicted injuries
- Removing Clothing
- Completely Naked
- Resisting violently during and post restraint
- Unable to follow commands or directions
- Gravitation toward *shiny objects" such as lights or mirrors
- Grandiose delusions

PROCEDURES:

1. Initial Response (CALMS)

- Containment attempt to contain subject in a manner which protects all persons, including the officer(s) and the subject.
- Announcement advise over the radio/dispatcher that the officer believes he/she is dealing with an excited delirium subject.
- Lots of Backup even in small agencies, mutual aid should be immediately sought to enable the officers to effectively deal with the subject. Extra officers are recommended to deal with custody/control procedures which are extremely difficult. In situations where the subject is outside, extra officers will also be necessary for the containment perimeter. If there are specially trained crisis intervention officers, or trained negotiators available, they should be called.
- Medical Attention shall be called to the scene and staged to provide immediate medical attention to the subject once the subject is controlled and it is safe to do so.
- Slow down if safety of subject, the public, or third parties is not in danger, take your time. Remember persons suffering from excited delirium may become more agitated by some triggering event: (i.e. close in on body space or touching.)

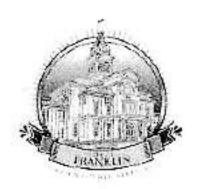
2. Tactical Response

- When feasible, pre-plan with assignments: which officer(s) will be responsible for direct communication with the person of diminished capacity (contact) and assist with coordination/control (cover).
- When utilizing an Electronic Control Device/TASER in the probe mode to accomplish restraint, if possible, use a single deployment coupled with

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immediate restraint to decrease the likelihood of a drawn-out confrontation which may further diminish the subject's respiration levels.

- A Four Officer Approach contemplates at least one officer for each limb.
 Officer assigned for each limb has been found to be effective for purposes of control during the restraint process.
- Officer assigned to protect the head during the restraint process and speak calmly to the subject in an effort to reduce agitation.
- Do not take to jail. Pass to medical personnel as soon as possible upon accomplishing control/restraint. Immediately notify medical personnel you have a subject exhibiting signs of excited delirium.



MEMO

TO:

Mayor Larry Dixon and Commissioners

FROM:

Shauma R. Cornwell, Director of Finance

DATE:

August 26, 2019

SUBJECT: Discussion Regarding Collection of 911 Fees at the Request of the Fiscal Court

The (sixed Court has been discussing their mechanism for collecting 911 fees for several months. In FY2019 the Fiscal Court approved a process that will ultimately move the assessment of 911 fees from landline telephones onto water meters.

On Fabruary 11, 2019 Judge Battles addressed the Commission regarding this matter. Minutes are as follows:

Singuon County Judge Executive Mason Barnes addressed the Commission regarding the engine funding issue for 911 services to the residents of Franklin and Simpson County, I ast year the funding of Franklin and Simpson County 911 services was brought to the forefront by Simpson County Fiscal Court. A deficit had recurred due to declining revenue generated from a service fee on landing telephone services.

Judge Burnes recognizes that the landline selephone fee funding option is not optimal today and would like to explore proposing a fee on water meters to find 911 services. In exploring this option he asked the City Commission to consider approval of various any administrative fees associated with the collection and distribution of the 911 fees on Franklin Municipal Utility billings.

Motion was made by Commissioner Stawart and seconded by Commissioner Powell to approve waising any administrative few by the City of Franklin on Franklin Municipal Utility billings for the collection and distribution of 911 fees.

Voling Aye. Mayor Dixon and Commissioners Provell. Stewart and Bennett.

Commissioner Williams Auduined from noting. Commissioner Williams indicated that he needed more information regarding the current funding icraes.

Motion carried with four affirmative votes and one abstantion.

The Judge has contacted the City and requested that we begin collection of the 911 fees through our utility billing processes in September 2019. In preparation for this, the attached letter from Judge Hames is being mailed with every Utility Bill in August. FMII is schoolaled to begin collecting these fees with Sector 1 – which will be billed around September 15°.

Additionally, city and county leadership felt it would be gradent to enter into a billing services agreement outlining the terms of this collection partnership. This document is attached for review. It has been reviewed and approved by the City Atterney.

Proposed Motion: Approve the Billing Services Agreement between the City of Franklin and the Simpson County Fiscal Court and authorize the Mayor to sign this agreement.

BILLING SERVICES AGREEMENT

This Agreement is made and entered into on this
WHEREAS, Fiscal Court has enacted an ordinance for the assessment of a 911 fee on water meters within the City of Franklin's water service territory; and
WHEREAS, City presently bills its customers for utility services; and
WHEREAS, the Fiscal Court wishes to have City provide a 911 fee billing service.
NOW, THEREFORE, City and Fiscal Court agree as follows:
1. <u>TERM</u> .
1.0 The term for this Agreement shall be one year from the date shown above, and this Agreement shall renew automatically unless terminated by Fiscal Court or unless the Agreement is no longer necessary due to Simpson County no longer being responsible for the costs of providing 911 services to residents of the City of Franklin.
2. <u>SERVICES PROVIDED</u> .
2.0 City will include, as part of its normal billing for its utility customers, billing services to City customers within Simpson County for the Fiscal Court's 911 fee.
2.1 Billing Services, as identified in Paragraph 2.0, include the following:
a. City will bill for 911 fees on all water meters in its system located within Franklin and Simpson County unless otherwise directed by Fiscal Court. Any customer information provided to Fiscal Court as a part of this Agreement shall be confidential, subject only to request and disclosure required by law.
b. City will provide the Fiscal Court data of all 911 fees billed to its customers by billing cycle, and in a reasonable manner.
c. City will receive payments for all 911 fees from customers as part of City normal collection process

fees. The process of making adjustments to 911 fees is outlined in Paragraphs 6.0, 6.1 and 6.2.

City will communicate with Fiscal Court all adjustments made to the 911

- e. City will not bill or collect sales tax on any 911 fee. City relies on the material representation of Fiscal Court that it is exempt from Kentucky sales tax. City will report all 911 receipts received by City on its monthly Kentucky sales and use tax report and will reflect all 911 receipts as not subject to taxation. Should the state of Kentucky determine sales tax is due, the Fiscal Court shall be solely liable to the state of Kentucky for any tax due. The Fiscal Court shall indemnify and hold harmless City from any and all tax liability by reason of this Agreement. This shall include defense and attorney fees.
- f. City will remit collected funds to the Fiscal Court as outlined in Paragraph 7.0.
- g. City will provide Fiscal Court a monthly reconciliation of all billings, adjustments, write-offs, and remittances.
- 2.2 It is understood by all parties the City normal billing process during the month varies by different areas within the City service area (cycle billing). For example, some customers received service in current month and a bill in the following month, yet other customers may receive service in the current month it is billed, but collected in the following month. An initial copy of the schedule of billing by area will be provided to Fiscal Court.

3. CHARGES FOR SERVICES PROVIDED.

- 3.0 City agrees to waive any collection fees for the initial term of this Agreement.
- 3.1 During the term of this Agreement or any extensions thereto, there may be an annual review of the cost incurred by City to provide the services under the terms of this Agreement or the financial needs of the City for additional revenue. City shall have the right, after annual review, based upon the financial situation of the City or otherwise, to initiate or increase the charge on the billing statement up to the maximum amount allowable by and through any duly enacted ordinance of Simpson County, Kentucky.
 - 3.2 Charges will be netted in each monthly remittance as described in Paragraph 7.0.b.

4. RESPONSIBILITIES OF CITY.

4.0 City is responsible for the billing services as described in Section 2.

5. RESPONSIBILITIES OF FISCAL COURT.

5.0 Fiscal Court is responsible for determining any meter or class of meters that may be exempt from the 911 fee. Fiscal Court shall provide in writing to City any such exemptions 30 days in advance of any billing of such fee. Failure by Fiscal Court to provide timely and/or exempt information may result in delayed 911 billings, collections and remittances. Fiscal Court will hold harmless and indemnify City for billing errors caused by incorrect billing to customers who are exempt from fees in those instances wherein City was not so informed by Fiscal Court.

- 5.1 Fiscal Court is responsible to inform City in writing if any 911 fees become subject to sales tax. Any sales tax liability that results from Fiscal Court's failure to inform City in writing of changes in sales tax laws related to 911 fees shall be the sole responsibility of Fiscal Court. After Fiscal Court has appropriately informed City of any changes in sales tax laws, City becomes responsible to collect, report and remit all applicable sales tax to the Kentucky Revenue Cabinet, and Fiscal Court shall be absolved of any sales tax liability. This is further subject to the indemnity obligation of Fiscal Court in Paragraph 2.1(e).
- 5.2 Fiscal Court is responsible for the determination of the amount of the 911 fee to be charged to City customers. Fiscal Court will hold harmless and indemnify City for billing errors caused by inaccurate 911 fee rates provided to City by Fiscal Court.

6. 911 FEE ADJUSTMENTS AND LOSSES.

- 6.0 In order to provide timely and efficient service to City customers, adjustments to City's water bills and the applicable 911 fees may be determined in the sole discretion of City customer service personnel.
- 6.1 City will communicate on a timely basis all 911 fee adjustments initiated by its customer service personnel to designated Fiscal Court personnel. Fiscal Court will communicate on a timely basis all 911 fee adjustments initiated by its personnel to City customer service personnel.
- 6.2 After City has exhausted its normal collection efforts on its utility accounts, City will remit to Fiscal Court a list of all uncollectible 911 fees. City's normal collection efforts are approximately three to six months after initial billing. The total uncollectible 911 fees will be reported in the monthly remittance as described in Paragraph 7.0.
 - 6.3 Water service shall not be disconnected for nonpayment of Fiscal Court's 911 fee.

7. <u>SETTLEMENT</u>.

- 7.0 City will remit collection to Fiscal Court as described herein. A monthly settlement will be made on or before the end of the month for the amount collected for the prior month billings. The monthly settlement will include:
 - a. Summary of gross 911 billings;
 - b. Summary of actual 911 fees collected;
- c. Summary of all 911 adjustments made in the month as described in Paragraphs 6.0, 6.1 and 6.2; and
 - d. Less billing service charges.

8. <u>CONTROLLING LAW AND PLACE OF SUIT.</u>

8.0 This Agreement shall be construed in accordance with the law of Kentucky, and any action to enforce, declare or determine the rights of the parties under the terms of this Agreement shall be filed in the Simpson Circuit Court, Commonwealth of Kentucky.

9. ATTORNEY'S FEES AND EXPENSES.

9.0 In the event either party shall be required to engage legal counsel for the enforcement of any of the terms of this Agreement, whether such employment shall require institution of suit or other legal services required to secure compliance on the part of the defaulting party, the defaulting party shall be responsible for and shall promptly pay to the non-defaulting party the reasonable value of said attorney's fees, and any other expenses incurred by the non-defaulting party as a result of such default. The Simpson Circuit Court shall determine the party in default and further the reasonableness of attorney's fees and costs.

10. <u>ASSIGNMENT</u>.

10.0 The parties agree that this Agreement may not be assigned by either party without the prior written consent of the other party, which consent either party may withhold for a reason. In the event this Agreement is transferred or assigned, such assignee is hereby bound to the terms and conditions of this Agreement in all respects. Further, in the event of such an assignment, unless specifically agreed to the contrary, same will not discharge or release the assignor from any duty or responsibility under this Agreement.

11. <u>NOTICE</u>.

11.0 Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears in the first paragraph of this Agreement (as modified in writing from time to time by either party) given, by registered or certified mail, return receipt requested, by facsimile, by nationally recognized overnight courier service or by hand delivery. All notices shall be effective upon the date of receipt.

12. <u>SEVERABILITY</u>.

12.0 Any provision of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the parties, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.

13. INDEMNITY AND INSURANCE.

- 13.0 Fiscal Court shall generally indemnify and hold harmless City from any and all claims asserted by reason of the negotiation and awarding of the subject franchise agreement, and subsequent billing and the collection of 911 fees by City under the terms of this Agreement. This shall include the amount of any such claim or judgment, together with City attorney's fees and defense costs.
- 13.1 Fiscal Court shall maintain comprehensive and liability insurance and fidelity and theft insurance, and City shall be named as an additional insured as its interest may appear.

ENTIRE AGREEMENT.

14.0 This instrument contains the entire agreement between the parties, and no statements, promises, or inducements made by either party or agent of their party that are not contained in this written Agreement shall be valid or binding; this Agreement may not be enlarged, modified, or altered except in writing signed by the parties and endorsed on this Agreement.

SIMPSON	COUNTY	DISCAL	COURT
STAIL SOLV	COUNTIL	11302141	CALICAN

CITY OF FRANKLIN, KENTUCKY

Mason Barnes, Judge Executive

Larry Dixon, Mayor

ODUNTY TREASURER
Meghann Hilland

FINANCE DIRECTOR Nicole Law

> COURT CLERK Pain Robes

Mason Barnes
JUDGE/EXECUTIVE

MACINERATES
Scott Poston
Marty Chandler
Myron Thurman
Nathantel Doorney

COUNTY AT FORNEY Sam Holling

August 13, 2019

RE: E-911 Service

To: All Simpson County residents

Dear Resident,

The Franklin City Commission and the Simpson County Fiscal Court take your safety and well-being very seriously. Providing a good, reliable E-911 service is certainly one aspect of public safety we hold at a high level of importance. The Simpson County Fiscal Court has had the sole responsibility of funding and operating the E-911 service for approximately the past 20 years. In 2011 fiscal Court entered into an agreement with the Kentucky State Police to dispatch 911 service for Simpson County. This was, and still is, a cost saving measure compared to the cost of a local dispatch service. When the City of Franklin first started the 911 service, a .69 cent land-line phone fee was implemented to cover the cost of the service. That fee was changed to \$2.00 about 20 years ago and is still the same rate today. The problem is the number of land-line phones continue to decrease, while the cost of the E-911 service continues to increase. Today there are only about 3000 land lines still in use in Simpson County, a 50% decline from just 8 years ago.

With the escalating cost of the pension, health insurance, equipment and materials, we could illafford to continue subsidizing the E-911 service from general fund tax revenue. The Fiscal Court decided
to transition the \$2.00 land-line fee to water meters. This means that everyone who has a water meter
in Simpson County (both inside and outside the city limits of Franklin) will start seeing this \$2.00 fee on
their water bill. The City of Franklin and the Simpson County Water District through their respective
water billing services will collect this fee and remit it to the Simpson County Fiscal Court, so that we may
cover the cost of the E-911 service for Simpson County. If you currently have a land-line telephone you
will see that \$2.00 fee removed from your phone billing by the end of 2019. If you have any questions,
feel free to contact me at 270-586-7184.

Sincerely,

Mason Barnes

Simpson County Judge/Executive



ORDINANCES

Sponsors: Commissioner Powell Commissioner Williams Second Reading: August 12, 2019

Publication Date: August 29, 2019

ORDINANCE NO. 2019 - 018

AN ORDINANCE ADOPTING AMENDED ZONING REGULATIONS OF THE CITY OF FRANKLIN AND SIMPSON COUNTY, KENTUCKY IN ARTICLE 9, SECTIONS 9.7.7 THROUGH 9.7.12 AS RECOMMENDED BY THE FRANKLIN-SIMPSON PLANNING AND ZONING COMMISSION

WHEREAS, after a public hearing on Tuesday, June 4, 2019, and pursuant to KRS 100.210 and all other applicable statutes, the Franklin-Simpson County Planning and Zoning Commission approved revisions in Article 9, Sections 9.7.7 through 9.7.12 of the Zoning Regulations of the City of Franklin and Simpson County, Kentucky at a meeting held on Tuesday, June 4, 2019, and submitted the regulations to the Board of City Commissioners of the City of Franklin for consideration and adoption; and

WHEREAS, it is in the best interest of the City of Franklin to adopt said regulations.

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky, acting by and through its Board of City Commissioners as follows:

The amended zoning regulations contained in Article 9, Sections 9.7.7 through 9.7.12 of the City of Franklin and Simpson County, Kentucky approved by the Franklin-Simpson County Planning and Zoning Commission on Tuesday, June 4, 2019 are hereby adopted and all of the provisions, conditions and terms of such regulations on file in the office of the Franklin-Simpson County Planning and Zoning Commission and the office of the City Clerk of the City of Franklin are hereby referred to, adopted, and made a part hereof as if fully set out in this ordinance. The additions and revisions are as follows:

9.7.7 **Processing Application**

Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall be processed as follows:

- At least one (1) public hearing on the proposal shall be held, at which hearing interested parties and citizens shall have the opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, in a newspaper of general circulation in the county, provided that one (1) publication occurs not less than seven (7) calendar days not more than twenty-one (21) calendar days before the occurrence of such hearing.
- Notice of the proposal shall be posted by the applicant and shall remain in a visible location on the b. proposed site until final disposition of application. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of Applicant] proposed to construct a telecommunications tower on this site" and including the addresses and telephone numbers of the applicant and the planning commission.
- Notice of the proposal shall be posted by the applicant and shall remain on the public road nearest c. the site until final disposition of the application. Such notice shall consist of a written notice, of durable material at least two (2) feet by four (4) feet in size, stating that "[Name of Applicant] proposes to construct a telecommunications tower near this site" and including the addresses and telephone numbers of the applicant and the planning commission.
- Notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by d. certified mail, return receipt requested, to the owner of every parcel of property within five hundred (500) feet of the proposed tower or property contiguous to the site upon which the tower is proposed to be constructed. Said notice shall include a map of the location of the proposed construction, the telephone number and address of the planning commission, and shall inform the addressee of his or her right to participate in the planning commission's proceedings on the application. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of said owner. In the event such property is in condominium or cooperative forms of ownership, then the person notified by mail shall be the president or chairperson of the owner group which administers property commonly owned by the

- condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.
- e. Upon holding such hearing, the planning commission shall, within sixty (60) days commencing from the date that the application is received by the planning commission, or within a date specified in a written agreement between the planning commission and the applicant, make its final decision to approve or disapprove the uniform application. If the planning commission fails to issue a final decision within sixty (60) days, and if there is no written agreement between the planning commission and the utility to a specific date for the planning commission to issue a decision, it shall be presumed that the planning commission has approved the utility's uniform application. In the event the application is filed in a timely manner where the planning commission's regular scheduled monthly meeting will not accommodate a public hearing, the planning commission will request a written agreement between said commission and the applicant to extend the sixty (60) day deadline.

9.7.8 Design Standards

The applicant shall provide information demonstrating compliance with the following requirements. Where the planning commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

- a. All structures, except fences, shall be located a minimum distance from the property line or lease line of any adjoining property that is equal to one-half (1/2) the height of the tower, but not less than fifty (50) feet.
- b. A cellular antenna tower, or alternative antenna tower structure, may be constructed to a maximum height of two hundred (200) feet regardless of the maximum height requirements listed in the specific zoning district. This also applies to any tower taller than fifteen (15) feet constructed on the top of another building or structure, with the height being the overall height of building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than two hundred (200) feet in height upon review of the applicant's justification that the additional height meets the criteria identified in Section 9.7.9.
- c. The cellular antenna tower shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standards and other applicable state standards.
- d. Cellular antenna towers shall not be illuminated, except in accordance with other state or federal regulations.
- e. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification or repairs. To accommodate such visits, ingress/egress shall only be from approved access points.
- f. Woven wire or chain line (eighty percent (80%) open) or solid fences made from wood or other materials (less than fifty percent (50%) open) shall be used to enclose the site. Such fences shall not be less than six (6) feet in height or more than eight (8) feet in height. The use of barb wire or sharp pointed fences shall be prohibited. Such fence may be located within the front, side, or rear yard.
- g. Screening shall be provided by evergreen trees, with a minimum height of six (6) feet, planted in a staggered pattern at a maximum distance of fifteen (15) feet on center. The screening shall be placed in an area between the property line, or lease line, and a ten (10) feet setback.
- h. Any site to be purchased or leased for the installation of a cellular antenna tower, or alternative antenna tower, and ancillary facilities, shall be at least five thousand (5,000) square feet in area.
- i. All new cellular antenna towers shall be designed and constructed to accommodate a minimum of three (3) service providers.
- j. All option and site lease agreements shall not prohibit the possibility of co-location.

Section 9.7.7 will be renumbered to 9.7.9.

Section 9.7.8 will be renumbered to 9.7.10.

Section 9.7.9 will be renumbered to 9.7.11.

9.7.12 Confidentiality

From the time that a uniform application is received by the planning commission, all information contained in the application and any updates, except for any map or other information that specifically identifies the proposed location of the cellular antenna tower then being reviewed, shall be deemed confidential and proprietary within the meaning of KRS 61.878. The planning commission shall deny any public request for the inspection of this information, whether submitted under Kentucky's Open Records Act or otherwise, except when ordered to release the information by a court of competent jurisdiction, or when and to the extent that confidentiality is waived in writing by the applying utility.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

August 12, 2019 - FIRST READING

August 26, 2019 - SECOND READING

9,

	At a mee	ting of the	Board of Comn	nissioners of the	City of Franklin,	Kentucky, hel	d on August 26, 2019,
on	motion m	ade by	Commissioner	r	, and	seconded	
		, th	e foregoing ordin	nance was adopte	d, after full discuss	sion, by the to	ollowing vote:
				LARRY DIXO	NI MANOD		·
				LARRIDIA	JN, WLA I OK	·	
				JAMIE POWE	ELL		
				BROWNIE BI	ENNETT		
				WENDELL S	TEWART		
				HERBERT W	/ILLIAMS		,
				APPRC	OVED BY:		
				- 1			
				LARRY	Z DIXON, Mayor		
AT	TEST:						
\overline{CA}	THY DILLAR	D, City C	erk				

ORDINANCE NO. 2019 - 020

ORDINANCE DELETING AND RESTAITING CHAPTER 72 - PARKING REGULATIONS AND REVISING CHAPTER 75 - PARKING SCHEDULES OF THE CITY OF FRANKLIN CODE OF ORDINANCES

WHEREAS, the City of Franklin has certain ordinances regulating parking that are antiquated and are inneed of revision; and

WHEREAS, the City of Franklin desires to amend its existing parking ordinances to update the ordinances that are currently in existence.

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kontacky, acting by and through its Board of Commissioners as follows:

Charpter 72 entitled "Particing Regulations" is hereby deleted as set forth herein and is restated to read as follows:

- (A) Every motor vehicle parked on the streets of the city where there are pancing spaces designated by the Mayor and/or City Commission shall be parked within such spaces.
- (B) Every motor vehicle parked on the streets where there are such designated parking spaces shall be purked with one side parallel to the ourb or sidewalk, and the whoels or the side next to the ourb or sidewalk shall be planed at a distance not exceeding 18 inches from the ourb or sidewalk.
- (C) No motor vehicle shall be stopped or left standing on any street of the city unless it is parked as designated in divisions (A) or (B) above; however, a vehicle may be stopped for passengers or treight but only long enough for that purpose and in no event longer than five minutes.
- (D) All motor vehicles in parking shall be parked on the right-hand side of the sitest and shall be turned to the right to pack. All vehicles in leaving their parking spaces shall be carefully moved thoughout to the left.
- (B) No motor vehicle or other vehicle shall be parted within ten (10) feet of a tire bycreat or on or over a water meter.
- (F) No vehicle may be parked continuously in or at one location on any city street, roadway, or designated parking space or public parking for for more than Twenty-Four (24) conscentive hours. Provided, however, that persons who reside in the Downtown Historical District shall be exempt from this requirement, and the provisions of § 72.06 shall apply to those residents unless they fail to visibly past the City parking pass.
 - (G) No vehicle shall be pariced in a manner that interferes with a trash receptable or dempster access or removal.
- (11) No vehicle shall be partied within (we've (12) feet of the entrance to a driveway or directly across from the entrance to a driveway.
- (I) No vehicle shall be parked in an within thirty (30) test of an intersection.
- (3) No vehicle shall be parked on a residential street unless parking has been designated on said street by the Mayor or City Commission or parking in a drivewore is not practicable.
- (K) No various shall be parked within twelve (12) feet of a mailbox, except after 5 p.m. or on days when mail is not delivered (Sundays and federal government holidays). Provided, however, a resident will be allowed to park in front of his or her own mailbox.
- (f.) No vahicle shall be parked on a curve if it obstructs the regular flow of traffic or disrupts the clear and unobstructed view of approaching traffic.
- (M). No vehicle shall be parked on the mad side of any vehicle already stopped or parked, whether legally or illegally (double parking), by the side of a street or road.
- (N) It shall be unlawful to park a vehicle in a front yard, a side yard, or in a man yard except as provided in these Ordinances or in the Regulations of the Franklin-Suneson Planning and Zoning Commission.

- (Q) It shall be unlawful to park a vehicle over or on any part of the city sidewalk or our bulb is parallel to or touching the city street or right of way meloding, but not limited to any part of the sidewalk that is part of a driveway.
- (P) No vehicle shall be parked in such a marrier that obstitutes the free use of the street, and an unobstructed width of not less than 15 feet of the street must be left open for the free cassage of other vehicles.

(Q) No vehicles shall be parked order any out-de-sac.

(R) No inoperative or unlicensed motor vehicles shall be parked on city streets or parking lots.

- (S) No vehicles shall be stopped or parked in an alley, except for the purpose of actively loading or unloading goods or passengers for a duration not to exceed ten (10) minutes.
- (1) No heavy-duly commercial vehicles may be parked in residential areas unless the vehicle is loading or unloading goods or has a service call in the immediate area. In the case of loading or unloading or a service call, the heavy-duty commercial vehicle shall not be parked in residential areas for lenger than a one (1) hour period,
- (U) A vehicle parked in a designated, discoral city parking space shall not exceed twenty (20) feet in overall vehicle length so as to not hinder normal flow of vehicle traffic.
- (V) Parking of any tractor, tractor trailer trailer body, mobile home, house trailer, camper trailer, RV, but or may similar vehicle or equipment on any street within any residential area or city square is prohibit except during approved events on the squere or when prior approved is obtained from the Board of Commissioners

8 72.02 PARKING ZONES.

- (Å)—When markings or signs are placed giving netice of no parking or limited parking zones, no parson shall park any vehicle contrary to the instruction shown on such merkings or signs.
- (B) Marking's or signs designating such parking somes shall be created at the direction of the Mayor. (1980 Code, § 540.1-2) Penalty, see § 72.99

\$ 72.83 LOADING ZONES AND TAXI STANDS:

-No motor vehicles or other vehicles shall be parted by ourbs that are painted, or otherwise marked to designate a loading zone or laxi stand-

(1980 Chdz. § 540.1-3) Penalty, sec § 72.99

8 72.04 PARKING METER ZONES.

- (A) The word VEHICLE as used in this section shall mean any device in, upon or by which any person or proporty is or may be transported upon a skeet or highway, except those executed upon rails or tracks. (B) The parts of sweets in the city where parking meters shall be installed in accordance with the provicions
- hereof are established as parking meter access.
- -(C) In addition to the pushing meters now installed, there may be impalled other parking meters at such places as directed by the Mayor with the approval of the City Commission.
- (D) The Mayor shall provide for installation of meters, including curb or direct marking lines, regulation and operation thereof, and shall cause the meters to be maintained in good workable condition. Meters shall be placed upon the crab, sidewalk or other available space next to the individual purking places and meters shall be constructed as to display a signal showing legal packing for a designated period of time upon deposit therein of the proper coin, or coins of the United States, as indicated by instructions on the side of mesers, the signal to remain in avidence until expiration of the parleng period an designated, at which time a clumge of signal or cenue other mechanical operation shall indicate expiration at the parking time.
- (E). The city is vested with the authority to outer into contract for the purebase and installation of parking motors and to provide payment therefor exclusively from the receipts obtained by the city from their operation, and the meens of payment chall be in addition to any other purchasing newers berelafore granted the rife by its character, or by the lows of the state.
- (F) -(1) When a vehicle is parked next to a parking ractor, the owner or operator of the vehicle shall park within the area designated by the early or street marking lines as indicated for parallel or diagonal parking and upon entering the parking space shall immediately deposit in the motor one or more coins of the United States, as indicated by instructions or the moter. No preson shall fail to park within designated area, or fail or neglect to deposit the eroper cein or coins.
- (2) The parking space may then be used by such vehicle during the logal parking limit provided by ordinance, and the volicle chall be considered as unlessfully parked if it reputites in the space beyond the legal parking limit mad/or when the parking mater displays a signal showing such illegal parking. Between the hours of 8:00 a.m. and

5:00 p.m. on Mondays. Thesdays, Wednerdays, Thursdays and Fridays and between the hours of \$:00 u.m. and \$:00 p.m. on Salardays, it shall be unlawful for the owner or operator of any vehicle to enter such parking space without immediately depositing coin or coins of the United States for the purking time desired, and between the decignated hours it shall be unlawful, except as barein provided for the owner or operator of any such vehicle to permit any such vehicle to remain in such parking space for a longer period that in indicated on the parking meter as the legal parking furth trespective of the amount of coins deposited in a parking-meter, it shall be unlawful during the designated hours for the owner or operator of a vehicle to permit the same to remain in such parking space for a period longer than two hours; however, a vehicle may extend parking space where the meter shows unused time and may remain in that parking space for the amused time-without charge. The parking spaces may be used without charge on Sundays and holidays of Fourth of July. Thursdaying and Christeaus.

- (C) No person shall deposit or esuso to be deposited in any parking moter any slug or other substitute for coins of the United States.
 - (11) No unauthorized person shall tamper with, break or doctroy any parking motor.
- A)—It shall be the duty of the traffic officers to take the parking meter numbers, and the state tag numbers or other identification of all persons violating any prevision of this section and make complaint thereof to the police court of the city.
- (I) The fee required to be deposited in the matter is levied us a pulse regulation and inspection too to cover the cost of providing parking spaces, parking meters and installation and maintenance thereof, the cost of regulation and inspection, operation, control and use of the purking ractor spaces and zones created herein, for the regulation and control of traffic moving into, in and out of the city, and maintenance of the city streets, and for the cost of any constant traffic arministration expense, traffic sulety devices, signal eigende, marking, policing, lighting, traffic surveys and safety programs;
 (1980 Code 4, 540.1, 4) Penalty, see 6, 72.99

8 72.05 HANDICAPPED PERSONS AND PERSONS TRANSPORTING THE HANDICAPPED.

- (A)—On the application of any person who has lost the use of a leg or both legs, or an era or both arms, or any combination thereof, or any person who is blind, or any person with a dependent so handlespeed who transports such dependent, the city, through the City Cleck, shall issue to such person a special cocal bearing the universal handleapped symbol, to be placed on the dashboard of any motor vehicle used to transport such a handleapped person.
- (1)—The deeal shall be distinctly marked. Permits issued under this section shall expire on first Tuesday of each year.
- (2) The Office of Commercial Development shall formulate rules and regulations necessary to implement the bandisapped particles remail program.
- (B) Any other provision to the contrary notwithstanding, a motor vehicle bearing a decal issued pursuant to this section, when operated by a bandicapped person or when transporting a handicapped person, may be packed in a designated handicapped parking place, or when parked obsowhere, may be parked for two hours in excess of the legal parking period period by the city. Such a motor vehicle may be parked in a leading zone for that period of time necessary to pormit entrance or exit of the handicapped person to or from the parked vehicle, but in no circumstances larger than 13 minutes.
- —(C) This section shall neither pormit parking where city government ordinances ex city police regulations prehibit parking for the purpose of a cating a fire lanz or to accommodate heavy ineffic thering morning, afternoon or evening hours, nor to permit a motor vohicle to be parked in such a manner as to constitute a traffic heaved.
 (Ont. 540.2.7, passed 3.12.1984). Penalty, see § 72.59.

₹ 72.02 Vicarious Responsibility.

- (A) The person in whose name a vehicle is registered at the time of the violation shall be absolutely responsible for all times, fees and penalties. It shall be no defense that the vehicle was illegally purked by someone other flum the registered owner, unless it is shown that at the time of the violation the vehicle was stolen and not in the possession of the registered owner.
- (B) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under wriden renial or leasing agreements shall not be liable for parking fines and penalties imposed under this Subchapter on such rented or leased exhibits. If within fifteen (15) days after receiving notice of the parkins violation, the lessor provides to the

Police Department the true name, address and driver's license number of the person in possession of the vehicle at the time of the issuance of the citation. A lessor who fails to comply shall be treated as any other owner.

\$ 72.03 Hearing.

- (A) Any person cited for a parking violation may contest the determination that a violation occurred by requesting in writing a hearing before the I markfin-Simpson Code Enforcement Board. The request for a hearing shall be delivered to the City Clork at City Hall addressed to the Code Enforcement Board within fourteen (14) days from the date of issuance of the parkins citation. When a hearing has been requested, the Board shall schedule a hearing for the next regular meeting of the Board that will permit adequate notification to be made to all parties. Not less than ten (10) days before the date of the hearing, the Board shall notify the requester of the date, time and place of the hearing. The notice may be given by first class mail; by personal delivery; or by leaving the notice at the person's usual clace of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice. Any person requesting a hearing who fails in appear at the time and place set for the hearing shall be deemed to have wayed the right to a hearing to contest the citation and shall be deemed to have refused to pay the fine levied by the citation. The Board shall enter a final order estermining the violation was committed and shall impose the appropriate civil penalty. A copy of the order shall be furnished to the violator.
- (3) At the hearing after consideration of the evidence, the Board shall determine whether a violation was committed. Where it is not established that the violation was committed, an order dismissing the citation shall be entered. Where it is established that a violation was committed, the Board shall uphold the citation and order the owner to pay the citation within fourteen (14) days from the date of the written order of the Board. A copy of such order shall be firmished to the owner. Any person ordered to pay the fine who fails to do so within fourteen (14) days shall be deemed to have refused to pay the fine levied by the citation and a \$15,00 late fee and all costs incorred by the City in collecting the civil penalty shall be added to the original fine amount.
- (C) The Board may consider the parking pitation and any other written report made under each by the Code Enforcement Officer or other officer who issued the citation in tien of the officer's personal appearance at the hearing. All other testimony shall be taken under each and recorded. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.
- (D) An appeal from the Board's determination may be made to the Singson District Court within thirty (30) stays of the Board's written order. The appeal shall be initiated by the filling of a complaint and a copy of the Board's order in the same manner as any civil action under the Kantucky Rules of Civil Procedure and as set out in the applicable State statutes. If no appeal of the final order of the Board's filed within the time allowed, the Board's order shall be deemed final for all purposes.

§ 72.04 Vehicle Impoundment without Notice.

A vehicle may be impounded without saving prior notice to its owner under the following circumstances:

- a. The vehicle is impeding or likely to impede the normal flow of vehicular or podestrian traffic:
- b. The vehicle poses an immediate danger to the public safety:
- c. The vehicle is illegally parked within ten (10) fee, of a fire hydrant,
- d. The vehicle, without a valid designated plats or placard issued under State law, is parked in a space clearly marked and designated for use by disabled persons;
- c. A police efficer reasonably halisees that the vehicle is stolen:
- f. A police officer reasonably believes that the vehicle or its contents constitute exicence of an offense and such impoundment is reasonably accessary to obtain or preserve such evidence; provided, however, that nothing in this Section shall be construed to authorize seizure of a vehicle without a warrant where a warrant would otherwise be required;
- g. The vehicle is parked in a public right-of-way or on other publicly owned or controlled property in violation of any low, ordinance or regulation, and there are two (2) or more outstanding parking citations issued against the vehicle that have not been responded to, appealed to the Code Enforcement Board or paid, or none of the final orders of the Code Enforcement Board have been appealed to Simpson District Court:
- h. The vehicle is abandoned or is a lank vehicle; or,
- i. The vehicle is parked, stopped or standing upon a <u>street or public way in violation of any City ordinance or</u> State statute at the time the citation is issued.



Vehicles impounded by the City shall be redeemed only under the following circumstances:

n. Only the registered owner or other person entitled to possession based on proof of ownership or right to possession it av recession in av recession in av recession in av recession of inspounded vehicle. A person redeeming an impounded vehicle must produce a valid driver's license. A vehicle impounded for reasons of unpaid parking citations should only be released upon proof that all possessions or forfaintes contently owed by the registered owner have been satisfied by full payment.

b. Any person redeeming a vehicle impounded by the City shall pay the towing contractor for costs of towing and

impoundment prior to redeeming the vehicle.

c. The owner or other person and fled to possession of a vehicle which has been impounded may challenge the validity of such impoundment by requesting in writing a hearing before the Code Enforcement Board.

d. The hearing shall be conducted at the next regularly scheduled Gode Enforcement Board hearing date. Not less than ten (10) days prior to the date set for hearing, the Board shall notify the person requesting the hearing of the date, time and place of the hearing. Any person requesting a hearing who refuses on except for good cause. Bills to appear of the time and place set for the hearing shall be deemed to have conceded on his and the owner's helialf the validity of the impoundment.

e. At the hearing after consideration of the evidence, the Board shall determine whether the impoundment was valid and reasonable. Where it is not established that the impoundment was justified, an order to that effect shall be entered, and all fines and fees paid because of the impoundment shall be returned. Where it is established that the impoundment was justified, the Board shall uphold the impoundment and enter an Order establishing all times and fees. A copy of such order shall be famished to the owner or person appearing on behalf of the owner. The Board may consider the parking citation and any other written report made under each by the officer who issued the citation in lieu of the officer's personal appearance at the hearing.

I. An appeal from the Board's determination may be made to the Simpson District Court within (birty (50) days of the Board's written order. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the Rules of Civil Procedure. If the Court finds that the impoundment was justified, the owner shall be ordered to pay to the City all fines, fees and penalties occurring as of the date of the indement.

g. The City shall possess a lieu on a vehicle in pounded for all fines, penalties and fees imposed thereon. Such lieu shall be superior to and have priority over all other lieus except the rowing company for its towing charges and any person who claims a security interest on the vehicle. All vehicles towed at the request of the City for violations of this Chapter shall be towed by companies approved by the City and stored at the location of the towing company.

h. If within ten (10) business days of impoundment a valide has not been claimed or a herring has not been requested, a notice shall be maded by certified mail to the registered owner, if known, and lie sholders of record, affording such parties the right within ten (10) days from the date of the notice to claim the vehicle or request a bearing. The notice shall state that, if no hearing is requested, the vehicle shall be deemed abandoned unless the charges thereon are paid within forty-five (45) days of necessit of the notice. After forty-five (45) days from the date of the notice of the notice, the vehicle shall be deemed abandoned and the vehicle cacheat to the Circ. If the vehicle is judged suitable for use, the Circ may obtain a confidence of registration and ownership from the Simpson County Clark pursuant to KRS 186,000 and either use the vehicle for governmental purposes or self the vehicle in accordance with the applicable Circ policies or ordinances regarding disposition of surplus property. If the vehicle is not suitable for use, it may be suit for its scrap or lunk value. Nothing in these provisions shall otherwise affect the rights or obligations between the owner of the motor vehicle and these purposes who claim a senarity interes) therein.

§ 72.06 Resident Parking in Downtown Historic District.

The City Commission has previously designated a certain defined area as the Downtown Historic District. As the buildings in this area have been renovated, there have been multiple residential units constructed within said buildings. Accordingly, residents of these units should be allowed longer parking privileges in the Downtown Listoric District than those set from in \$72.01(F) above. Therefore, the following shall apply to those residents.

iii. The City shall provide two (2) parking passes per residential unit per calendar year to the owner/landlord of the hullding containing a residential unit at no root to the owner/landlord. Owner/landlord shall provide the parking passes to the terraits.

- b. Any person residing in a residential unit in the Downtown Historic District that has the parking peas visibly displayed in his/her vehicle shall be allowed to continuously park in or at one location on any city street, roadway, or designated parking space or public parking for in the Downtown Historic District for a period of time not to exceed seven (7) days without prior nontreation of the Code Enforcement Officer. If a resident of the Downtown Historic District needs to park his or her vehicle in one location of for a larger period of time, they may request an extension of time to park from the Code Enforcement Officer, which request shall not be arreasonable denied.
- If a resident of a unit in the Downtown Historic District fails to display the parking pass where it is
 visible to the Code <u>Enforcement Officer or other enforcement</u> authorities, the provisions of this §72.06
 shall not apply.

3 6 72.99 PENALTY.

- (A) Any person who violates 6.72.01 or \$.72.06 shall be fined \$25 for the first offense, \$50 for the second offense, and \$100 for the third and each subsequent offense.
- (B) Each day a violation continues shall be a separate and distinct offense. All ponaltics shall be payable within fronteen (14) days from the date of the purking citation if the citation is not appealed. If the parking citation is not appealed to the Code Unforcement Broard and the civil penalty is not paid within fourteen (14) days, the applicable civil penalty shall double. Any costs incurred by the City in the collection of the parking citation penalty shall also be added to the original fine amount.
- (C) The Code Enforcement Board may, in its discretion, increase the civil penalties for any parking citations appealed to the Board and which are upheld by the Board. The maximum civil penalty that the Code Enforcement Board may impose shall be \$100.00 per violation, except for parking in designated handicapped arms and the maximum civil possity that the Code Enforcement Board may impose for that violation shall be \$100.00 per violation.
- (D) All parking violation payments shall be made to the City of Franklin Pinance Department.

Chapter 75 entitled "Parking Schedules" is amended to read as follows:

CHAPTER 75: PARKING SCHEDULES

L Reserved parking for handicapped persons

SCHEDULE I: RESERVED PARKING FOR HANDICAPPED PERSONS.

- (A) There shall be immediately created three restricted parking places reserved for the use of handicapped motorists.
- (3) On each of these, restricted parking places shall be placed on the north, south, east and was, sides of the Public Square next to the crosswell.
- (C) Bach reserved parking place shall be designated by special manding on the road surface and an appropriate sign placed next to said parking place on the sidewalk.
- (D) Parking in these restricted areas shall be restricted to:
 - Automobiles bearing special handicapped ticeuse plates;
 - (2) Automobiles loading or unloading persons who require a device to assist them in moving about, i.e., wheelchair; and
 - (3) (a) Automobiles loading or unloading person who have been professionally diagnosed as having impaired ambulatory ability.

- (b) Said motor vehicles will still be subject to normal parking violations and penalties.
- (E) Any person violating the provisions of divisions (A) through (D) above shall be fined no less than \$2550 and no more than \$100 for each violation.
- (F) The Police Department of the city is authorized to have towed away from said restricted parking areas any automobile found in violation herein at the owner's expense.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

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

	FIRST READING				
	SECOND READING				
At a meeting of the Board of Commission 2019, on motion made by foregoing ordinance was adopted, after full discussion	ioners of the City of Franklin, Kentucky, held on August and seconded by sion, by the following vote:				
	LARRY DIXON, MAYOR				
	JAMIE POWELL				
	BROWNIE BENNETT				
	WENDELL STEWART				
	HERBERT WILLIAMS				
	APPROVED BY:				
ATTEST:	Larry Dixon, Mayor				
Cathy Dillard, City Clerk City of Franklin, Kentucky					