



Lexington-Fayette Urban County Government

200 E. Main St
Lexington, KY 40507

Legislation Details (With Text)

File #: 1067-22 **Version:** 1 **Name:** Amendments to Sections 22-52.1 and 22-55.1 of the Code of Ordinances related to Constables

Type: Ordinance **Status:** Approved

File created: 10/14/2022 **In control:** Urban County Council

On agenda: 12/6/2022 **Final action:** 12/6/2022

Enactment date: 12/6/2022 **Enactment #:** O-140-2022

Title: An Ordinance amending Section 22-52.1 of the Lexington-Fayette Urban County Government Code of Ordinances, related to Constables, establishing the amount of the bond to be provided by Constables and Deputy Constables; providing that Constables may not appoint Deputy Constables unless authorized to do so by the Mayor and subject to any standards established by the Mayor; requiring the timely filing of the monthly activity report required by KRS 70.430; prohibiting Constables and Deputy Constables from equipping vehicles with certain emergency equipment and establishing a penalty for violation; and amending Section 22-55.1 of the Code of Ordinances, related to local Constitutional Officers, to increase the amount of the bond that must be provided by a Constable to \$25,000; all effective January 1, 2023. [Dept. of Law, Speckert]

Sponsors:

Indexes:

Code sections:

Attachments: 1. BLUESHEET.PDF, 2. 00769395.pdf, 3. 00770112.pdf, 4. O-140-2022

Date	Ver.	Action By	Action	Result
12/6/2022	1	Urban County Council	Approved	Pass
12/1/2022	1	Urban County Council	Received First Reading	
11/29/2022	1	Urban County Council Work Session	Approved and Referred to Docket	Pass

An Ordinance amending Section 22-52.1 of the Lexington-Fayette Urban County Government Code of Ordinances, related to Constables, establishing the amount of the bond to be provided by Constables and Deputy Constables; providing that Constables may not appoint Deputy Constables unless authorized to do so by the Mayor and subject to any standards established by the Mayor; requiring the timely filing of the monthly activity report required by KRS 70.430; prohibiting Constables and Deputy Constables from equipping vehicles with certain emergency equipment and establishing a penalty for violation; and amending Section 22-55.1 of the Code of Ordinances, related to local Constitutional Officers, to increase the amount of the bond that must be provided by a Constable to \$25,000; all effective January 1, 2023. [Dept. of Law, Speckert]

Authorization to amend Sections 25.52.1 and 25.55.1 of the Code of Ordinances related to Constables to address changes in state law that become effective January 1, 2023. The amendments: 1) increase and establish the amount of the bond for Constables and Deputy Constables at \$25,000.00 and \$10,000.00, respectively; 2) require authorization from the Mayor for the appointment of Deputy Constables and allow the Mayor to rescind the appointment of Deputy Constables at any time; 3) require Constables to timely file monthly activity reports; and 4) prohibit Constables and Deputy Constables from equipping vehicles with certain emergency equipment and

establishing a penalty for violation. This Ordinance, if passed, would take effect January 1, 2023.
(L1067-22) (Ross/Speckert)

Budgetary Implications [select]: N/A

Advance Document Review:

Law: Yes, Completed by [Keith Horn, Evan Thompson]

Risk Management: No

Fully Budgeted: NA

Account Number:

This Fiscal Year Impact: \$

Annual Impact: \$

Project:

Activity:

Budget Reference:

Current Balance:

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That section 22-52.1 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

Sec. 22-52.1. - Constables.

- (a) The constables shall be elected.
- (b) The total personal compensation a constable May receive per annum from both salary and fees May not exceed the amount annually stipulated by the state Dept. of local government pursuant to KRS 64.527. The constables shall not receive any of the benefits provided for in chapter 21 or a salary.
- (c) Each constable and deputy constable shall execute a bond, to be renewed biennially, in the amount of twenty-five thousand dollars (\$25,000.00) and ten thousand dollars (\$10,000.00), respectively. The bond shall be executed and recorded in accordance with Section 22-55.1 of the Lexington-Fayette Urban County Government Code of Ordinances and KRS 70.310.

- (d) Constables do not have authority to appoint deputy constables in Fayette County unless approved by, and subject to any standards established by, the Mayor of the Urban County Government in accordance with KRS 70.320. Deputy constables May be appointed to a term concurrent with that of the constable, or for a term otherwise established by the Mayor of the Urban County Government, in accordance with the provisions and subject to the qualifications set forth in KRS 70.320(2) through KRS 70.320(4). Deputy constables May also be removed from office by the Mayor in accordance with the provisions of KRS 70.320(2). The appointment of any deputy constable terminates at the end of the term of appointment unless renewed by the Mayor.
- (e) By the tenth day of each calendar month, each constable shall present to the Fayette County Clerk a report, in the standard form approved by the Clerk, concerning performance of the duties of the office of constable, by the constable and deputy constables, required by KRS 70.430. Each constable shall provide a copy of the report to the Urban County Government Department of Public Safety.
- (f) Emergency Vehicle Equipment.
 - (i) Constables and deputy constables shall not equip with or use upon their vehicles any siren, whistle, or bell; or any flashing, revolving, or oscillating light of any color, except for such purposes expressly authorized by law and to the extent expressly authorized by law, with the concurrence of the Urban County Government. In accordance with KRS 189.950, the Urban County Council hereby determines, as a matter of public safety, that constables and deputy constables shall not equip their vehicles with emergency equipment contemplated under KRS 189.910 to KRS 189.950, and hereby revokes the authorization for same provided in KRS 189.950. Nothing contained herein shall be construed as the Granting of permission or acquiescence by the Urban County Government for the use of any siren, whistle, bell, or a flashing, revolving or oscillating light of any color by a constable or deputy constable for public law enforcement related activities, including causing motorists to stop or yield the right-of-way.
 - (II) Any constable or deputy constable who violates subsection (f)(i) above shall be subject to the penalties provided in KRS 189.993.

Section 2 - That section 22-55.1 of the Code of Ordinances, Lexington-Fayette Urban County Government, is hereby amended and reenacted, so that when amended and reenacted the same shall read as follows:

Sec. 22-55.1. - Local constitutional Officers.

- (a) Every local constitutional Officer listed below shall execute a bond for the faithful performance of the duties of his office in the amount specified below:
 - County judge/executive.....\$10,000
 - County clerk.....400,000

Sheriff (KRS 70.020).....1,000,000
Sheriff (KRS 134.250).....5,000,000
County surveyor.....10,000
Coroner.....10,000
Deputy coroners.....10,000
Constables.....25,000

- (b) Each elected Officer listed in subsection (a) of this section shall present a bond with sureties to the Dept. of law for approval by the Urban County Council before the day the term of office to which the Officer has been elected begins. Each appointed Officer listed in subsection (a) of this section shall present a bond with sureties to the Dept. of law for approval by the Urban County Council within thirty (30) days after receiving notice of appointment.
- (c) Whenever the Urban County Council approves a bond with sureties pursuant to this section, the clerk of the Urban County Council shall record the approval of the bonds and sureties in the Council's minutes.
- (d) The Dept. of law shall record bonds approved pursuant to this section in the Fayette County Clerk's records.
- (e) The Dept. of law shall reimburse the premiums on the bonds of the local constitutional Officers approved pursuant to this section from Urban County Government funds appropriated by the Urban County Council for that purpose, if a claim is made with a supporting affidavit by a local constitutional Officer. However, pursuant to KRS 62.155, the premium on the sheriffs KRS 70.020 bond shall be paid or reimbursed by the Commonwealth of Kentucky and not by the Dept. of law.
- (f) The KRS 70.020 bond of the sheriff shall be renewed annually and the KRS 70.310 bond of each constable shall be renewed biennially. All other bonds of the local constitutional Officers listed in subsection (a) of this section shall be renewed for the term of any person elected or appointed to that office. However, the Urban County Council May at any time authorized by law require additional sureties of any local constitutional Officers listed in subsection (a) of this section.

Section 3 - That this Ordinance shall become effective on January 1, 2023.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

Published:

