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## KRS, CHAPTER 75 FIRE PROTECTION DISTRICTS SECTION A

### OPERATIONAL MANUAL AND LEGAL FORMS COMPENDIUM

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**75.010 Establishment of fire protection or volunteer fire department district**

- (1) A fire protection district or a volunteer fire department district may be created in accordance with the procedures of KRS 65.182.**
- (2) In no event shall any fire protection district or any volunteer fire department district include within its metes and bounds any territory at that time or thereafter included in any city of this Commonwealth which maintains a "regular fire department," and which city has paid its proportionate share of the indebtedness incurred while such territory was a part of that district.**

**HISTORY: 1984 c 100, § 7, eff. 7-13-84; 1978 c 384, § 195; 1976 ex s, c 14, § 67; 1976 c 62, § 77; 1968 c 152, § 47; 1966 c 239, § 25; 1964 c 184, § 1; 1960 c 104, § 3; 1944 c 133, § 1**

**75.015 Formation of fire protection subdistrict; tax levy; expenditure of tax revenues**

- (1) A fire protection subdistrict may be formed according to the provisions of this section. A fire protection subdistrict shall:**
  - (a) Be located within the territorial limits of a fire protection district or volunteer fire department district;**
  - (b) Have a continuous boundary; and**
  - (c) Be managed by the board of trustees of the district, which shall:**
    - 1. Impose an ad valorem tax on property in the subdistrict in addition to the ad valorem tax the board imposes on property in the district as a whole; and**
    - 2. Expend the revenue from that additional tax on improved fire protection facilities and services for the subdistrict.**
- (2) Persons desiring to form a fire protection subdistrict shall present a petition to the fiscal court clerk and to each member of the fiscal court. The petition shall be accompanied by a map and a metes and bounds description of the proposed subdistrict. The petition shall be signed by more than sixty percent (60%) of the persons who both:**
  - (a) Live within the proposed subdistrict; and**
  - (b) Own property that is located within the proposed subdistrict and is subject to taxation by the district under KRS 75.040.**
- (3) The petition shall contain the name and address of each petitioner and the address of each petitioner's property that is located within the proposed subdistrict. It shall be in substantially the following form: "The following owners of property located within (insert the name of the fire protection district or volunteer fire department district) hereby petition the fiscal court to form a fire protection subdistrict located at (insert brief description of the location of the proposed subdistrict). The board of trustees of (insert the name of the fire protection district or volunteer fire department district) shall have the authority to impose a special ad valorem tax of (insert amount, not to exceed the maximum allowed under subsection (6) of this section) on each one hundred dollars (\$100) worth of property assessed for local taxation in the subdistrict, in order to provide enhanced fire protection for the subdistrict. This tax shall be in addition to the ad valorem tax imposed by the trustees on the district as a whole."**
- (4) Upon receipt of the petition, the fiscal court shall hold a hearing and provide notification in the manner required for creation of a taxing district under KRS 65.182(2) to (5). Following the hearing, the fiscal court shall set forth its written findings of fact and shall**

approve or disapprove the formation of the subdistrict. The creation of the subdistrict shall be of legal effect only upon the adoption of an ordinance in accordance with the provisions of KRS 67.075 to 67.077. A certified copy of the ordinance creating the subdistrict shall be filed with the county clerk.

- (5) Upon the creation of a fire protection subdistrict, the trustees shall levy a tax, not to exceed the amount stated in the petition, on the property in the subdistrict, for the purpose of improving fire protection facilities and services in the subdistrict.
- (6) The tax levied under this section, combined with the tax for fire and emergency services levied on the entire district under KRS 75.040, shall not exceed:
  - (a) Ten cents (\$0.10) per one hundred dollars (\$100) of valuation as assessed for county taxes if neither the fire district nor the fire subdistrict operate an emergency ambulance service under KRS 75.040; or
  - (b) Twenty cents (\$0.20) per one hundred dollars (\$100) of valuation as assessed for county taxes if either the fire district or fire subdistrict operate an emergency ambulance service under KRS 75.040.

At no time shall the trustees increase either of these taxes so that the combined total exceeds this limit.

- (7) The county clerk shall add the levy to the tax bills of the affected property owners. For taxing purposes, the effective date of the tax levy shall be January 1 of the year following the certification and creation of the subdistrict. The tax shall be administered in the same manner as the tax on the entire district under KRS 75.040(2) and (3).
- (8) The board of trustees shall not reduce the tax rate imposed on property in the district as a whole as a result of receiving extra revenue from the additional tax on property in the subdistrict. The trustees shall expend the extra revenue solely on improving fire protection facilities and services in the subdistrict and shall not expend the extra revenue on facilities or services that are shared by the entire district.

HISTORY: 2004 c 151, § 2, eff. 7-13-04; 1996 c 90, § 1, eff. 7-15-96; 1994 c 414, § 1, eff. 7-15-94

#### **75.020 Annexation or reduction of territory; assumption by city of debt**

- (1) The territorial limits of an established fire protection district, or a volunteer fire department district, as established under KRS 75.010 to 75.080, may be enlarged or diminished in the following way: The trustees of the fire protection district or of the volunteer fire department district shall file a petition in the county clerk's office of the county in which that district and the territory to be annexed or stricken off, or the greater part thereof, is located, describing the territory to be annexed or stricken and setting out the reasons therefor. Notice of the filing of such petition shall be given by publication as provided for in KRS Chapter 424. On the day fixed in the notice, the county judge/executive shall, if the proper notice has been given, and the publication made, and no written objection or remonstrance is interposed enter an order annexing or striking off the territory described in the petition. Fifty-one percent (51%) or more of the freeholders of the territory sought to be annexed or stricken off may, at any time before the date fixed in the notice, remonstrate in writing, filed in the clerk's office, to the action proposed. If such written remonstrance is filed the clerk shall promptly give notice to the trustees of the fire protection district, or of the volunteer fire department district, and the county judge/executive shall hear and determine the same. If upon such hearing, the county judge/executive finds from the evidence that a failure to annex or strike off such

territory will materially retard the functioning of the fire protection district or the volunteer fire department district and materially affect adversely the owners and the inhabitants of the territory sought to be annexed or stricken off, he or she shall enter an order, granting the annexation or striking off the territory. In the latter event, no new petition to annex or strike off all or any part of the same territory shall be entertained for a period of two (2) years. Any aggrieved person may bring an action in circuit court to contest the decision of the county judge/executive.

- (2) The property in any territory annexed to a fire protection district or to a volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the fire protection district or the volunteer fire department district prior to the date of the annexation of such territory, except such indebtedness as represents balance owing on the purchase price of fire fighting equipment. The property in any territory stricken off from a fire protection district or a volunteer fire department district by the incorporation of or annexation by a city of this Commonwealth shall not be relieved of liability of such taxes as may be necessary to pay its proportionate share of the indebtedness incurred while such territory was a part of that district. Territories stricken by action of the county judge/executive under the provisions of subsection (1) shall be relieved of liability for all indebtedness incurred by the fire protection district or the volunteer fire department district.
- (3) Any city that maintains a "regular fire department," and has either by incorporation or annexation caused property to be stricken from a fire protection district or a volunteer fire department district, shall assume the liability of such taxes as may be necessary to pay the proportional share of the indebtedness incurred while such territory was a part of said district.
- (4) The territorial limits of two (2) or more fire protection districts, or volunteer fire department districts, as established under KRS 75.010 to 75.080, may be merged into one (1) fire protection district or a volunteer fire department district as follows:
  - (a) The trustees of each fire protection district or volunteer fire department district shall file joint petition in the county clerk's office of the county in which all of the districts and the territory to be merged into one (1) district, or the greater part of the district, is located, describing the territory to be merged into the district and setting out the reasons for the merger;
  - (b) Notice of the filing of the petition shall be given by publication as provided in KRS Chapter 424 for public notices;
  - (c) On the day fixed in the notice, the county judge/executive shall, if the proper notice by publication has been given, and no written objection or remonstrance has been made, enter an order merging the fire protection districts or volunteer fire department districts described in the petition;
  - (d) Fifty-one percent (51%) or more of the property owners of the territory sought to be merged into one district may, at any time before the date fixed in the notice, remonstrate by written petition to the county clerk regarding their objection to the merger of the districts. If a petition is filed, the county clerk shall give prompt notice to the trustees of the fire protection districts or the volunteer fire protection districts and the county judge/executive;
  - (e) The county judge/executive shall schedule a hearing regarding the petition and shall give public notice as to the date, time and place of the hearing. If after the hearing, the county judge/executive finds from the evidence that a failure to merge the territory will materially retard the functioning of the fire protection districts or

volunteer fire department districts, and materially affect adversely the owners and the inhabitants of the territory sought to be merged, he or she shall enter an order granting the merger of the districts into one (1) fire protection district or volunteer fire department district;

- (f) Any aggrieved person may bring an action in Circuit Court to contest the decision of the county judge/executive regarding the merger fire protection districts or volunteer fire department districts.
- (5) The property in any fire protection district or volunteer fire department district which is merged with another fire protection district or volunteer fire department district shall not be liable to taxation for the purpose of paying any indebtedness incurred by the other fire protection district or volunteer fire department district prior to the date of the merger into one (1) fire protection district, except indebtedness which represents a balance owed on the purchase price of firefighting equipment from the other fire protection district or volunteer fire department district.

HISTORY: 2004 c 19, § 1, eff. 7-13-04; 1996 c 127, § 1, eff. 7-15-96; 1984 c 100, § 8, eff. 7-13-84; 1978 c 384, § 196; 1976 ex s, c 14, § 68; 1976 c 62, § 78; 1966 c 146, § 8; 1964 c 184, § 2; 1960 c 104, § 4; 1944 c 133, § 2

**75.031 Trustees, elections, terms; vacancies; elections for part of trustees; officers**

- (1) (a) Upon creation of a fire protection district or a volunteer fire department district as provided in KRS 75.010, the affairs of the district shall be conducted by the board of trustees consisting of seven (7) members, four (4) to be elected by the members of the district as hereinafter set out and three (3) to be appointed by the county judge/executive or mayor in a consolidated local government pursuant to the provision. Two (2) members of the board of trustees shall be elected by the members of the firefighters of the district and shall be members of the district. Two (2) members of the board of trustees shall be property owners who own real or personal property which is subject to the fire protection district tax pursuant to KRS 75.040, who personally reside in the district, and who are not active firefighters, and shall be elected by the property owners of the district. Property owners voting to select representatives to the board of trustees shall have attained the age of eighteen (18). The county judge/executive of the county in which the greater part of the district is located shall, with the approval of the fiscal court, appoint three (3) members of the board of trustees. In counties containing a city of the first class trustees appointed by the county judge/executive to serve in volunteer fire prevention districts shall reside within the boundaries of that country. In counties governed by a consolidated local government, trustees appointed by the mayor to serve in volunteer fire prevention districts shall reside within the boundaries of the consolidated local government. At the first election held after the district is formed, one (1) firefighter shall be elected to serve on the board of trustees for a period of one (1) year and one (1) for a period of three (3) years and one (1) nonfirefighter property owner shall be elected to serve on the board of trustees for a period of two (2) years and one (1) for a period of four (4) years. On the expiration of the respective terms the successor to each shall have the same qualifications as his predecessor and shall be elected for a term of four (4) years. The original appointed members of the board of trustees shall be

appointed for terms of one (1), two (2), and three (3) years respectively. On the expiration of the respective terms the successors to each shall be appointed for a term of three (3) years. Upon the establishment of a consolidated local government, incumbent members shall continue to serve until the expiration of their current term of office. In the event of a vacancy in the term of an appointed or elected trustee, the county judge/executive shall appoint with the approval of the fiscal court a trustee for the remainder of the term, except in a county containing a consolidated local government. In a county containing a consolidated local government, the mayor pursuant to the provisions of KRS 67C.139 shall appoint a trustee for the remainder of the term.

- (b) An appointed trustee may be removed from office as provided by KRS 65.007.
- (c) No person shall be an elected trustee who, at the time of his election, is not a citizen of Kentucky and has not attained the age of twenty-one (21).
- (d) Unless otherwise provided by law, an elected firefighter trustee may be removed from office by the mayor of a consolidated local government, or in a county not containing a consolidated local government, by the county judge/executive of the county in which the greater part of the district is located. An elected firefighter trustee may be removed after a hearing with notice as required by KRS 424, for inefficiency, neglect of duty, malfeasance or conflict of interest. The hearing shall be initiated and chaired by the county judge/executive of a county or the mayor of a consolidated local government, who shall prepare a written statement setting forth the reasons for removal. The trustee to be removed shall be notified of his or her proposed removal and the reasons for the proposed removal by registered mail sent to his or her last known address at least ten (10) days prior to the hearing. The person proposed to be removed may employ counsel to represent him or her. A record of the hearing shall be made by the county judge\executive or mayor respectively.
- (e) The removal of an elected firefighter trustee of a fire protection district shall be subject to the approval of the fiscal court of the county in which the greater part of the district is located in those counties not containing a consolidated local government or the legislative council in a county containing a consolidated local government.
- (f) An elected firefighter trustee removed pursuant to paragraphs (c) and (d) of this subsection may appeal, within ten (10) days of the rendering of the decision of the fiscal court or legislative council, respectively, to the Circuit Court of the county in which the greater part of the district is located. The scope of the appeal shall be limited to whether the county judge\executive, mayor, legislative council, or the fiscal court respectively, abused their discretion in removing the trustee.

- (2) The elective offices of members of the board of trustees shall be filled by an election to be held once each year on the fourth Saturday of June between the hours of 11:00 A.M. and 2:00 P.M. The polls shall be a date determined by the department. The polls shall be located at the principal fire house in the district. The date, time and place of the election shall be advertised in accordance with KRS 424.120. This notice shall be advertised at least thirty (30) days prior to the election date and shall include the names and addresses of the candidates to be voted on for each position of trustee. In lieu of the published notice for the election of the firefighter trustees, written notice containing the information required to be advertised may be sent by first-class mail to each member

of the firefighters of the fire protection district or volunteer fire department district, addressed to the firefighter at his or her residence, at least thirty (30) days prior to the election date. The nominations for candidates for trustees both representing the fire fighters and the property owners residing in the district shall be made in accordance with the bylaws of the department. The terms of the three (3) trustees appointed by the county judge/executive or mayor shall start at the same time as the terms of the elected trustees. On or before the beginning of the second fiscal or calendar year, depending on which basis the fire protection or volunteer fire department district is being operated, after June 16, 1966 all departments organized prior to June 16, 1966 shall increase their boards of trustees from three (3) to seven (7) members and elect the elective members in the manner set forth herein.

- (3) The trustees shall elect from their number a chairman, a secretary and a treasurer, the latter of whom shall give bond in such amount as shall be determined by the county judge/executive of the county in which the greater part of the fire protection district is located or the mayor in a consolidated local government, conditioned upon the faithful discharge of the duties of his or her office, and the faithful accounting for all funds which may come into his possession as such treasurer. The premiums on such bonds shall be paid out of the funds of the district.

HISTORY: 2004 c 92, § 1, eff. 7-13-04; 2002 c 346, § 76, eff. 7-15-02; 2000 c 348, §1, eff. 7-14-00; 1996 c 127, § 2, c 136, § 1, eff. 7-15-96; 1980 c 18, § 5, eff. 7-15-80; 1978 c 384, § 20, c 175, § 1; 1976 ex s, c 20, § 6; 1976 c 336, § 1; 1966 c 97, § 2

**75.040 Power to operate fire department and emergency ambulance service; levy, assessment and collection of tax to defray expenses**

- (1) (a) Upon the creation of a fire protection district or a volunteer fire department district as provided in KRS 75.010 to 75.031 the trustees of a district are authorized to establish and operate a fire department and emergency ambulance service as provided in subsection (4) of this section and to levy a tax upon the property in the district, including that property within cities in a fire protection district or a volunteer fire department district, as provided by KRS 75.010 (2) provided that the property is subject to county tax, and not exceeding ten cents (10¢) per one hundred dollars (\$100) of valuation as assessed for county taxes, for the purpose of defraying the expenses of the establishment, maintenance and operation of the fire department or to make contracts for fire protection for the districts as provided in KRS 75.050. The rate set in this subsection shall apply, notwithstanding the provisions of KRS 132.023.
- (b) A fire protection district or a volunteer fire department district that establishes and operates an emergency ambulance service and is the primary service provider in the district may levy a tax upon the property in the district not to exceed twenty cents (\$0.20) per hundred dollars (\$100) of valuation as assessed for county taxes, for the purpose of defraying the expenses of the establishment, maintenance, and operation of the fire department and emergency ambulance service or to make contracts for fire protection for the districts as provided in KRS 75.050. The rate set in this subsection shall apply notwithstanding the provisions of KRS 132.023.

- (2) The establishment, maintenance and operation of a fire protection district or volunteer fire department district shall include, but not be limited to, the following activities:
  - (a) Acquisition and maintenance of adequate fire protection facilities;
  - (b) Acquisition and maintenance of adequate firefighting equipment;
  - (c) Recruitment, training, and supervision of fire fighters;
  - (d) Control and extinguishment of fires;
  - (e) Prevention of fires;
  - (f) Conducting fire safety activities;
  - (g) Payment of compensation to firefighters and providing the necessary support and supervisory personnel;
  - (h) Payment for reasonable benefits or a nominal fee to volunteer firefighters when benefits and fees do not constitute wages or salaries under KRS Chapter 337 and are not taxable as income to the volunteer firefighters under Kentucky or federal income tax laws; and,
  - (i) The use of fire protection district equipment for activities which are for a public purpose and which do not materially diminish the value of the equipment.
- (3) The property valuation administrator of the county or counties involved, with the cooperation of the board of trustees, shall note on the tax rolls that taxpayers and valuation of the property subject to such assessment. The county clerk shall compute the tax on the regular state and county tax bills in such manner as may be directed by regulation of the Department of Revenue.
- (4) Such taxes shall be subject to the same delinquency date, discounts, penalties and interest as are applied to the collection of ad valorem taxes and shall be collected by the sheriff of the county or counties involved and accounted for to the treasurer of the district. The sheriff shall be entitled to a fee of one percent (1%) of the amount collected by him.
- (5) Nothing contained in this subsection shall be construed to prevent the trustees of a fire protection district located in a city or county which provides emergency ambulance service from using funds derived from taxes for the purpose of providing supplemental emergency medical services so long as the mayor of the city or the county judge/executive of the county, as appropriate, certifies to the trustees in writing that supplemental emergency medical services are reasonably required in the public interest. For the purpose of this subsection, "supplemental emergency medical services" may include EMT, EMT-D, and paramedic services rendered at the scene of an emergent accident or illness until an emergency ambulance can arrive at the scene.
- (6) The trustees of those fire protection districts or volunteer fire department districts whose districts or portions thereof do not receive emergency ambulance services from an emergency ambulance service district or, whose districts are not being served by an emergency ambulance service operated or contracted by a city or county government, may develop, maintain, and operate or contract for an emergency ambulance service as part of any fire department created pursuant to this chapter. No taxes levied pursuant to subsection (1) of this section shall be used to develop, maintain, operate or contract for an emergency ambulance service until the tax year following the year the trustees of the district authorize the establishment of the emergency ambulance service.

HISTORY: 205 c 85, §98, eff. 6-20-05; 2004 c 151, § 1, eff. 7-13-04 1996 c 127, § 3, eff. 7-15-96; 1986 c 195, § 1, eff. 7-15-86; 1978 c384, § 21, 1972 c 127, § 1; 1964 c 184, § 4; 1956 c 207, § 20; 1954 c 212, § 1; 1944 c 133, § 4



**75.050 Contracts by fire units or districts, cities and counties, for fire protection**

Any fire protection district created as provided in KRS 75.010, and any fire protection district or fire prevention district hereafter created pursuant to present or future law, and any municipal corporation, volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, may, through its governing body, make and enter into contracts with any other fire protection district, fire prevention district, municipal corporation, volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, either within the same county or within an adjoining county in an area adjacent to the boundary line between the counties, for the furnishing or receiving of fire protection services for all property within the confines of the area included in and covered by the contract or contracts, where such fire protection is not otherwise provided by some division of government or governmental agency. Similar contracts may be made and entered into between any county and an adjoining county, or between any county and any one or more municipalities or districts, departments or units of the character above mentioned, located either within the county or within an adjoining county in an area adjacent to the boundary line between the counties. The personnel and equipment of a contracting party, in going to and returning from a fire, or in answering and responding to a false fire alarm or call, and while endeavoring to extinguish fires within the area covered by the contract, shall be deemed and hereby is declared to be engaged in the exercise of a governmental function.

HISTORY: 1950 c 154, § 1, eff. 3-25-50; 1944 c 133, § 5

**75.060 Status and compensation of fire fighters serving outside limits of district or municipality**

All municipal fire fighters, fire protection district fire fighters, and volunteer fire department firemen, full-paid or volunteer, attending and serving at fires or doing fire prevention work outside the corporate limits of a municipality, fire protection district, or volunteer fire department district as provided in KRS 75.050, or area normally served by a volunteer fire department, shall be considered as serving in their regular line of duty as fully as if they were serving within the corporate limits of their own municipality, fire protection district, or area normally served by a volunteer fire department, but full-paid fire fighters shall receive no additional compensation and volunteer firemen shall receive only such compensation as may be provided for by ordinance or resolution in such cases, and all such full-paid fire fighters and volunteer firemen shall be entitled to all benefits of any pension fund, in the same manner as if the firefighting or fire prevention work had been within the corporate limits of the municipality, or area normally served by a volunteer fire department.

HISTORY: 1978 c 164, § 11, eff. 6-17-78; 1964 c 184, § 5; 1944 c 133, § 6

**75.070 No liability for damages when serving outside limits of district or municipality; fire departments as agents of Commonwealth**

(1) A municipal fire department, fire protection district fire department, and volunteer fire department and the personnel of each, answering any fire alarms, performing fire prevention services, or other duly authorized emergency services inside and outside of the corporate limits of its municipality, fire protection district, or area normally served by

a volunteer fire department, shall be considered an agent of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity, and such municipality, fire protection district, or area normally served by a volunteer fire department, shall not be liable in damages for any omission or act of commission or negligence while answering an alarm, performing fire prevention services, or other duly authorized emergency services.

- (2) No municipal fire department, fire protection district, fire department or volunteer fire department answering any fire alarms, performing fire prevention services or volunteer fire department services inside the corporate limits of the district shall be liable in damages for any omission or act of commission or negligence while answering or returning from any fire or reported fire, or doing or performing any fire prevention work under and by virtue of this chapter and said fire departments shall be considered agents of the Commonwealth of Kentucky, and acting solely and alone in a governmental capacity.

HISTORY: 1964 c 184, § 6, eff. 3-21-64; 1956 c 207, § 21; 1944 c 133, § 7

#### **75.080      Erection of fire hydrants**

The trustees of any fire protection district wherein water pipes have been constructed and are maintained in the public ways thereof may by resolution duly adopted cause the erection of fire hydrants and attachments to the water pipes in the public ways, after the trustees have made a written contract for water to be furnished for use in the hydrants. The cost of such erection and attachments shall be apportioned by the trustees against the owners of the property fronting the public ways in which the fire hydrants are erected, by any equitable mode of apportionment which the board of trustees prescribes in the resolution ordering the erection of the fire hydrants and a lien shall exist against the property against which the apportionment runs for the cost of such improvement in the amount of such apportionment and interest thereon at the rate of six per cent (6%) per annum. The lien is enforceable by proceedings in court. The erection and installation of fire hydrants may be under contract let to the lowest and best bidder after advertisement by publication pursuant to KRS Chapter 424.

HISTORY: 1966 c 239, § 26, eff. 6-16-66; 1964 c 184, § 7; 1944 c 133, § 8

#### **75.100      Definitions for KRS 75.100 to 75.260**

As used in KRS 75.100 to 75.260, unless the context requires otherwise:

- (1) "Chairman" means the chairman of the board of trustees of a fire protection district organized under the provisions of KRS 75.010 to 75.080, or the chairman of the governing board of a volunteer fire department.
- (2) "Fire protection district" means fire districts organized under KRS Chapter 75.
- (3) "Board" means the board of trustees of a fire protection district organized under KRS Chapter 75 and the governing board of a volunteer fire department.
- (4) "Fire department" means the officers, fire fighters and clerical or maintenance employees, including the chief and assistant chief of the department.
- (5) "Chief" means the chief of the fire department of a fire protection department organized under KRS Chapter 75 and of a volunteer fire department.

- (6) "Employees" means all persons employed, and paid wages, salary, or other compensation for services performed, by the board of trustees of a fire protection district organized under KRS Chapter 75 and of a volunteer fire department. The term "employees" does not include any individual who is a volunteer as defined in subsection (14) of this section.
- (7) "Member" shall include the chief and all officers; all firefighters, including volunteer, paid, regular, and special fire fighters, and all employees of a fire department, a fire protection district, or of a volunteer fire department.
- (8) "Salary" and "wages" means any compensation received by an employee by reason of his employment for service performed for a fire protection district or volunteer fire department.
- (9) "Suspension" means the separation of an employee from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.
- (10) "Dismissal" means the discharge of an employee by lawful authority.
- (11) "Trustees" means the board of trustees of a fire protection district and of a volunteer fire department.
- (12) "Regular firefighters" means all firefighters who are members of a fire protection district, except for special fire fighters appointed by the chairman of the board of trustees pursuant to KRS 75.110.
- (13) "Paid fire fighters" means all fire fighters who are employees of the fire protection district or volunteer fire department district.
- (14) "Volunteer" means any person who is a member of a fire protection district or volunteer fire department who volunteers to perform services for the fire protection district or volunteer fire department, if the individual receives no salary, wages or other compensation for services performed, or if the individual is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered, and such services are not the same type of services which the individual is employed to perform for such fire protection district or volunteer fire department.

HISTORY: 1996 c 127, § 4, eff. 7-15-96; 1994 c 43, § 10, eff. 7-15-94; 1978 c 164, § 12, eff. 6-17-78; 1964 c 184, § 8; 1956 c 207, § 1

#### **75.110 Appointment of special fire fighters; rules; powers**

- (1) The chairman may, if in his discretion there is a case of need, appoint special fire fighters to do special duties at any place within the limits of the fire protection district, on terms he deems proper.
- (2) These special fire fighters shall be governed by such rules as the board may provide, and be given the power the board may provide, including the powers enumerated in KRS 75.160 in the discretion of the board; if rules are not provided they shall be deemed to have the powers and duties of regular fire fighters.

HISTORY: 1978 c 164, § 13, eff. 6-17-78; 1964 c 184, § 9; 1956 c 207, § 2

**75.120 Board to control fire department and property; appointment of fire chief and members of fire department; compensation; volunteer firemen; reduction of personnel**

- (1) The board shall control the fire department or departments within their district and the property and equipment in these departments;**
- (2) The board may appoint a chief of the fire department or departments and all subordinates and the number of members in the fire departments shall be determined by the board in their sole discretion. The board shall, by resolution, fix the salaries of all employees of the fire department, provide for their payment and for the payment of other expenses of the fire protection district. The board may, in their sole discretion, appoint volunteer firemen and fix, by resolution, their compensation, if any, and provide for payment of this compensation. The board may likewise reduce the number of employees of their district so long as their action is not capricious or arbitrary.**

**HISTORY: 1956 c 207, § 3, eff. 2-28-56**

**75.130 Discipline of members and employees;**

- (1) Except as provided in subsection (5) of this section no member or employee of a fire protection district shall be reprimanded, dismissed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of the rules adopted by the board of trustees of the fire protection district, and only after charges are preferred and a hearing conducted as provided in this section.**
- (2) Any person may file charges against a member or employee of a fire protection district by filing them with the secretary of the board of trustees and by delivering or mailing the charges to the principal fire house in the fire protection district. The secretary shall immediately communicate the charges to the board of trustees by mailing or delivering a copy of the charges to each member of the board of trustees within seven (7) days of receipt of the charges at the principal fire house. The chairman of the board of trustees shall, after conducting or having conducted any inquiry or investigation which may be necessary, determine if probable cause appears. The chairman shall prefer charges to the board of trustees against any member or employee against whom probable cause exists, of conduct justifying the dismissal or punishment of the member or employee. If probable cause does not exist, the chairman shall dismiss the charges. All charges shall be written and shall set out clearly the charges made. The person filing the charges may withdraw them at any time prior to the conclusion of the hearing. The charges may then be dismissed.**
- (3) Charges preferred by the chairman of the board of trustees shall be heard by either the full board or a committee consisting of at least three members of the board of trustees appointed by the chairman. At the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. Within forty-five (45) days after the charges have been preferred by the chairman to the board of trustees, that body, or a committee consisting of at least three members of the board of trustees appointed by the chairman shall proceed to hear the charges. At least ten (10) days before the hearing the member or employee accused shall be served personally or by registered mail with a copy of the charges and a statement of the day,**

place and hour at which the hearing of the charges will begin. The person accused may, in writing, waive the service of charges and demand trial within thirty (30) days after the charges are preferred to the board of trustees.

- (4) The board of trustees of the fire protection district may summon and compel attendance of witnesses at hearings by subpoena issued by the secretary of that body and served upon the witnesses by any officer authorized to serve court subpoenas. If any witness fails to appear in response to a summons, or refuses to testify concerning any matter on which he may be interrogated, any District Court Judge, on application of the board of trustees, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The member or employee accused may have subpoenaed any witnesses he may desire, upon furnishing their names to the secretary of the board of trustees. The written records of the charges, the hearing, if held, and any other actions or decisions of the board of trustees on the charges shall be kept as an open public record and maintained as required by KRS Chapter 61.
- (5) When the board of trustees or the chief of the fire protection district has probable cause to believe a member or employee of a fire protection district has been guilty of conduct justifying dismissal or punishment, the board or the chief may suspend the member or employee from duty or from both pay and duty, pending trial, and the member or employee shall not be placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member or employee accused. If the member suspended is a paid firefighter or an employee, the hearing on the charges shall be conducted within fourteen (14) days after the charges have been preferred by the chairman to the board of trustees.
- (6) The board of trustees of the fire protection district shall fix the punishment of a member or employee of a fire protection district found guilty, by a reprimand, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two (2) or more of those punishments, or by dismissal as a member or employee of the fire protection district.

HISTORY: 1996 c 127, § 5, eff. 7-15-96; 1956 c 207, § 4, eff. 2-28-56

#### **75.140 Appeals of disciplinary actions**

- (1) Any member or employee of a fire protection district found guilty by the board of trustees of the fire protection district of any charge, as provided by Section 5 of this Section, may appeal to the Circuit Court of the county in which the fire protection district is located, but the enforcement of the judgment of the fire protection district shall not be suspended pending appeal. The notice of the appeal shall be filed not later than thirty (30) days after the date the board of trustees of the fire protection district makes its determination on the charge.
- (2) Upon request of the accused, the secretary of the board of trustees of the fire protection district shall file a certified copy of the charges and the judgment of the board of trustees in the Circuit Court. Upon the transcript being filed, the case shall be docketed in the Circuit Court and tried as an original action.
- (3) If the secretary of the board of trustees fails to certify the transcript to the Circuit Court within thirty (30) days after the request is made, the party aggrieved may file an affidavit in the Circuit Court setting out as fully as possible the charges made, the time

of the hearing, and the judgment of the board of trustees of the fire protection district, together with a statement that demand for transcript was made upon the secretary of the board of trustees more than thirty (30) days before the filing of the affidavit. Upon the filing of the affidavit in the Circuit Court, the case shall be docketed and the Circuit Court may compel the filing of the transcript by the secretary of the board of trustees by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.

- (4) An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases.

HISTORY: 1996 c 127, § 6, eff. 7-15-96; 1956 c 207, § 5, eff. 2-28-56

#### **75.150 Political activities of members**

- (1) No person shall be appointed a member of the fire department in fire protection districts on account of any political service, contribution, sentiment or affiliation. No member shall be dismissed, suspended or reduced in grade or pay for any political opinion.
- (2) Members and employees of any fire protection district, while off duty and out of uniform, shall be entitled to:
- (a) Place political bumper stickers on their privately owned vehicles;
  - (b) Wear political buttons;
  - (c) Contribute money to political parties, political candidates and political groups of their choice;
  - (d) Work at the polls on election days;
  - (e) Aid in registration or purgation of voters;
  - (f) Become members of political groups; and
  - (g) Hold office in political groups and carry out the mandates of that group.

HISTORY: 1996 c 127, § 7, eff. 7-15-96; 1956 c 207, § 6, eff. 2-28-56

#### **75.160 Attendance of chief at board meetings; definition of chief; members as peace officers**

- (1) The chief of the fire department in fire protection districts shall attend all sessions of the board, except executive sessions, and he shall execute all the orders of the board. Whenever "chief" is used in KRS 75.100 to 75.260, it shall include the assistant chief when the chief is not on duty.
- (2) The regular members of the fire department in fire protection districts, except volunteer firemen, shall have the same powers of arrest as now given by law to sheriffs of this Commonwealth and they are hereby expressly declared conservators of the public peace whose duties, in addition to their other prescribed duties, are to conserve the peace, enforce all laws and preserve order, and they shall have and are expressly given the same right and the same power to arrest, search and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the county judge/executive in which the fire district lies while enforcing the provisions of this section. Provided, however, that members of said fire departments shall not have the power to serve subpoenas, summonses and notices in civil cases and they shall receive no fees for performing any of the duties prescribed in this section as pertains to powers

of law enforcement. The members shall constitute a law enforcement agency in addition to the patrol and investigation functions of the sheriff and his deputies under KRS 75.150 to 75.170.

HISTORY: 1976 ex s, c 20, § 6, eff. 1-2-78; 1956 c 207, § 7

#### **75.170 Oath and bond of members**

- (1) Each member of the fire department in fire protection districts shall, before entering upon the discharge of his various duties, take an oath before the county judge/executive of the county in which the greater part of the fire district is located or a notary public, to faithfully discharge his duties, and the oath shall be subscribed by the person taking it and filed in the minute book kept by the secretary of the board.**
- (2) Each member of the fire department in fire protection districts shall give such bond as the board may designate and with a surety as required by the board conditioned upon faithful performance of the member's duties.**

HISTORY: 1996 c 127, § 8, eff. 7-15-96; 1976 ex s, c 20, § 6, eff. 1-2-78; 1956 c 207, § 8

#### **75.180 Duties and powers of chief and members; reimbursement of private owners for water used**

- (1) The chief, assistant chief, or highest officer present at the fires answered by his department shall investigate their causes. He may examine witnesses, compel the testimony of witnesses, administer oaths, compel production of evidence and make arrests as provided in KRS 75.160. He may enter any building at all reasonable times for the purpose of examining the building if, in his opinion the building is in danger of fire. He shall report his findings, when requested, to the board, Kentucky inspection bureau, and office of the state fire marshal.**
- (2) The chief of the fire department shall direct and control the operation of the fire department and the control of the members in the discharge of their duties. He, and members of the fire department, shall have access to and the use of all cisterns, fireplugs, the waters of the waterworks of private persons and cisterns of private persons for the purpose of extinguishing fires and shall have the power to examine these water supplies at all reasonable times to see that they are in condition for use in case of fire. The chief shall have control of all hose, buildings, engines and other equipment provided for the fire department under direction of the board, or those authorized by the board to exercise this direction, and shall perform such other duties prescribed by the board not inconsistent with law. Upon application within ten (10) days to the board, any owner of property where water is used for fire fighting shall be reimbursed in a reasonable amount by the board for water used.**

HISTORY: 1964 c 184, § 10, eff. 3-21-64; 1956 c 207, § 9

**75.240 Board minute book; contents; where kept; inspection**

The secretary of the board shall keep a minute book, appropriately bound and marked, in which the minutes of each meeting of the board shall be kept, together with all resolutions, tax levies, and other important material the board may designate. A copy of all material required to be kept by the secretary, shall be kept on file in the office of the clerk of the county in which the greater part of the fire protection district or volunteer fire department district lies. The public shall have the right to inspect the book and its contents at all times.

HISTORY: 1964 c 184, § 15, eff. 3-21-64; 1956 c 207, § 15

**75.250 Board may employ counsel; duties; compensation; duties of county attorney**

- (1) The board may, in its discretion, employ or retain a regularly licensed attorney to advise them on all matters pertaining to their duties and shall have the discretion to delegate such authority to said attorney not forbidden by law. Said attorney shall attend all meetings of the board, except executive sessions when the board does not desire his presence, whenever the board shall request him to attend and shall advise the board on all legal matters on which he is requested to give advice.
- (2) In addition to the attorney provided for in subsection (1) of this section, the county attorney in the county in which the fire protection district lies shall advise and represent the board in all matters and on the occasions chosen by the board whenever the board so requests.
- (3) The board may fix the salary or compensation of the attorney provided for in subsection (1) of this section, in their discretion.

HISTORY: 1956 c 207, § 16, eff. 2-28-56

**75.255 Audits and financial reports**

With respect to audits and financial reports, the board of trustees of fire protection districts and volunteer fire department districts shall follow the procedures of KRS 65.065.

HISTORY: 1986 c 195, § 25, eff. 7-15-86; 1978 c 384, § 197; 1974 c 298, § 1

**75.260 Compensation of board members; time and place of board meetings**

- (1) The board may fix the respective salaries of its members on a per meeting basis not to exceed twenty-five dollars (\$25.00) per meeting and not to exceed one (1) meeting per month.
- (2) The board shall meet at least once a month at a time and place designated by the board and all meetings, except executive meetings, shall be open to the public.

HISTORY: 1978 c 261, § 1, eff. 6-17-78; 1956 c 207, § 17



**67C.139**

**If a cooperative compact exists between a city of the first class and its county prior to the creation of a consolidated local government, upon the establishment of the consolidated local government:**

- (1) The mayor of the consolidated local government shall assume all appointment authority preciously held by the county judge/executive and the mayor of the consolidated government. Anointments made by the mayor should reflect the diversity of the population within the jurisdiction of the consolidated local government; and**
- (2) The mayor, in consultation with the legislative council, shall, when authorized by statute, determine which agencies, boards, and commissions created by statute shall require legislative council approval for the appointment of members to such agencies, boards, and commissions. The legislative council shall enact an ordinance setting out the role of the legislative council, if any, in the appointment process for each individual agency, board, and commission created by statute. Only one (1) agency, board, or commission shall be addressed per ordinance. Such ordinance shall require a vote of the majority of the entire membership of the legislative council for approval and shall be subject to mayoral veto and legislative override pursuant to KRS 67C.105(5)(i) and 67C.103(13)(a);and**
- (3) The appointment of members to all agencies, boards, and commission created by ordinance shall be determined by the ordinance creating the agency, board, or commission.**

**HISTORY: 2002 c 346, § 1, eff. 7-15-02**