

**75.031 Trustees, elections, appointments, terms -- Continued service upon establishment of consolidated local government -- Vacancies -- Removal -- 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 provisions of KRS 67C.139. 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 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 county. 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 or her 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 or her 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 Chapter 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 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 firefighters 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 an 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 or her possession as treasurer. The premiums on the bonds shall be paid out of the funds of the district.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 92, sec. 1, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 76, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 348, sec. 1, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 127, sec. 2, effective July 15, 1996; and ch. 136, sec. 2, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 18, sec. 5, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 175, sec. 1, effective June 17, 1978; and ch. 384, sec. 20, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 20, sec. 6, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 336, sec. 1. -- Created 1966 Ky. Acts ch. 97, sec. 2.

**75.060 Status and compensation of firefighters serving outside limits of district or municipality.**

All municipal firefighters, fire protection district firefighters, 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 firefighters 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 firefighters 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.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 164, sec. 11, effective June 17, 1978. -- Amended 1964 Ky. Acts ch. 184, sec. 5. -- Created 1944 Ky. Acts ch. 133, sec. 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:** Amended 1964 Ky. Acts ch. 184, sec. 6. -- Amended 1956 Ky. Acts ch. 207, sec. 21. -- Created 1944 Ky. Acts ch. 133, sec. 7.

### **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 75.010 to 75.080.
- (3) "Board" means the board of trustees of a fire protection district organized under KRS 75.010 to 75.080 and the governing board of a volunteer fire department.
- (4) "Fire department" means the officers, firefighters, 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 75.010 to 75.080 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 75.010 to 75.080 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 firefighters; and all employees of a fire department, a fire protection district, or of a volunteer fire department.
- (8) "Salary" and "wages" mean any compensation received by an employee by reason of his employment for services 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 firefighters appointed by the chairman of the board of trustees pursuant to KRS 75.110.
- (13) "Paid firefighters" means all firefighters 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 provide 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 the services are not the same type of services which the individual is employed to perform for the fire protection district or volunteer fire department.

**75.110 Appointment of special firefighters -- Rules -- Powers.**

- (1) The chairman may, if in his discretion there is a case of need, appoint special firefighters to do special duties at any place within the limits of the fire protection district, on terms he deems proper.
- (2) These special firefighters shall be governed by such rules as the board may provide, and be given the powers 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 firefighters.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 164, sec. 13, effective June 17, 1978. -- Amended 1964 Ky. Acts ch. 184, sec. 9. -- Created 1956 Ky. Acts ch. 207, sec. 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.

**Effective:** February 28, 1956

**History:** Created 1956 Ky. Acts ch. 207, sec. 3, effective February 28, 1956.



**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 (3) 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 (3) 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 lawfully be interrogated, any District 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 of 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.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 127, sec. 5, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 4, effective February 28, 1956.

### **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 (3) 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 (3) 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 lawfully be interrogated, any District 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 of 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.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 127, sec. 5, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 4, effective February 28, 1956.

**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 KRS 75.130, 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.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 127, sec. 6, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 5, effective February 28, 1956.

**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 the 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.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 127, sec. 7, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 6, effective February 28, 1956.

**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 hereby 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.

**Effective:** February 28, 1956.

**History:** Created 1956 Ky. Acts ch. 207, sec. 7, effective February 28, 1956.

**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 protection 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.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 127, sec. 8, effective July 15, 1996. -- Created 1956 Ky. Acts ch. 207, sec. 8, effective February 28, 1956.



**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 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 firefighting shall be reimbursed in a reasonable amount by the board for water used.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 69, effective July 15, 2010. -- Amended 1964 Ky. Acts ch. 184, sec. 10. -- Created 1956 Ky. Acts ch. 207, sec. 9.

**75.400 Definitions for KRS 75.400 to 75.460.**

As used in KRS 75.400 to 75.460, unless the context requires otherwise:

- (1) "Commission" means the Commission on Fire Protection Personnel Standards and Education, attached to the Kentucky Community and Technical College System.
- (2) "Fire department" includes all of the officers, firefighters, and clerical and maintenance employees, whether paid or volunteer.
- (3) "Full-time paid firefighter" means an individual who receives a minimum salary of eight thousand dollars (\$8,000) annually, and who works a minimum of two thousand and eighty (2,080) hours per year as an employee of a fire department recognized by the fire commission.
- (4) "Paid fire department" means a fire department recognized by the commission, of which at least fifty percent (50%) of its firefighters are full-time paid firefighters.
- (5) "Volunteer fire department" means a fire department with a minimum of twelve (12) members and a chief, at least one (1) operational fire apparatus or one (1) on order, with fewer than fifty percent (50%) of its firefighters being full-time paid firefighters.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 270, sec. 9, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 43, sec. 1, effective July 15, 1994.

**75.410 Program for recognition and certification of volunteer fire department --  
Authority for administrative regulations.**

- (1) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to create a program for recognition and annual certification of volunteer fire departments. The criteria for recognition and certification shall be consistent with the provisions of KRS 95A.262.
- (2) In order to be recognized and certified, a volunteer fire department shall be organized pursuant to KRS 75.010, KRS 67.083, KRS Chapter 95, or KRS Chapter 273.
- (3) Volunteer fire departments existing on July 15, 1994, which are receiving volunteer fire department aid pursuant to KRS 95A.262(2) shall have until July 1, 1995, to comply with regulations promulgated pursuant to subsection (1) of this section in order for their aid to continue. Volunteer fire departments created after July 15, 1994, shall comply with the criteria of these regulations in a manner consistent with the time requirements specified in KRS 95A.262(2).

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 43, sec. 2, effective July 15, 1994.

**75.420 Application for recognition of fire department -- Boundaries.**

- (1) The commission shall recognize all fire departments which comply with the provisions of KRS 75.410 and regulations promulgated in compliance therewith. Applications for recognition shall be made on forms provided by the commission. The department shall attach to the application an accurate map and a written description which delineates the boundaries of the area served by the department. The map and description shall also be filed with the county clerk of the county in which the department is located. If the boundaries extend into two (2) or more counties, the map and description shall be filed with the county clerk in each county in which a part of the department's service area is located.
- (2) The boundaries between two (2) or more departments created pursuant to KRS Chapter 273 may be altered if the departments enter into a written agreement establishing the boundaries, and if a majority of the property owners in the affected area approve the new boundaries. A new map and written description of the altered boundaries shall be filed with the commission and with the county clerks in the affected counties.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 43, sec. 3, effective July 15, 1994.

**75.440 Funds available to recognized and certified fire department -- Rights and responsibilities of department -- Fire chief.**

- (1) Only fire departments recognized and certified by the commission shall be eligible to receive volunteer fire department aid pursuant to KRS 95A.262(2), to receive low interest loans pursuant to KRS 95A.262(14), or to participate in the Professional Firefighters Foundation Program, pursuant to KRS 95A.200 to 95A.290.
- (2) A fire department created pursuant to KRS Chapter 273 which has been recognized and certified by the commission shall have the following rights and responsibilities:
  - (a) Designation as the only fire department authorized to protect property within its geographic area as filed with the commission and the county clerk, but the department may seek the assistance of other departments, and may make reciprocal aid contracts pursuant to KRS 75.050;
  - (b) Authority to secure water immediately for purposes of fighting a fire from any source, public or private. Upon request, the department shall compensate the owner in a reasonable amount for water used within six (6) months of use; and
  - (c) All rights identified in the Kentucky Revised Statutes for fire departments.
- (3) The officers and firefighters, whether paid or unpaid, of each fire department created pursuant to KRS Chapter 273 and recognized and certified by the commission shall select a chief. The appointment of the chief shall be subject to the approval of the governing board of the department. The chief shall establish a chain of command within the department. The chief, or the highest person available in the chain of command if the chief cannot be present, shall, subject to all state statutes as applicable, have the following rights and responsibilities:
  - (a) Authority to order the immediate evacuation of areas endangered by fire, a hazardous materials incident, or other impending disaster that constitutes a threat to life or property;
  - (b) Authority to be in charge of all fire ground operations at the scene of a fire or other emergency;
  - (c) Control of all department personnel while on duty; and
  - (d) Control of all equipment of the department.
- (4) The chief of each fire department created pursuant to KRS Chapter 273 and recognized and certified by the commission shall perform necessary actions to maintain recognition and certification of the department by the commission.

**Effective:** July 15, 1994

**History:** Created 1994 Ky. Acts ch. 43, sec. 5, effective July 15, 1994.

**75.450 Fees for services -- Exemptions -- Response to all fires in jurisdiction required -- Mission statement -- Inclusion of fees on property tax bills -- Collection and distribution.**

- (1) A fire department which collects membership charges or subscriber fees for combatting fires or serving in other emergencies shall base its annual fee or charge on the level of protection offered.
- (2) A fire department that responds to a fire or other emergency on the property of a nonmember or nonsubscriber may charge the following fees for services rendered:
  - (a) Up to five hundred dollars (\$500) for single family residential units; utility occupancies of two thousand (2,000) or fewer square feet; assembly and business occupancies having a capacity which does not exceed one hundred (100) persons; equipment; vehicles; and grass or woods fires; and
  - (b) Up to one thousand dollars (\$1,000) for multifamily residential units; assembly and business occupancies having a capacity exceeding one hundred (100) persons; storage occupancies; utility occupancies of more than two thousand (2,000) square feet; and all industrial, educational, or institutional occupancies; and
  - (c) Up to five hundred dollars (\$500) for responding to emergencies not covered in paragraphs (a) and (b) of this subsection, including response to high hazard occupancies as defined in KRS 198B.010. The department may be entitled to recover necessary and reasonable costs in excess of the five hundred dollar (\$500) limit based upon submission of a written itemized claim for the total costs incurred. Disputes involving fees in excess of the five hundred dollar (\$500) limit shall be submitted to arbitration by the commission.
- (3) For the purposes of subsection (2)(a) and (b) of this section, the meaning of assembly, business, industrial, educational, and institutional occupancies shall be as defined in KRS 198B.010. The meaning of storage and utility occupancies shall be as defined in the Kentucky Building Code, Sections 311.1 and 312.1 respectively, promulgated pursuant to KRS 198B.050.
- (4) Property owned by the Commonwealth of Kentucky and the federal government shall be exempt from charges.
- (5) If more than one (1) department responds to a fire or other emergency, the fee shall be paid only to the department which is authorized to protect the property pursuant to KRS 75.440(2)(a).
- (6) A fire department shall respond within its jurisdiction to all fires and to other emergencies for which it is responsible as set forth in its mission statement. A copy of each fire department mission statement shall be filed with the commission. A new department shall file its statement when it is incorporated. A department in existence on July 15, 1994, shall file its mission statement by July 1, 1995. A copy of the mission statement shall be posted in a conspicuous location in each station of the department, and shall be filed with the county clerk of each county in which the department has jurisdiction pursuant to KRS 75.440(2)(a). The mission statement

shall remain in effect until amended, and filed and posted by the fire department in the locations as required by this subsection.

- (7) If a fire department collects membership charges or subscriber fees, the fiscal court may adopt an ordinance to require the annual membership charges or subscriber fees to be added to property tax bills. In any county where the fiscal court has adopted such an ordinance, the county clerk shall add the annual membership charges or subscriber fees to the tax bills of the affected property owners in a place separate from the bill of the fire district tax or fire subdistrict tax so that ratepayers can ascertain the amount of the membership charges or subscriber fees apart from the fire district tax.
- (8) The membership charges or subscriber fees shall be collected and distributed by the sheriff to the appropriate fire departments in the same manner as the other taxes on the bill and unpaid fees or charges shall bear the same penalty as general state and county taxes. This shall be a lien on the property against which it is levied from the time of the levy.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 163, sec. 1, effective July 15, 2002. -- Created 1994 Ky. Acts ch. 43, sec. 6, effective July 15, 1994.