

1 AN ACT relating to fire protection.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 75.450 is amended to read as follows:

- 4 (1) A fire department which collects membership charges or subscriber fees for
5 combatting fires or serving in other emergencies shall base its annual fee or charge
6 on the level of protection offered.
- 7 (2) A fire department that responds to a fire or other emergency on the property of a
8 nonmember or nonsubscriber may charge the following fees for services rendered:
- 9 (a) Up to **one thousand five hundred dollars (\$1,500)** ~~five hundred dollars~~
10 ~~(\$500)~~ for single family residential units; utility occupancies of **three**
11 **thousand five hundred (3,500)**~~two thousand (2,000)~~ or fewer square feet;
12 assembly and business occupancies having a capacity which does not exceed
13 **five hundred (500)**~~one hundred (100)~~ persons; equipment; vehicles; and
14 grass or woods fires; and
- 15 (b) Up to **three thousand five hundred dollars (\$3,500)**~~one thousand dollars~~
16 ~~(\$1,000)~~ for multifamily residential units; assembly and business
17 occupancies having a capacity exceeding **five hundred (500)**~~one hundred~~
18 ~~(100)~~ persons; storage occupancies; utility occupancies of more than **five**
19 **thousand (5,000)**~~two thousand (2,000)~~ square feet; and all industrial,
20 educational, or institutional occupancies; and
- 21 (c) Up to **three thousand five hundred dollars (\$3,500)**~~five hundred dollars~~
22 ~~(\$500)~~ for responding to emergencies not covered in paragraphs (a) and (b)
23 of this subsection, including response to high hazard occupancies as defined
24 in KRS 198B.010. The department may be entitled to recover necessary and
25 reasonable costs in excess of the **three thousand five hundred dollar**
26 **(\$3,500)**~~five hundred dollar (\$500)~~ limit based upon submission of a written
27 itemized claim for the total costs incurred. Disputes involving fees in excess

1 of the three thousand five hundred dollar (\$3,500)~~five hundred dollar~~
2 ~~(\$500)~~ limit shall be submitted to arbitration by the commission.

3 (3) For the purposes of subsection (2)(a) and (b) of this section, the meaning of
4 assembly, business, industrial, educational, and institutional occupancies shall be as
5 defined in KRS 198B.010. The meaning of storage and utility occupancies shall be
6 as defined in the Kentucky Building Code, Sections 311.1 and 312.1 respectively,
7 promulgated pursuant to KRS 198B.050.

8 (4) Property owned by the Commonwealth of Kentucky and the federal government
9 shall be exempt from charges.

10 (5) If more than one (1) department responds to a fire or other emergency, the ~~fee shall~~
11 ~~be paid only to the~~ department which is authorized to protect the property pursuant
12 to KRS 75.440(2)(a) may charge the nonmember or nonsubscriber up to one
13 thousand five hundred dollars (\$1,500) for services rendered. Any other
14 department that responds may charge up to five hundred dollars (\$500) for
15 services rendered.

16 (6) A fire department shall respond within its jurisdiction to all fires and to other
17 emergencies for which it is responsible as set forth in its mission statement. A copy
18 of each fire department mission statement shall be filed with the commission. A
19 new department shall file its statement when it is incorporated. A department in
20 existence on July 15, 1994, shall file its mission statement by July 1, 1995. A copy
21 of the mission statement shall be posted in a conspicuous location in each station of
22 the department, and shall be filed with the county clerk of each county in which the
23 department has jurisdiction pursuant to KRS 75.440(2)(a). The mission statement
24 shall remain in effect until amended, and filed and posted by the fire department in
25 the locations as required by this subsection.

26 (7) If a fire department collects membership charges or subscriber fees, the fiscal court
27 may adopt an ordinance to require the annual membership charges or subscriber

1 fees to be added to property tax bills. In any county where the fiscal court has
2 adopted such an ordinance, the county clerk shall add the annual membership
3 charges or subscriber fees to the tax bills of the affected property owners in a place
4 separate from the bill of the fire district tax or fire subdistrict tax so that ratepayers
5 can ascertain the amount of the membership charges or subscriber fees apart from
6 the fire district tax.

7 (8) The membership charges or subscriber fees shall be collected and distributed by the
8 sheriff to the appropriate fire departments in the same manner as the other taxes on
9 the bill and unpaid fees or charges shall bear the same penalty as general state and
10 county taxes. This shall be a lien on the property against which it is levied from the
11 time of the levy. The fiscal court shall, in the ordinance set forth in subsection (7) of
12 this section and in consultation with the sheriff and the fire department, set a
13 collection fee for the sheriff to retain an amount not to exceed four and one-fourth
14 percent (4.25%) of the membership charges or subscriber fees collected.