Ordinance Regulating the Collection of Subscriber Fees for Volunteer Fire Departments in Hopkins County, Kentucky
Ordinance No. 2007-14

AN ORDINANCE: PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING THE COLLECTION OF SUBSCRIBER FEES FOR VOLUNTEER FIRE DEPARTMENTS WITHIN HOPKINS COUNTY.

WHEREAS, KRS Chapter 75 and all other applicable law authorizes the Fiscal Court to establish and adopt by ordinance a method for the collection of membership charges or subscriber fees for volunteer fire departments within Hopkins County by placing such fee notices on the property tax bills issued by the Property Valuation Administrator along with an opt-out procedure for subscribers; and

WHEREAS, the Hopkins County Fiscal Court recognizes the importance and value of the following certified volunteer fire departments within Hopkins County:

Anton VFD, Charleston VFD, Dawson Springs VFD, Earlington VFD (outside its current Fire Taxing District), Grapevine VFD, Hanson VFD, Manitou VFD, Mortons Gap VFD, Nebo VFD, Nortonville VFD, Richland VFD, South Hopkins VFD, St. Charles VFD, and White Plains VFD; and

NOW THEREFORE, BE IT ORDAINED by the Hopkins County Fiscal Court, this ordinance shall be known as the Volunteer Fire Department Subscriber Fee Collection Ordinance.

Section One. Definitions

A. VOLUNTEER FIRE DEPARTMENT–A fire department established under the provisions of KRS Chapters 67, 75, and 273 and is in good standing and recognized by the Commonwealth of Kentucky.

B. PROPERTY OWNER- Any person or legal entity that owns real property.

C. AREA- All areas of service by volunteer fire departments within Hopkins County, with the exception of the Madisonville Fire Department.

D. COMMERCIAL- All buildings and land, except single family residences, that have income capabilities or are engaged in industrial, manufacturing or commercial processes.

E. FARM- "Agricultural Land" means any tract of land, including all income-producing improvements, of at least ten (10) contiguous acres in an area used for the production of livestock, livestock products, poultry, poultry products and/or growing of other crops, including timber or where devoted to and meeting the requirements for payments pursuant to agriculture programs under an agreement with state or federal government agencies.

F. FARM WITH RESIDENCE- Residence and any and all other outbuildings located on the farm.

G. FARM WITH STRUCTURES- Farm containing structures but no residence.

H. FARMLAND- farm containing no residences or structures.

I. RESIDENTIAL- All or part of real property on less than ten (10) acres that contains a residence.

J. STRUCTURES- Any shelter that protects equipment, crops or livestock.

K. UNIMPROVED LOT- Tract of land less than ten (10) acres which contains no structure(s) or residential unit.

L. SUBSCRIBER FEES- Any membership fee, tax or due that is levied by a volunteer fire department upon an owner of real property within an area.

Section 2. Petition Requirements for Participating Volunteer Fire Departments

Volunteer Fire Departments shall have the right to petition the Hopkins Fiscal Court for placement of subscriber fees upon the face of property tax bills issued by the Property Valuation Administrator. Participation is optional and at the discretion of the respective departments and subject to annual approval by the Fiscal Court. The petition shall include the following:

a. Name and service area of the requesting fire department;

b. Schedule of proposed fees in compliance with KRS 75;

c. Financial statements and budgets for previous three (3) years;

d. Proposed budget for upcoming year;

e. Copy of current Articles of Incorporation and By-laws;

f. Verified affidavit stating that no member of the requesting fire department shall use any funds collected through this procedure for salaries or salary-related expenses;

g. An itemized report of total fire runs for the previous year including, but not limited to, house fires, vehicle accidents and fires, woodland fires, false alarms, EMS assistance calls and cancelled runs.

h. Verified affidavit of whether the proposed fee schedule represents an increase, decrease or no change with supporting explanation of changes.

The deadline for filing a petition shall be June 1st of the year preceding the issuance of the property tax bills.

Section 3. Annual Renewal of Fire Departments

Each Fire Department requesting to continue with placing their subscriber fees on the Property Tax bills shall submit to the Fiscal Court the following:

a. On or before June 15th of each year their budget for the next year;

b. On or before August 1st of each year its financial statements for the preceding year;

c. By August 1st, each fire department shall provide a total of fire runs made during that year to include but not limited to house fires, vehicle accidents and fires, woodland fires, and to include false alarms/cancelled runs. Those fire departments that respond to medical calls to assist the Ambulance Service shall also include those run totals as well.

Section 4. Review and Hearing by Fiscal Court

The Public Safety committee of the Fiscal Court shall collect, review and verify all petitions submitted for processing and offer its recommendation to the entire Fiscal Court body at a regularly scheduled meeting in July. The Fiscal Court reserves the right to accept the committee recommendation or alter, amend or reject any petition for failure to comply with this ordinance or other applicable law. A petitioning volunteer fire department recognizes and accepts that in order to increase or decrease its subscriber fees the department must petition the Fiscal Court with the following:

a. The name of the Fire Department;

b. The proposed fee schedule;

c. Statement as to why the increase is necessary.

Section 5. Revocation of Collection Rights

A volunteer fire department who has received approval pursuant to this ordinance may have its right revoked upon the following grounds:

a. Misappropriation of collected funds. At any time the Fiscal Courts deems necessary the court may request the fire department to be audited. The court will be responsible for the cost of the audit unless the fire department in question is found negligent;

b. The fee schedule exceeds the reasonable needs of the fire department;

c. Failure of the fire department to provide fire protection services to its subscribers or to activate protection through its mutual aid agreement;

d. Dissolution of the volunteer fire department;

e. Or other violations of applicable law.

Section 6. Subscriber Opt-Out Procedure

Any subscriber subject to the fees imposed by a volunteer fire department in any area described in this ordinance shall have the right to petition the Fiscal Court and opt-out of the Volunteer Fire Department Subscriber Fees being placed on the Property Tax Bill. This is to also include those being Homestead Exempt (property being assessed at $31,400.00 or less). Those subscribers wishing to opt-out shall file a petition with the Fiscal Court between April 1st and June 1st of the year preceding the issuance of the property tax bills. This procedure must be repeated each year by those wishing to continue to opt-out. These forms may be picked up and returned to the Government Center during normal operating hours. The opt-out petition shall include the following:

a. The name of the petitioner;

b. The name of the volunteer fire department;

c. An address and/or description of the real property being opted-out.

Nothing in this section shall prevent a volunteer fire department from soliciting fees from opt-out subscribers or those qualifying for homestead exempt by other legal means, or by any other collection procedures utilized by the Volunteer Fire Departments. Any and all persons that decide to Opt out of this ordinance or decide not to pay fire dues that were mailed to them, and emergency services are given to that individual's property they will be subject to the fees per KRS 75.450.

Section 7. Penalty

Pursuant to KRS 273.401, membership charges or subscriber fees shall be collected and distributed by the sheriff to the respective volunteer fire departments in the same manner as the other taxes on the property tax bill and unpaid charges or fees shall bear the same penalty as general state and county taxes. This shall constitute a lien on the property against which it is levied from the time of the levy.

Section 8. Severability and Effective Dates

The provisions of this ordinance are severable. If any sentence, clause, section or part of this ordinance, or the application thereof is for any reason found to be unconstitutional or invalid, such finding shall not affect or repeal any of the remaining provisions. All other ordinances and applicable law, or parts thereof, in conflict with this ordinance, are to the extent of such conflict hereby repealed. This ordinance shall become effective immediately upon passage and publication.

INTRODUCED and publicly read on First Reading on the 6th day of November, 2007.

PUBLICLY READ AND ADOPTED on Second Reading on the 20th day of November, 2007.

HOPKINS COUNTY FISCAL COURT

Hon. Donald E. Carroll
Hopkins County Judge Executive

ATTEST:

County Clerk