

## **ORDINANCE 2004-16**

### **AN ORDINANCE RELATING TO AUTHORIZATION AND COLLECTION OF ANNUAL MEMBERSHIP FEES FOR VOLUNTARY FIRE DEPARTMENTS**

WHEREAS, KRS 75.450 (7) and all other applicable law authorizes the Fiscal Court to adopt by Ordinance the collection of annual membership charges or subscriber fees; and

WHEREAS, Hopkins County Fiscal Court believes that the residents of these districts will have better equipped and trained firefighters.

NOW, THEREFORE, it is hereby ordained by the Fiscal Court of Hopkins County, Commonwealth of Kentucky, as follow:

#### **Section One. Definitions**

- A. Property Owners: Any person or legal entity that owns real estate.
- B. Business Owner: Any property owner that has a business conducted on the real estate. However, a business owner shall not include a person who conducts a business from his or her residence.
- C. District: Refers to each of the volunteer fire departments in Hopkins County, Kentucky not excluded below.

#### **Section Two. Membership Charges**

- A. A membership charge of \$30.00 shall be added to one property tax bill of every property owner within a fire district, except those with homestead exemption status which shall be totally exempt.

B. A membership charge of \$60.00 shall be added to property tax bill of each business owner within a fire district.

C. No membership charge or fee may increase unless it is brought before Fiscal Court for a majority vote.

No membership charge may be assessed against any property owner of business owner on real estate located within the corporate limits of the following cities located in Hopkins County: Dawson Springs, Earlington, Nortonville, Mortons Gap, White Plains, Hanson, Madisonville.

D. No membership charge may be assessed against any property owner or business owner on real estate that is located within a fire-taxing district.

E. No membership charge may be assessed against the Commonwealth of Kentucky or the Federal Government as stated in KRS 75.450 (4).

### **Section Three. Collection and Distribution**

Pursuant to KRS Chapter 75, the membership charges or subscriber fees shall be collected and distributed by the Hopkins County Sheriff to the appropriate certified voluntary fire department areas 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.

**Section Four. Reporting**

Each district shall report receipts and disbursements from July 1 until June 30 of the next calendar year, to the Hopkins County Judge Executive no later than July 31 each year beginning July 31, 2006. These reports will be available for public inspection.

**Section Five.**

The provisions of this ordinance are severable. If any sentence, clause or section or part of this ordinance, or the application thereof is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this ordinance.

**Section Six.**

All other ordinances, or parts thereof, in conflict herewith, are to the extent of such conflict, hereby repealed.

Upon motion made by Magistrate Duncan and seconded by Magistrate Riggs, a first reading was held on the 16<sup>th</sup> day of December, 2004, whereupon the vote was called, and on roll call the vote stood:


Magistrate Karol Welch	<u>YES</u>
Magistrate Coletta Wheeler	<u>YES</u>
Magistrate Tim Riggs	<u>YES</u>

Magistrate Larry Wilson	<u>YES</u>
Magistrate Larry Rogers	<u>YES</u>
Magistrate Mike Duncan	<u>YES</u>
Magistrate Jon Garrett	<u>NO</u>
Judge/Executive Patricia Hawkins	<u>NO</u>

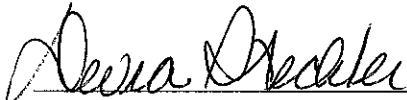
Upon second reading of the following ordinance held on the 29th day of December, 2004, it was moved by Magistrate Rogers and seconded by Magistrate Duncan, that the ordinance be duly adopted, whereupon the vote was called, and on roll call, the vote stood:

Magistrate Karol Welch	<u>YES</u>
Magistrate Coletta Wheeler	<u>YES</u>
Magistrate Tim Riggs	<u>YES</u>
Magistrate Larry Wilson	<u>YES</u>
Magistrate Larry Rogers	<u>YES</u>
Magistrate Mike Duncan	<u>YES</u>
Magistrate Jon Garrett	<u>NO</u>
Judge/Executive Patricia Hawkins	<u>          </u>

Whereupon, Hopkins County Judge/Executive Patricia Hawkins declared the ordinance adopted on its second reading, affixing her signature and the date hereto, and declared that the same be recorded.

  
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Patricia Hawkins  
Hopkins County Judge/Executive

ATTEST:

  
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Devra Steckler  
Hopkins County Court Clerk