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Ordinance #156

AN ORDINANCE GRANTING THE AUTHORITY FOR COLLECTION OF FIRE DEPARTMENT MEMBERSHIP FEES

AN ORDINANCE: PERTAINING TO THE PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING THE COLLECTION OF MEMBERSHIP FEES BY FIRE DEPARTMENTS WITHIN OWEN COUNTY.

This ordinance is effective and enforceable per the provisions of KRS 75.450.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Owen, this ordinance shall be known as the Fire Department Membership Fee Ordinance and shall be effective for the unincorporated areas of Owen County Kentucky. This ordinance will include the incorporated areas of Monterey and Gratz.

SECTION 1- DEFINITIONS

For the purpose of this ordinance the following terms shall be deemed to have meaning indicated below:

FIRE DEPARTMENT- a fire department established under the provisions of KRS Chapter 67, a fire department established under the provisions of KRS Chapter 75 or a corporate fire department established under KRS Chapter 273.

MEMBERSHIP FEES-Membership fees or memberships dues that are levied by a fire department in order to provide fire protection services for a certain tract of land in lieu of assessing a charge for fire protection services actually rendered.

TAX BILL-The property tax bill as prepared and submitted by the Sheriff to property owners in Owen County.

SECTION 2-REQUESTS

Any fire department that wants to have its membership fees added to the property tax bills for Owen County must file a request with the Owen County Fiscal Court.

SECTION 3 - CONDITIONS OF REQUEST

The request set forth in Section 2 above shall contain the following:

- a. The name of the department
- b. A description of the fire department's area for which it covers.
- c. Fees shall not exceed \$40 per tax bill for non-commercial property/ \$75 for commercial property within the county.
- d. Department will agree to continue County Wide Automatic Aid.
- e. Annual budget from each department
- f. Departments will agree that fees collected will be divided equally among eligible participants.
- g. Request shall contain a statement that none of the membership dues - collected through the procedure provided by ordinance shall be used for salaries or salary related expenses. Reimbursement for personal expenses for fire members shall be approved by each fire chief and/or executive officers of each fire department.
- h. Departments agree that fees received shall be used for training, equipment, debt service, firehouse construction & maintenance and flush hydrant maintenance fees.
- i. Each department will provide a financial statement on a quarterly basis after the collections begin.

SECTION 4- ANNUAL FILINGS

After receiving approval of the Owen County Fiscal Court to add its membership fees to the property tax bills each fire department shall file the following:

- a. On or before June 15th of each year its budget for the next year.
- b. The Owen County Fiscal Court policy shall be followed for the purchase of any equipment.
- c. The county may audit the financial records of fire department at any time with the cost of the audit belonging to the fire department.

SECTION 5-REVOCATION

A fire department's right to have its fees added to the property tax bills may be revoked upon the following grounds:

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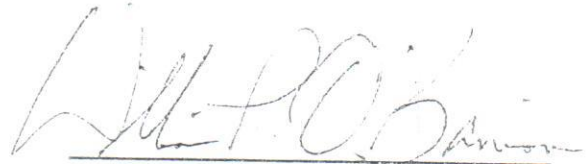
- a. The expenditure of funds for non fire related equipment or activities.
- b. Failure of the fire department to provide fire protection services to its subscribers.
- c. Dissolution of the fire department.

SECTION 6- PROCEDURE FOR DELETION

- a. Any property owner that does not desire to pay fire department subscriber fees is not required to do so. Failure to pay fees, per these procedures listed, will not cause the property or its owner to incur any delinquency or penalty. In order to delete any parcel(s) of property from subscriber fees, the landowner shall notify the - sheriff's department, upon payment of his or her property taxes.

This ordinance shall become effective upon passage and publication.

Passed and approved this 10th day of June, 2008.



William P. O'Banion
Owen County Judge/Executive

ATTEST: 
Fiscal Court Clerk