

**ORDINANCE REGULATING THE COLLECTION OF SUBSCRIBER FEES FOR
PIONEER FIRE PROTECTION DISTRICT**

MARSHALL COUNTY ORDINANCE #2005- 03

**AN ORDINANCE PERTAINING TO THE PUBLIC HEALTH, SAFETY AND
WELFARE; REGULATING THE COLLECTION OF SUBSCRIBER FEES BY
THE PIONEER FIRE PROTECTION DISTRICT IN MARSHALL COUNTY.**

Pursuant to House Bill 483 passed in the 2002 Regular Session of the Kentucky General Assembly, Marshall County Fiscal Court may require the annual membership charges or subscriber fees charged by a certain fire district to be added to property tax bills to use the property tax collection system, including levying a lien against the property, to collect the membership charge or subscriber fee.

NOW THEREFORE, BE IT ORDAINED by the Marshall County Fiscal Court, this Ordinance shall be known as the Pioneer Fire Protection District Subscriber Fee Collection Ordinance.

SECTION 1 - DEFINITIONS

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

FIRE DEPARTMENT - the Pioneer Fire Protection District organized under KRS Chapter 273.

SUBSCRIBER FEES - subscriber fees or membership charges that are levied by the 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.

SECTION 2 - PETITION

If the fire department wants to have its subscriber fees added to the property tax bills for Marshall County, it must file a written Petition with the Marshall County Fiscal Court.

SECTION 3 - CONTENTS OF PETITION

The Petition sets forth in Section 2 above shall contain the following:

- a. Name of the fire department.
- b. A description of the fire department area which it covers.
- c. Schedule of proposed fees.
- d. Any criteria for adjustment of fees.
- e. Financial statements for the previous three years.
- f. Budget for the year in which the addition to the property tax bills is to take place.

- g. A copy of the By-Laws of the fire department.
- h. Information as to how the subscriber fees are to be assessed (for example: are they for each residential house, each household or each tract of land).
- I. A statement as to whether any membership dues collected through the procedures outlined in this Ordinance shall be used for salaries or salary related expenses. If a fire department stated that the membership will not be used for salaries or salary related expenses and such fire department later desires to use dues for such purposes, then Fiscal Court approval shall be required before the dues are appropriated for such use.

SECTION 4 - HEARING

Upon filing of a Petition as set forth in this Ordinance, the Marshall County Judge Executive shall set a Public Hearing on the Petition within sixty(60) days of the filing of the Petition. Notice of the hearing shall be given pursuant to KRS Chapter 424.

SECTION 5 - DETERMINATION

Within thirty (30) days of the hearing set forth in Section 4, the Marshall County Fiscal Court shall vote whether or not to grant the petitioning fire department the right to add its subscriber fees on the property tax bills. In making its determination, the Marshall County Fiscal Court shall consider the following:

- a. Whether there is a public need for the subscriber fees that will be collected by being added to the property tax bills.
- b. The financial needs of the fire department.
- c. The reasonableness of the subscriber fees that are proposed to be charged.
- d. What accounting control that have been adopted by the fire department.
- e. Historical collection rates for the past three years.
- f. Any plans for adjustments.

SECTION 6 - ANNUAL FILINGS

After receiving approval of the Marshall County Fiscal Court to add its subscriber fees to the property tax bills, the fire department shall file the following:

- a. On or before June 15th of each year, its budget for the next year.
- b. On or before August 31st of each year, its financial statements for the preceding year.

- c. The Marshall County Fiscal Court policy shall be followed for the purchase of any equipment.
- d. The County may audit the books of the fire department at any time.

SECTION 7 - APPROVAL FOR INCREASE IN SUBSCRIBER FEES

When the fire department has been approved to have its subscriber fees added to the property tax bills, it may petition the Marshall County Fiscal Court for an increase in fees. The petition shall contain the following:

- a. The name of the fire department.
- b. The fee schedule being proposed.
- c. Statement as to why the increase is necessary.

A hearing and a determination shall be conducted in the same manner as in the initial petition is heard and determined as set out in this ordinance.

SECTION 8 - REVOCATION

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

- a. Misapplication of subscriber fees.
- 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.
- d. Dissolution of the fire department.

SECTION 9 - PROCEDURE FOR REVOCATION

Any subscriber that is subject to the fees imposed by the fire department or the Marshall County Fiscal Court may petition to revoke the right of the fire department to have its fees added to the property tax bills. The petition shall set forth the following:

- a. The name of the petitioner.
- b. The name of the fire department.
- c. The reason that the revocation is sought.

Upon receiving the petition, the Marshall County Fiscal Court shall conduct a hearing and make a determination using the procedures set forth above for the adoption of an initial petition to have subscriber fees added to the property tax bills.

This Ordinance shall become effective upon its passage.

The foregoing shall be published in the *Tribune Courier* on _____, 2005.

First Reading: _____

Second Reading: _____

Passed by the Fiscal Court of Marshall County, Commonwealth of Kentucky on the _____ day of _____, 2005, by Motion of Commissioner _____ and seconded by Commissioner _____.

Commissioner Jerry English vote _____

Commissioner Gordon Hargrove vote _____

Commissioner Jerome "Hoppy" Hicks vote _____

MIKE MILLER
MARSHALL COUNTY JUDGE EXECUTIVE

ATTEST:

CLERK, MARSHALL COUNTY FISCAL COURT

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Fiscal 2005(as)