

95A.057 Commission may initiate consideration of dissolution of a fire protection district or volunteer fire department -- Conditions -- Procedures.

- (1) Notwithstanding any provision of KRS 65.166, the commission may initiate consideration of a dissolution of a fire protection district or volunteer fire department district providing fire protection services at any time that the requirements of this section are satisfied and without the petition required under KRS 65.166.
- (2) Upon receipt of a written affidavit from a resident, property owner, or local government that a fire protection district or volunteer fire department district formed for the purpose of providing fire protection services has failed to provide those services or that all or a portion of the services are being provided by another entity other than the district, the commission may:
 - (a) Refer the affidavit and any other supporting evidence that it has to the judge/executive of the county or counties for the county or counties to consider action to dissolve the special district or to alter its boundaries in accordance with KRS 65.166(4) to (6); or
 - (b) Initiate an investigation to be conducted by commission personnel under the direction of the executive director to determine the validity of the alleged complaint.
- (3) If the commission undertakes an investigation under subsection (2)(b) of this section, it shall forward its findings in writing to the county or counties forming the fire protection district or volunteer fire department district and to any party submitting a written affidavit as set out in subsection (2) of this section. If, after investigation, the commission finds that the fire protection district or volunteer fire department district has failed to provide services, or that all or part of the services are being provided by another entity, the findings shall be considered by the fiscal court or courts, which may elect to:
 - (a) Initiate the procedure for dissolution or alteration of the boundaries of the fire protection district or volunteer fire department district in accordance with KRS 65.166(4) to (6); or
 - (b) Vote by a majority of the entire fiscal court membership to permit the commission to conduct the hearing in accordance with KRS 65.166(4) and permit the commission to make the written determination for action to either dissolve or alter the boundaries of the fire protection district or volunteer fire department district in accordance with KRS 65.166(5). Any decision to dissolve or alter the boundaries of the fire protection district or volunteer fire department district shall be ratified by the fiscal court within thirty (30) days following the issuance of the final written determination of the commission. If the fiscal court takes no action to ratify the decision of the commission, then the decision of the commission shall be deemed ratified.

Effective: July 15, 2016

History: Created 2016 Ky. Acts ch. 117, sec. 5, effective July 15, 2016.