

75A.020 Choice of processes by which new consolidated emergency services district may be formed.

- (1) A new consolidated emergency services district may be formed by one (1) of the following processes:
 - (a) The board of:
 1. Any two (2) or more fire protection districts established under KRS Chapter 75 or 273, any special district whose services are subject to the licensure provisions of KRS Chapter 311A, or any rescue squads established under KRS Chapter 39F; or
 2. Any fire protection districts established under KRS Chapter 75 or 273, any special district whose services are subject to the licensure provisions of KRS Chapter 311A, or any rescue squads established under KRS Chapter 39F that have merged within the five (5) years prior to the adoption of this section that would have been eligible to consolidate under the provisions of this section;
 3. May adopt resolutions agreeing to the formation of a consolidated emergency services district and requesting the creation of a consolidated emergency services district. The governing bodies shall notify the county fiscal court, consolidated local government, charter county government, or unified local government with jurisdiction over the proposed district and request the formation of a consolidated emergency services district; or
 - (b) The board of any two (2) or more consolidated emergency service districts established under this chapter may adopt resolutions agreeing to the merger of consolidated emergency services districts and requesting the creation of a new consolidated emergency services district. The governing bodies shall notify the county fiscal court, consolidated local government, charter county government, or unified local government with jurisdiction over the proposed district and request the formation of a new consolidated emergency services district.
- (2)
 - (a) Any county fiscal court, consolidated local government, charter county government, or unified local government, upon receipt of a request from two (2) or more fire protection districts, special districts whose services are subject to the licensure provisions of KRS Chapter 311A, or rescue squads established under KRS Chapter 39F, may create a consolidated emergency services district in their jurisdiction by adoption of an ordinance approving the establishment of a consolidated emergency services district and authorizing any relevant fire protection district to join if its governing authority has approved it to join the consolidated district.
 - (b) The ordinance shall describe the boundaries by metes and bounds and name for the consolidated district. No consolidated emergency services district shall take effect less than sixty (60) days from completing the required elements outlined in this section.

- (c) The county fiscal court, consolidated local government, charter county government, or unified local government clerk shall notify all planning commissions, cities, and area development districts within whose jurisdiction the approved service area is located and any state agencies required by law to be notified of the proposal for the creation of the taxing district within thirty (30) days from adoption of the ordinance authorizing creation of the district.
 - (d) The creation of a consolidated emergency services taxing district shall be of legal effect only after adoption of an ordinance creating the taxing district and after a certified copy of the ordinance creating the taxing district is filed with the county clerk.
 - (e) Any aggrieved person may bring an action in the Circuit Court having jurisdiction of that county to contest the decision of the county fiscal court or legislative body of the county to establish a consolidated emergency services district or to protest the inclusion of any county, consolidated local government, charter county government, unified local government, fire protection district or volunteer fire department district established pursuant to KRS Chapter 75 or 273, any special district whose services are subject to the licensure provisions of KRS Chapter 311A, or any rescue squad established pursuant to KRS Chapter 39F within a consolidated emergency services district.
- (3) (a) If the governing body of any fire protection district established under KRS Chapter 75 or 273, any special district whose services are subject to the licensure provisions of KRS Chapter 311A, or any rescue squad established under KRS Chapter 39F desires to have its district become part of an established consolidated emergency services district after the creation of the district, it shall by motion so record its desire in the minutes of the board, in the case of any fire protection district, any emergency medical services special district, or any rescue squad. The board shall convey this request to the consolidated emergency service district's board. Within sixty (60) days of receiving the request the consolidated emergency service district's board shall vote upon this request. The approval shall be certified to the clerk of the county, consolidated local government, charter county government, or unified local government in the jurisdiction in which the consolidated district is located.
- (b) The approval of the addition of a district to the consolidated emergency services district shall become effective upon the adoption of an ordinance amending the ordinance creating the consolidated emergency services district by the county fiscal court, consolidated local government, charter county government, or unified local government and authorizing the inclusion of the petitioning fire protection district. The amended ordinance shall identify the boundaries by metes and bounds of the amended consolidated emergency services district.

Effective: June 29, 2021

History: Created 2021 Ky. Acts ch. 116, sec. 2, effective June 29, 2021.