

### **227.325 Local appeals board.**

- (1) The mayor or county judge/executive of a local government which is enforcing the fire prevention and protection codes may, upon approval of the local legislative body, appoint a local appeals board. The local appeals board shall:
  - (a) Consist of five (5) technically qualified persons with professional experience related to the fire prevention and construction industry;
  - (b) Hear appeals from orders of the local fire chief or designee or any deputy or assistant of the state fire marshal acting in the state fire marshal's name and his or her delegated authority; and
  - (c) Have at least three (3) members of the local appeals board that are not employed by the local government.
- (2) Local governments may enter into an interlocal cooperation agreement pursuant to KRS 65.210 to 65.300 to cooperate with each other in providing a local appeals board and shall adhere to the provisions of this chapter when entering into an interlocal cooperation agreement.
- (3)
  - (a) A fire chief, or an employee of a local fire prevention or fire department, shall not sit on a local appeals board if the board is hearing an appeal to a decision rendered by his or her department.
  - (b) A member of a local appeals board shall not hear an appeal in a case in which he or she has a private interest.
- (4)
  - (a) Any party to a decision by the fire chief or designee, or any deputy or assistant of the state fire marshal acting in the state fire marshal's name and under his or her delegated authority, may appeal the decision to the local appeals board.
  - (b) The local appeals board shall:
    1. Convene a hearing to consider the appeal within fifteen (15) days of receipt of an appeal from a qualified party;
    2. Notify all parties of the time and place of the hearing by certified mail no later than ten (10) days prior to the date of the hearing; and
    3. Render a decision within five (5) working days after the hearing.
- (5)
  - (a) An appeal shall include:
    1. Citation of those provisions of the fire prevention and protection codes which are at issue; and
    2. An explanation of why the decision is being contested.
  - (b) The local appeals board shall uphold, amend, or reverse the decision of the fire chief order signee, or any deputy or assistant of the state fire marshal on each infraction being appealed.
- (6) The state fire marshal shall hear appeals directly from the decisions of the fire chief or any deputy or assistant with delegated authority in cases where no local appeals board has been established under this section. In no case shall the state fire marshal hear an appeal directly from a party aggrieved by the decision of the fire chief or any deputy or assistant with delegated authority from the state fire marshal when there is a local appeals board with jurisdiction.

- (7) An appeal to the state fire marshal when no local appeals board has been established under this section shall be in accordance with KRS 227.335.
- (8) An appeal of a local appeals board's final order, or of the state fire marshal's final order in cases where no local appeals board has jurisdiction, shall be to the Circuit Court with jurisdiction in accordance with KRS 13B.125.

**Effective:** March 27, 2025

**History:** Created 2025 Ky. Acts ch. 117, sec. 18, effective March 27, 2025.