

1 AN ACT relating to fire prevention and protection.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 227.200 is amended to read as follows:

4 As used in KRS 227.200 to 227.400, unless the context otherwise requires:

- 5 (1) "Commissioner" means the commissioner of housing, buildings and construction;
- 6 (2) "Department" means the Department of Housing, Buildings and Construction;
- 7 (3) "Fire investigator" means a deputy fire marshal who has been appointed by the state  
8 fire marshal to be a fire investigator and to exercise peace officer powers in order to  
9 investigate crimes set out in KRS Chapter 513 and other crimes discovered in the  
10 course of investigation;
- 11 (4) "Fire loss" means loss of or damage to property, loss of life or personal injury, by  
12 fire, lightning, or explosion;
- 13 (5) **"Local legislative body" means the chief legislative body of a city, county, urban-**  
14 **county government, consolidated local government, charter county government,**  
15 **or unified local government;**
- 16 (6) **"Local government" means a city, county, urban-county government,**  
17 **consolidated local government, charter county government, or unified local**  
18 **government;**
- 19 (7) "Order" or "special order" means an order of the state fire marshal, designed for the  
20 prevention of fire loss, that affects or may affect the property rights of a particular  
21 owner or designated property;
- 22 ~~(8)~~(6) "Owner" means any person who owns, occupies, or has charge of any  
23 property;
- 24 ~~(9)~~(7) "Property" means property of all types, both real and personal, movable and  
25 immovable; and
- 26 ~~(10)~~(8) "Rule" or "regulation" means a general order of the commissioner, designed  
27 for the prevention of fire loss, which affects or may affect property rights of a

1 designated class of owners or for the prevention of fire loss by certain indicated  
2 hazards.

3 ➔Section 2. KRS 227.210 is amended to read as follows:

4 Any power, duty or function, whether ministerial, discretionary or whatever character,  
5 vested in or imposed upon the state fire marshal, by any provision of Section 3 of this  
6 Act, KRS 227.200 to 227.410, 227.550 to 227.660, and 227.990 to 227.992 may be  
7 exercised, discharged, and performed by any deputy or assistant of the state fire marshal  
8 acting in the state fire marshal's name and by his delegated authority.

9 ➔Section 3. KRS 227.335 is amended to read as follows:

10 (1) An appeal from the local appeals board or state fire marshal, in cases where no  
11 local appeals board has been established under Section 6 of this Act, shall be  
12 taken only from a final order on hearing.

13 (2) Any person who was a party to a hearing and who is aggrieved by the final order  
14 may appeal in accordance with KRS Chapter 13B to the Circuit Court with  
15 jurisdiction~~[within which the property is located].~~

16 ➔Section 4. KRS 227.380 is amended to read as follows:

17 (1) Whenever the chief of the fire department or any officer or member of his  
18 department designated by him for that purpose finds any property which, for want  
19 of repairs, lack of sufficient fire escapes, age, dilapidated condition, or any other  
20 cause, is especially liable to fire loss, or whenever an officer finds in any property,  
21 combustible or explosive matter or inflammable materials likely to result in fire  
22 loss, he shall order it to be remedied. The order shall forthwith be conformed to by  
23 the owner of the property.

24 (2) The owner may appeal to the local appeals board or to the state fire marshal if no  
25 local appeals board has been established under Section 6 of this Act within ten  
26 (10) days following receipt of the order. ~~[The state fire marshal shall, upon appeal,~~  
27 ~~conduct a hearing in accordance with KRS Chapter 13B.]~~

1           ➔Section 5. KRS 227.390 is amended to read as follows:

2 If any owner fails to comply with an order issued pursuant to KRS 227.380 or with an  
3 order as modified on appeal~~[to the commissioner]~~, the officer may cause the property to  
4 be repaired, or removed if repair is not feasible, and all fire hazard conditions remedied,  
5 at the expense of the owner. Such expense may be enforced against any property of such  
6 owners and the officer and those employed to do the work or who furnish materials or  
7 equipment therefor shall have a lien for such expense on the real estate or property  
8 involved.

9           ➔SECTION 6. A NEW SECTION OF KRS 227.200 TO 227.400 IS CREATED  
10 TO READ AS FOLLOWS:

11 **(1) The mayor or county judge/executive of a local government which is enforcing**  
12 **the fire prevention and protection codes may, upon approval of the local**  
13 **legislative body, appoint a local appeals board. The local appeals board shall:**

14 **(a) Consist of five (5) technically qualified persons with professional experience**  
15 **related to the fire prevention and construction industry;**

16 **(b) Hear appeals from orders of the local fire chief or designee or any deputy or**  
17 **assistant of the state fire marshal acting in the state fire marshal's name**  
18 **and his or her delegated authority; and**

19 **(c) Have at least three (3) members of the local appeals board that are not**  
20 **employed by the local government.**

21 **(2) Local governments may enter into an interlocal cooperation agreement pursuant**  
22 **to KRS 65.210 to 65.300 to cooperate with each other in providing a local appeals**  
23 **board and shall adhere to the provisions of KRS Chapter 227 when entering into**  
24 **an interlocal cooperation agreement.**

25 **(3) (a) A fire chief, or an employee of a local fire prevention or fire department**  
26 **shall not sit on a local appeals board if the board is hearing an appeal to a**  
27 **decision rendered by his or her department.**

1        (b) A member of a local appeals board shall not hear an appeal in a case in  
2                    which he or she has a private interest.

3        (4) (a) Any party to a decision by the fire chief or designee, or any deputy or  
4                    assistant of the state fire marshal acting in the state fire marshal's name  
5                    and under his or her delegated authority may appeal the decision to the  
6                    local appeals board.

7        (b) The local appeals board shall:

8                    1. Convene a hearing to consider the appeal within fifteen (15) days of  
9                    receipt of an appeal from a qualified party;

10                   2. Notify all parties of the time and place of the hearing by certified mail  
11                   no later than ten (10) days prior to the date of the hearing; and

12                   3. Render a decision within five (5) working days after the hearing.

13        (5) (a) An appeal shall include:

14                   1. Citation of those provisions of the fire prevention and protection codes  
15                   which are at issue; and

16                   2. An explanation of why the decision is being contested.

17        (b) The local appeals board shall uphold, amend, or reverse the decision of the  
18                   fire chief order signee, or any deputy or assistant of the state fire marshal  
19                   on each infraction being appealed.

20        (6) The state fire marshal shall hear appeals directly from the decisions of the fire  
21                   chief or any deputy or assistant with delegated authority in cases where no local  
22                   appeals board has been established under this section. In no case shall the state  
23                   fire marshal hear an appeal directly from a party aggrieved by the decision of the  
24                   fire chief or any deputy or assistant with delegated authority from the state fire  
25                   marshal when there is a local appeals board with jurisdiction.

26        (7) An appeal to the state fire marshal shall when no local appeals board has been  
27                   established under this section shall be in accordance with KRS 227.335.

- 1 (8) An appeal of a local appeals board's final order, or of the state fire marshal's  
2 final order in cases where no local appeals board has jurisdiction, shall be to the  
3 Circuit Court with jurisdiction in accordance with KRS 13B.125.