

**75.015 Formation of fire protection subdistrict -- Tax levy -- Expenditure of tax revenues -- Separation of subdistrict amounts in tax billing and in accounting.**

- (1) A fire protection subdistrict may be formed according to the provisions of this section. A fire protection subdistrict shall:
  - (a) Be located within the territorial limits of a fire protection district or volunteer fire department district;
  - (b) Have a continuous boundary; and
  - (c) Be managed by the board of trustees of the district, which shall:
    1. Impose an ad valorem tax on property in the subdistrict in addition to the ad valorem tax the board imposes on property in the district as a whole; and
    2. Expend the revenue from that additional tax on improved fire protection facilities and services for the subdistrict.
- (2) Persons desiring to form a fire protection subdistrict shall present a petition to the fiscal court clerk and to each member of the fiscal court. The petition shall be accompanied by a map and a metes and bounds description or other description which specifically identifies the boundaries of the proposed subdistrict. The petition shall be signed by more than sixty percent (60%) of the persons who both:
  - (a) Live within the proposed subdistrict; and
  - (b) Own property that is located within the proposed subdistrict and is subject to taxation by the district under KRS 75.040.
- (3) The petition shall contain the name and address of each petitioner and the address of each petitioner's property that is located within the proposed subdistrict. It shall be in substantially the following form: "The following owners of property located within (insert the name of the fire protection district or volunteer fire department district) hereby petition the fiscal court to form a fire protection subdistrict located at (insert a brief description of the location of the proposed subdistrict). The board of trustees of (insert the name of the fire protection district or volunteer fire department district) shall have the authority to impose a special ad valorem tax of (insert amount, not to exceed the maximum allowed under subsection (6) of this section) on each one hundred dollars (\$100) worth of property assessed for local taxation in the subdistrict, in order to provide enhanced fire protection for the subdistrict. This tax shall be in addition to the ad valorem tax imposed by the trustees on the district as a whole."
- (4) Upon receipt of the petition, the fiscal court shall hold a hearing and provide notification in the manner required for creation of a taxing district under KRS 65.182(2) to (5). Following the hearing, the fiscal court shall set forth its written findings of fact and shall approve or disapprove the formation of the subdistrict. The creation of the subdistrict shall be of legal effect only upon the adoption of an ordinance in accordance with the provisions of KRS 67.075 to 67.077. A certified copy of the ordinance creating the subdistrict shall be filed with the county clerk.
- (5) Upon the creation of a fire protection subdistrict, the trustees shall levy a tax,

not to exceed the amount stated in the petition, on the property in the subdistrict, for the purpose of improving fire protection facilities and services in the subdistrict.

- (6) The tax levied under this section, combined with the tax for fire and emergency services levied on the entire district under KRS 75.040, shall not exceed:
  - (a) Ten cents (\$0.10) per one hundred dollars (\$100) of valuation as assessed for county taxes if neither the fire district nor the fire subdistrict operates an emergency ambulance service under KRS 75.040; or
  - (b) Twenty cents (\$0.20) per one hundred dollars (\$100) of valuation as assessed for county taxes if either the fire district or fire subdistrict operates an emergency ambulance service under KRS 75.040.

At no time shall the trustees increase either of these taxes so that the combined total exceeds this limit.

- (7) The county clerk shall add the levy to the tax bills of the affected property owners. For taxing purposes, the effective date of the tax levy shall be January 1 of the year following the certification and creation of the subdistrict. The tax shall be administered in the same manner as the tax on the entire district under KRS 75.040(2) and (3).
- (8) The board of trustees shall not reduce the tax rate imposed on property in the district as a whole as a result of receiving extra revenue from the additional tax on property in the subdistrict. The trustees shall expend the extra revenue solely on improving fire protection facilities and services in the subdistrict and shall not expend the extra revenue on facilities or services that are shared by the entire district.
- (9) Fire subdistrict taxes shall be placed on the tax bill in a place separate from the bill of the fire district tax so that ratepayers can ascertain the amount of each tax and its rate.
- (10) The sheriff shall separately account to the fire district for the funds collected for each subdistrict within the fire district.
- (11) Fire districts shall maintain a separate accounting of all subdistrict funds, and if there is more than one (1) subdistrict, a separate accounting for each subdistrict.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 151, sec. 2, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 90, sec. 1, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 414, sec. 1, effective July 15, 1994.