

CHAPTER 37: FIRE AND POLICE DEPARTMENTS

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FIRE DEPARTMENT; VOLUNTEER FIRE DEPARTMENT

§ 37.01 ESTABLISHMENT.

A Volunteer Fire Department is hereby established in the city.

§ 37.02 FIRE CHIEF; ASSISTANT FIRE CHIEF.

(A) The positions of Fire Chief and Assistant Fire Chief are hereby established.

(B) The positions of Fire Chief and Assistant Fire Chief shall be filled by appointment of the Mayor.

(C) The Volunteer Fire Department shall operate pursuant to rules and regulations promulgated by the Volunteer Fire Department and approved by the Mayor and City Council.

§ 37.03 BURNING OF ABANDONED STRUCTURES AS TRAINING EXERCISE.

(A) Any person, firm or corporation owning a building or other structure within the corporate limits of the city and desiring to dispose of same may apply to the First Chief of the city for a permit to dispose of same by burning as hereafter provided.

(B) The owner of such structures desiring to dispose of same under the provision of this section shall file an application with the Fire Chief. The application shall contain the location of the building, the age and structural composition of the building, if known, the name and address of the owners of all adjacent properties, the name and address of any utilities that previously supplied utility services to the building or structure and a statement that the building or structure is not covered by any fire insurance policy.

(C) Upon receipt of the application the Fire Chief or his designee shall make an inspection of the building or structure which is the subject of the application and the adjacent properties to determine if the structure could be burned without injuring or damaging any adjacent structure, buildings or property and if he is of the opinion that the burning of the same will not endanger other properties, he shall set a time and date for the structure to be disposed of by burning under the supervision of the City Fire Department.

(D) Prior to conducting burning exercise under the provisions of this section, the Fire Chief shall give notice of the time and date that the City Fire Department intends to dispose of the structure by publishing a notice thereof in the paper at least ten days in advance and by giving written notice to all adjacent property owners no later than seven days prior to the date same is to be disposed of.

(E) The Fire Chief shall develop a training exercise for members of the Fire Department that can be utilized by him in the training of all personnel in fighting fires within the city and the department shall conduct such exercise when any building or other structures are burned under the provisions of this section.

(Ord. passed 1-15-90)

**§ 37.04 VOLUNTEER FIRE DEPARTMENT TO ASSIST OTHER FIRE DEPARTMENTS;
MUTUAL ASSISTANCE AND AID AGREEMENT.**

The city Volunteer Fire Department shall be and is authorized and directed to receive aid and assistance from and provide such aid and assistance to the following:

(A) All legally authorized fire protection districts located in Marshall County, Kentucky, including, but not limited to those voted tax districts organized under the provisions of KRS Chapter 75.

(B) The following municipal corporations provided they shall have agreed to provide comparable mutual aid and assistance to the City of Benton: Calvert City; Grand Rivers; Hardin; Murray; Mayfield; Symsonia; Paducah; and Reidland.
(Ord. passed 5-18-92)

§ 37.05 RULES FOR MEMBERSHIP IN THE VOLUNTEER FIRE DEPARTMENT.

(A) *Supervision over department.* The Fire Chief shall have the control subject to the order and directive of the Mayor and City Council of the city's Volunteer Fire Department and all fire fighting equipment and gear.

(B) *Department organization and membership.* The city's Volunteer Fire Department shall consist of that number of members that the Fire Chief and Mayor shall determine are reasonably necessary or required for the effective operation of the Department and protecting all citizens and their properties. The Department shall hold meetings and engage in any training the Fire Chief deems necessary or required. The failure of a member to attend meetings and training sessions shall result in termination of membership in the Department. Any member not attending at least ½ of the meetings and ½ of the training sessions scheduled in any fiscal year shall result in that member being assigned to an inactive status and that member shall receive no compensation in any ensuing year until they shall have been returned to active status under a plan approved by the Fire Chief and Mayor.

(C) *New Members and Training.* The Mayor and Fire Chief are authorized to enroll any additional members in the department as shall in their opinion be reasonably necessary or required to provide adequate fire protection for the city, and to meet its obligations under any agreement extending fire protection to any fire district or any city under a mutual aid ordinance previously enacted.
(Ord. passed 5-25-94)

§ 37.06 FIRE CALL FEES.

(A) *Fire call service fee.* The city has determined that the reasonable cost of its compliance with the terms and provisions of its contract with the Association and its dispatching its fire fighting equipment, including pumper trucks, equipment, and its personnel are and same is fixed in the manner set forth on the following schedule of charges but not to exceed \$5,000 per call. This includes any fees paid to its Fire Chief, Asst. Fire Chief, and any persons responding to a fire call, the cost of operation of city's equipment, the city's insurance cost, and the depreciation on its equipment.

<i>Schedule of Rates and Charges</i>	
<i>Equipment</i>	
Pumper Trucks	\$350 per hour
Aerial Truck	\$700 per hour
Tanker Truck	\$240 per hour
Brush Truck	\$150 per hour
Equipment Van	\$100 per hour
Command Vehicle	\$50 per hour
<i>Personnel on Scene</i>	
Fire Fighters (each individual)	\$41 per hour
Chief	\$41 per hour
Assistant Chief	\$41 per hour

(B) *Responding to fire calls.* Upon receipt of notice of a fire in the District from a representative of the Association, any member of the Association, or from a 911 dispatch to any fire at or upon any property located within the district, the city's fire department personnel shall promptly respond to that call, taking such actions as may be needed or required to protect the lives of persons on or about those premises, the property and any of the improvements thereon and the Fire Chief shall cause a written report of the city's response to that fire call to be made. The report shall list the names of all fire personnel responding to the call and the vehicles and equipment used, the owner of the property, its 911 address and the like. Whenever practical, photographs of the premises shall be attached to the report. The Fire Chief shall make his report within ten days of the date of the city's response and he shall keep all such reports on file for a period of three years. A copy of each report shall be sent to the City Clerk.

(C) *Determination of membership in Association.* Upon receipt of the Fire Chiefs report, the City Clerk shall verify that the property subject of the response was owned by a person, firm or corporation holding a current membership and paying dues to the Association. The Association's listing of its dues paying membership at the time of the city's response to a fire call shall be used to determine its membership.

(D) *Clerk's duties if property owned by a dues paying member.* If the property belongs to a member of the Association, then the City Clerk shall contact the owner of the property, determine if the property was insured, and if its was insured, file a claim with that insurance carrier for the cost of its response. Any property owner holding a membership and paying dues to the Association shall have no further liability to the city on this claim.

(E) *Property owned by non-members of association.* If this property is not owned by a member of the Association, the City Clerk shall direct to the owner and/or occupant of the property, an invoice listing the expenses the city has incurred, including but not limited to its cost and fees for its response to the fire call at that property. The notice shall contain the date of the call, the number of vehicles that responded to that call, the total number of the city's fire personnel, and the amount due and a demand that this amount be paid within 30 days. A copy of this notice shall be sent to the City Attorney. Service of this notice can be made on the property owner and/or its occupant by certified mail or by personal service.

(F) *Unpaid invoice/notice of lien.* Whenever an invoice for a fire service call remains unpaid for a period of 30 days after it has been served, the City Attorney shall file a notice of lien with the Marshall County Court Clerk. Any notice of lien filed pursuant to this section shall be filed within 90 days after the city has incurred the cost and expense of a fire call. The notice shall consist of a sworn statement by the City Clerk or designee of the fee the city has assessed; a description of the real property subject to the fire call sufficient to identify the property; the amount of all fees and costs incurred or paid by the city; and the date the cost and expenses were incurred. Provided, however, the rights of any purchaser of the property that arose subsequent to the city's response to a fire call and the time of city's filing of a notice shall not be held liable for the city's fees or cost. This lien shall not have priority over any recorded mortgage, judgment or other lien holders, whose rights in the subject property arose prior to the date city filed its notice of lien.

(G) *City attorney's duties.* The City Attorney shall mail a copy of the notice of lien to the owner and to the occupant, or to the person or persons to whom the last ad valorem tax claim was assessed and billed. If the city's invoice for a fire call remains unpaid for a period of 120 days after the Notice of Lien is filed, the City Attorney shall institute a proceeding in the Marshall Circuit Court to collect that amount due the city and enforce its lien on that real property subject to the fire call.

(H) *Duty to release liens.* Upon payment of the cost and expense the city has incurred on any fire call plus interest at the rate of 12% per annum after a bill for same was sent and the notice of lien was filed, the City Clerk or designee shall forthwith file with the Marshall County Court Clerk a release of the city's lien.

(Ord. 08-04-01, passed 4-21-08)

POLICE DEPARTMENT

§ 37.15 ESTABLISHMENT.

There is hereby established a Police Department in the city.

§ 37.16 CHIEF OF POLICE; POLICE OFFICERS.

(A) The Police Department shall consist of a Chief of Police and regular police officers as may be authorized by the City Council.

(B) The Police Chief and all police officers shall be appointed by the Mayor at will, and may be removed by the Mayor at will except as tenure and terms of employment are protected by statute, ordinance, or contract.

(C) No person shall be appointed or act as the Police Chief or a regular police officer unless such person has taken the oath required by section 228 of the Constitution of the Commonwealth of Kentucky.

(D) Qualifications, training, and compensation shall be as set forth from time to time by ordinance.

(E) Duties of the Chief of Police are:

(1) To be second in command to the Mayor in matters of law enforcement.

(2) Attend all sessions of the City Council and execute its orders and any directives of the Mayor and preserve order at all meetings of the City Council.

(3) Cause proceedings to be instituted against persons, firms, or corporations conducting business or doing any act without a license and for which a license is required.

(4) Execute warrants of arrest, processes, subpoenas, and attachments for witnesses.

(5) Arrest for any offenses against ordinances or regulations of this city.

(6) To be responsible for the organization and operation of the city's Police Department.

(7) Supervise, direct, and control all equipment and personnel assigned to the Police Department.

(8) Provide information to the County Attorney or Commonwealth's Attorney on all offenses against the laws and ordinances, and aid in the prosecution thereof where instituted.

(9) Report to the Mayor on any loss or damage to the property of the city.
(Ord. 97-11-01, passed 11-17-97)

(F) The City Attorney in addition to those duties set forth in § 31.37 shall act as an advisor to the Police Chief and the Police Department in the development of policies and procedures and advise the Police Department personnel on their duties and responsibilities as police officers.
(Ord. 97-11-01, passed 11-17-97)

§ 37.17 LAW ENFORCEMENT FOUNDATION PROGRAM.

(A) The City of Benton hereby declares its intention to participate in the Law Enforcement Foundation Program established by KRS 15.410 through 15.510.

(B) Each officer of the Police Department shall be paid from city funds an annual salary of at least \$4,350 based on a standard work year of 2,080 hours beginning no later than July 1, 1973.

(C) Each officer employed on or after July 1, 1973 shall have as minimum educational attainment a high school degree, or its equivalent as determined by the Kentucky Law Enforcement Council. Each officer employed on or after July 1, 1972 shall within one year of his date of employment complete a basic training course of at least 400 hours duration at a school certified or recognized by the Kentucky Law Enforcement Council.

(D) Each officer, whether originally employed before or after July 1, 1972, shall successfully complete each year and in-service training course of 40 hours duration appropriate to his rank and responsibility at a school certified or recognized by the Kentucky Law Enforcement Council. Each officer shall receive in each calendar year five days time off with pay for the purpose of taking the required in-service training.

(E) No officer shall have his base salary reduced or be denied a normal salary increase to which he is otherwise entitled because of the salary incentive payments provided under KRS 15.410 through 15.510.

(F) The Police Department and each officer thereof shall comply with all the provisions of law applicable to local police, including the transmission of data to the Kentucky Justice Cabinet as required by KRS 17.150.

(G) The Chief of Police shall prepare or cause to be prepared such quarterly and other reports as may be reasonably required by the Kentucky Law Enforcement Council to facilitate administration of the fund and further the purpose of KRS 15.410 through 15.510.

(H) (1) The Police Department and each officer thereof shall further comply with all reasonable rules and regulations, appropriate to the size and location of the local police department, issued by the Kentucky Law Enforcement Council to facilitate the administration of the fund and further the purpose of KRS 15.410 through 15.510.

(2) The City Treasurer shall deposit in an appropriate account which can be identified separately from all other sources all monies received under KRS 15.410 through 15.510. Forthwith upon receipt of any monies under KRS 15.410 through 15.510 the Treasurer shall pay to each police officer the full amount received on behalf of that officer, giving to each officer a check stub or receipt on which the gross amount of monies paid to him under KRS 15.410 through 15.510 is included and identified. All financial records relating to monies received under KRS 15.410 through 15.510 shall be

retained for a period of three years and until the completion of an audit approved by the Kentucky Law Enforcement Council and the United States Law Enforcement Assistance Administration.

(Ord. passed 4-16-73)

§ 37.18 PARKING CONTROL OFFICER; POSITION ESTABLISHED.

(A) There is established a position of Parking Control Officer to operate within the from work of the City Police Department.

(B) It shall be the primary duty and responsibility of the person employed as Parking Control Officer to make regular and routine checks of vehicles parked in metered spaces and he or she shall have the power to issue citations for violations thereof and to perform such other duties pertaining to parking meters and traffic-control as the Chief of the Police Department shall determine.

(C) The person employed by reason of the position established in this section shall wear such uniforms and operate any such vehicles as the city shall in its discretion shall provide for him or her for the purpose of carrying out the duties described herein.

(D) Compensation for the Parking Control Officer shall be at a rate as set from time to time by ordinance. the number of hours worked per week shall be determined by the City Council but in no event to exceed 40 hours per week.

(E) The person employed as Parking Control Officer shall serve at the pleasure of the Mayor. In case of resignation or dismissal or for any other cause, any uniforms supplied by the city shall be returned to the Police Department.

(Ord. passed 3-2-70)

§ 37.19 POLICE COMMITTEE; ESTABLISHED.

(A) There is hereby established a Police Committee composed of two city councilmen to be appointed by the Mayor and the City Attorney.

(B) The members of the Committee shall serve a term of two years and shall serve until their successors are appointed and qualified. In the case of vacancy the successor shall be appointed by the Mayor.

(C) A majority of the members shall constitute a quorum for the transaction of business. The Committee shall elect the necessary officers and establish rules to carry out its responsibility to supervise all of the operations of the Police Department. In its legal capacity it shall be responsible for reviewing all of the procedures and policies established for the Police Department and reporting on the operation of same to the Mayor and to the City Council, and it shall assure that all policies and procedures employed in the Police Department meet all of the legal requirements of any applicable statutes or regulations. The Chief of Police shall report directly to the Committee and each month on the

Wednesday proceeding the monthly City Council meeting he shall report on the Wednesday proceeding the monthly City Council meeting he shall report on the Police Department activities for the preceding month. The Committee shall report on the operations of the Police Department to the City Council each month. The Committee shall meet monthly on the third Monday of each month at 5:30 p.m.

(D) The Committee may make all rules or regulations that are needed or required to provide for the effective operation of the Police Department and may make recommendations to the Mayor of any appointments and for removals, provided they do not encroach on any powers reserved by law to the Mayor or to the City Council.

(Ord. 97-08-01, passed 8-18-97)

§ 37.20 POLICY AND PROCEDURE MANUAL FOR THE POLICE DEPARTMENT.

(A) The Policy and Procedures Manual prepared for the city is adopted as copied and indexed, and in said form shall constitute the Policy and Procedure Manual for that Department, and shall be used by the Department for its operations and procedures.

(B) The Manual and the policies and procedures therein are to consist of the titles set forth therein, and may be amended from time to time to comply with any new ordinances, statutes, or regulations enacted subsequent to the date of this section.

(C) All prior sections in conflict with any provision of the Policy and Procedures Manual adopted hereby are amended, revised, or repealed to the extend of any such conflict.

(D) This section and the Policy and Procedure Manual shall be deemed published as of the date of adoption, and approved of this section in the manner required by law.

(Ord. passed 4-20-98; Am. Ord. 02-07-03, passed 7-15-02; Am. Ord. 03-06-01, passed 6-16-03; Am. Ord. 05-12-01, passed 12-19-05; Am. Ord. 09-11-02, passed 11-16-09)

