

**CITY OF FORT MITCHELL  
KENTON COUNTY, KENTUCKY  
ORDINANCE 2022-05**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 35 OF THE FORT MITCHELL CODE OF ORDINANCES RELATING TO THE FIRE DEPARTMENT.**

**WHEREAS**, the Fort Mitchell City Council has heretofore adopted an official ordinance related to the general operations of the Fire Department and Volunteer Stipends via ordinance 2015-18

**WHEREAS**, the fire department has restructured operations since the previous ordinance and revised the stipend program for volunteer personnel;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FORT MITCHELL, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

SECTION I

The following sections in Chapter 35 of the City of Fort Mitchell Code of Ordinances are hereby amended to read as follows:

**§ 35.22 ASSISTANT FIRE CHIEFS.**

(A) There is hereby created the offices of Assistant Fire Chiefs. There shall be not more than ~~four~~ two Assistant Fire Chiefs. The Fire Chief may recommend for appointment up to ~~four~~ two Assistant Fire Chiefs, which may be volunteers, or full-time or part-time positions if provided in the pay and classification plan.

(B) Appointment. Each Assistant Fire Chief shall be appointed by the Mayor with the approval of the City Council; and may be removed by the Mayor at will. The Fire Chief shall make a recommendation for appointment of each Assistant Fire Chief, but the Mayor shall not be obligated to accept this recommendation and may appoint, or continue the appointment, of any person qualified as provided in this section.

(C) Qualifications. Any Assistant Chief shall:

- (1) Be graduated from high school;
- (2) Have had at least five years' experience at the rank of Fire Lieutenant or higher;
- (3) Have had at least ten years of prior experience as a firefighter, EMT, or paramedic;
- (4) Be a state-certified firefighter and state-certified EMT; and
- (5) Submit to and successfully pass a medical examination conducted by a licensed physician approved by the Mayor.

(D) Powers and duties. The Assistant Fire Chiefs may, as provided and delegated by the Fire Chief, act as Fire Chief in the absence of the Fire Chief and have such other duties as are delegated by the Fire Chief.

(E) Compensation. The compensation of any full- or part-time Assistant Fire Chief shall be established by the City Council in the pay and classification plan.

#### ~~§ 35.24 SOCIAL OFFICERS.~~

~~The Fire Department, if it so desires, may elect a President, Vice President/Treasurer and Secretary, to be known as "social officers". The officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage any and all social functions sponsored by the Fire Department. In no way, however, shall the functions and duties of the social officers overlap or interfere with those of the operations of company officers, who are charged with the responsibility for all fire service activities of the Department.~~

#### § 35.25 QUALIFICATIONS AND APPOINTMENT.

All volunteer officers (~~operations, company or otherwise except social officers, but not including Assistant Fire Chiefs~~) and volunteer members of the Fire Department shall be appointed by the Fire Chief. All volunteer members and officers of the Fire Department must either be residents of or employed in the county or be able to respond to a sufficient number of emergencies within five minutes of being notified of an emergency and must be at least 18 years of age. When qualified, any volunteer officer or member may elect to respond to fire runs only, to respond to EMS runs only, or to respond to both fire and EMS runs.

#### § 35.26 PROBATIONARY PERIOD.

All applicants for membership in the Fire Department, after being accepted by the Fire Chief, shall serve a 90-day probationary period, during which time temporary equipment shall be issued; after the 90-day probationary period, the applicant shall be accepted or rejected, finally, and be so advised by the Fire Chief, and if accepted, the applicant shall be issued proper equipment and identification. shall successfully complete status review periods at three, six, nine and twelve month intervals and successfully complete Job Performance Standards.

#### § 35.27 STIPEND.

A stipend shall be paid to ~~the~~ eligible volunteers who are not employees of the Fort Mitchell Fire Department in accordance with the following schedule:

(A) An amount of \$15 per person per ~~fire~~ run completed by that person. In addition to the foregoing, a training stipend of \$5 will be paid to each member who attends and remains for the duration of ~~the once weekly EMS training class and the once weekly~~ any approved in-house Fire Department training sessions. To be eligible for the stipend volunteer personnel must have a minimum of twelve hours of training per quarter, be actively making response runs and conduct a minimum of twenty-four hours of station time per month.

(B) ~~An amount of \$24 per person for each 12-hour fire, EMS or paramedic shift, staffed at the fire house, for which that person volunteers, or an amount of \$8 for each four-hour fire, EMS or paramedic shift for which that person volunteers. Volunteer Fire and EMS Shifts at the firehouse will receive \$2 for each hour of station time, the minimum shift shall be six hours.~~

(C) A stipend of \$500 per person, per year shall be paid to each of the volunteer Assistant Fire Chiefs of the Fort Mitchell Fire Department on a \$125 per quarter basis: provided, however, that this sum shall not be paid if the volunteer Assistant Fire Chief does not attend at least 50% of the weekly drill/training sessions for the previous quarter as well as at least 25% of the fire/EMS calls that require a Chief or Assistant Chief for the previous quarter as determined by the Fire Chief, ~~and furthermore meet such additional requirements as are contained in the volunteer membership bylaws, as may be amended from time to time; furthermore,~~ In the event that any volunteer Assistant Fire Chief is ineligible for the stipend as provided in this section, he or she shall also be ineligible to possess any take-home vehicle issued by the city during the period of such ineligibility.

### **§ 35.28 DISCIPLINARY PROCEDURES.**

(A) All ~~volunteer~~ members of the Fire Department may be suspended by the Fire Chief or discharged from the Department by the ~~Fire Chief~~ Mayor at any time he may deem the action necessary in the best interest of the Department. However, any member so suspended or discharged ~~by the Fire Chief~~ may appeal to the City Administrative Officer, or in the absence of the City Administrative Officer, the Mayor, in writing, within seven days of the action, by filing such request with the City Clerk, for a hearing and final determination.

~~(B) It shall be the right of any volunteer member of the Fire Department to bring charges against another volunteer member. Charges shall be submitted in writing and presented to the Fire Chief for action.~~

### **§ 35.30 EQUIPMENT.**

(A) No person, firm or corporation shall use any fire apparatus or equipment for any private purpose, nor shall any person, willfully and without proper authority, remove, take away, keep or conceal any tool, appliance or other articles used in any way by the Fire Department.

(B) The City Council may also provide each member of the Fire Department with certain personal equipment (pagers, ~~firecoat~~ fire gear, helmet, boots, ~~red lights and sirens~~, and the like). That member shall be responsible for the safe-keeping of said equipment and shall return all such equipment to the Fire Department upon the termination of that person as a member of the Fire Department. It shall be the responsibility of the Fire Chief to ensure that accurate inventory records are kept of all such equipment that would clearly indicate the complete information of all such equipment and to whom each piece of equipment has been assigned.

### **§ 35.31 TRAINING.**

The Fire Chief or designated training officer shall schedule sufficient training for the Fire Department.

### **§ 35.32 CALLS OUTSIDE CITY; CHARGES.**

(A) The Fire Chief is authorized, under proper emergency, to send or cause to be sent, when needed, any and all apparatus and/or equipment of the Fire Department to any point within the county, or to any county within the Commonwealth of Kentucky, when an emergency requires such action, and to any adjoining county for training or other purposes of goodwill.

(B) When the fire apparatus is being operated or when the EMS equipment has been dispatched under the mutual aid system, as directed by Northern Kentucky ~~Firemen's~~ Firefighter's Association and/or the Kenton County Fire Chiefs Association, there shall be no charge for answering calls to the points.

(C) Individual calls to points to answer fire or EMS calls, whether within an incorporated area or in an unincorporated area, not covered by prior agreement with that area or city, shall be subject to a charge of \$300 per hour or any part thereof for each piece of fire apparatus so used. EMS charges shall be in addition to the individual charges for service already in place for EMS service. The property owner for whose benefit the fire apparatus is called shall be responsible for this charge.

### **§ 35.33 LIGHTS AND SIRENS ON PRIVATE VEHICLES.**

~~—(A) Any member of the Fire Department may equip his vehicle with red flashing, rotating or oscillating lights and a siren if he has first been given permission, in writing, to do so by the Chief of the Fire Department. He may use lights and equipment only while proceeding to the scene of a fire or other emergency, or to a location where another emergency vehicle is on emergency call, in the performance of his official duties as a member of a Fire Department. (KRS 189.950 (4))~~

~~—(B) Operators of motor vehicles shall sound the siren when necessary to warn pedestrians and other users of the highways and streets of the approach of this vehicle, and members so operating their vehicles responding to a fire call shall exercise reasonable care so as to not endanger the life, safety or property of others.~~

Members of the Fire Department may not equip their vehicles with any lights or sirens.

## SECTION II

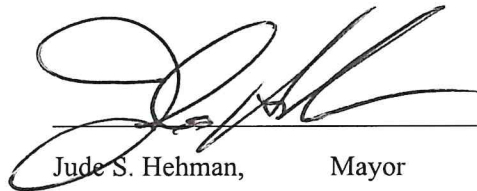
All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

## SECTION III

The Provisions of this Ordinance are severable and the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

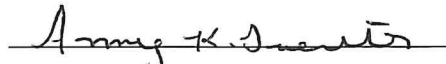
SECTION IV

This Ordinance shall be in full force and effect from and after its passage and publication according to law and said publication may be in summary form.



Jude S. Hehman, Mayor

ATTEST:



Amy Guenther, City Clerk/Treasurer

FIRST READING: 4-11-2022

SECOND READING: 5-2-2022

PUBLISHED: 5-12-2022