TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2025-028

July 22, 2025

The Honorable Ricky Hill
State Senator
Post Office Box 177
Cabot, Arkansas 72023

Dear Senator Hill:

I am writing in response to your request for my opinion on volunteer fire department fees. You state that HB 1416—now Act 673 of 2025—allows for volunteer fire departments serving unincorporated areas of the county to levy dues.[1] And you explain that the Ward Fire Department is a municipal fire department with a full-time fire chief, two part-time paid firefighters, and at least twenty volunteers. The Ward Fire Department serves not only the City of Ward, but also a 30 square-mile Ward Fire District with more than 3,600 addresses. Against this background, you ask two questions:

1. Is the Ward Fire Department considered a "Volunteer Fire Department" under Act 673?

   Brief response: No. Cities of the first class—like the City of Ward—cannot use A.C.A. § 14-20-108, as amended by Act 673 of 2025, to levy volunteer fire department dues.[2]

2. If the answer to Question 1 is "no," under what status would the Ward Fire Department be allowed to levy dues similar to those in Act 673? If none, how do such fire departments levy dues and/or collect "fire dues," or do they just send invoices as allowed in A.C.A. § 14-53-102?

   Brief response: Multiple forms of "volunteer fire departments" exist, and I lack the facts to opine on whether a particular entity fits a particular type of volunteer

[1] I have replaced "Act 313 of 2025"—the act named in your opinion request—with "Act 673 of 2025" (HB 1416). Act 313 of 2025 (HB 1503) concerns certain restrictions on regulating accessory dwelling units.

[2] A city with a population of more than 2,500 is a city of the first class under A.C.A. § 14-37-104, and the latest census indicates that the City of Ward has a total population of 6,052 people. *See* Ward, Arkansas, United States Census Bureau, https://data.census.gov/profile/Ward_city,_Arkansas?g=160XX00US0573130 (last accessed June 11, 2025).

fire department. But a city of the first class would generally follow A.C.A. § 14-53-102, including the process for reimbursing for services.

DISCUSSION

Question 1: Is the Ward Fire Department considered a "Volunteer Fire Department" under Act 673?

Act 673 of 2025 amends A.C.A. § 14-20-108, which authorizes certain volunteer fire departments to collect annual dues if approved by the quorum court. The question here is whether "volunteer fire department," as that term is used in Act 673 of 2025, includes municipal fire departments of first-class cities. In my opinion, the answer is "no," for at least two reasons. First, A.C.A. § 14-20-108(a)(1)(A) authorizes county quorum courts to levy, on behalf of volunteer fire departments, and designate a county official to collect the "dues charged by the volunteer fire department in consideration of providing fire protection to unincorporated areas in the county." Second, A.C.A. § 14-20-108 (e)(1) specifically authorizes incorporated towns and second-class cities to levy volunteer fire department dues. Therefore, cities of the first class, unlike several other political subdivisions (e.g., counties, towns, cities of the second class), are not given authority under Act 673 of 2025 to levy volunteer fire department dues.

Question 2: If the answer to Question 1 is "no," under what status would the Ward Fire Department be allowed to levy dues similar to those in Act 673? If none, how do such fire departments levy dues and/or collect "fire dues," or do they just send invoices as allowed in A.C.A. § 14-53-102?

While cities often characterize their fire departments as "volunteer,"[3] the applicable statutes concerning cities creating a fire department do not use the word "volunteer."[4] And A.C.A. § 14-20-108 covers but one form of "volunteer fire department." This Office has long opined that there are several forms of "volunteer fire departments":

- Private, nonprofit corporations collecting membership fees or dues under A.C.A. §§ 14-20-108 (discussed above) or 14-284-225;[5]

- Fire-protection districts that access local benefits to be collected with ad valorem taxes under either A.C.A. §§ 14-284-101 et seq. or §§ 14-284-201 et seq., or suburban fire-

[3] *See, e.g.*, Ark. Att'y Gen. Ops. 2011-149, 2004-294, 2004-070, 2001-351, 97-377.

[4] *See* A.C.A. § 14-53-101.

[5] This Office has concluded that § 14-20-108 generally concerns volunteer fire departments organized as private, nonprofit corporations or "subscription" fire departments. *See* Ark. Att'y Gen. Ops. 2022-013, 2013-008, 2008-134, 2002-032.

improvement districts that access local benefits to be collected with ad valorem taxes under A.C.A. § 14-92-201, et seq.;

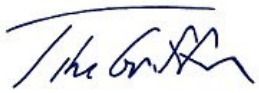
- County-created fire departments under A.C.A. § 14-20-108(c); or
- County-created subordinate-service districts under §§ 14-14-708 and -709.[6]

For the reasons discussed above, the first form does not apply to the City of Ward for purposes of levying and collecting dues. Nor do the third and fourth forms because they only cover counties. Your opinion request, however, notes that the fire department in question serves a "30 square-mile Ward Fire District." To the extent that the second form applies—and the city is a "volunteer fire department" under those statutes—then those applicable statutes would govern. I lack the facts to conclude whether the City of Ward meets this form of volunteer fire department.

Still, under A.C.A. § 14-53-102, a city may enact an ordinance to authorize its fire department to operate outside the city limits.[7] Under such a process, the city could "invoice," or "obtain compensation or reimbursement" for services provided.[8] Further, cities may enact ordinances to "enter into a contract or interlocal agreement for city fire protection with an existing fire department."[9] Cities are required to provide fire protection services.[10]

Assistant Attorney William R. Olson prepared this opinion, which I hereby approve.

Sincerely,



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Attorney General

[6] *E.g.*, Ark. Att'y Gen. Ops. 2023-076, 2022-013, 2008-134, 2004-294, 2001-351, 99-346, 97-377, 96-114.

[7] *See also* Ark. Att'y Gen. Op. 2004-235.

[8] *See* A.C.A. § 14-53-102(b).

[9] A.C.A. § 14-53-101(a)(2); *see also* Ark. Att'y Gen. Op. 2015-047.

[10] A.C.A. § 14-53-101(a)(1) (providing that "the governing body of a city shall establish fire departments").