

Ky. OAG 78-790, 1978 WL 26344 (Ky.A.G.)

*1 Office of the Attorney General

Commonwealth of Kentucky

OAG

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November 28, 1978

Honorable William I. Markwell
Henderson County Attorney
Courthouse
Henderson, Kentucky 42420

Dear Mr. Markwell:

This is in response to your letter of November 17 in which you refer to OAG 78-253 concerning jurisdiction of the planning commission pursuant to its subdivision regulations over the Henderson County Water District's location of water lines and the size and specifications of said lines. You now raise an additional question concerning the installation of fire hydrants to existing or future water lines. Your specific question is as follows:

"The question which was unresolved in your opinion and which we would request is: 'Whether a City-County Planning Commission may possess the power to require a County Water District to install fire hydrants by virtue of subdivision regulations and whether the Planning Commission has the power to require the County Water District to attach such hydrants to existing water lines or future water lines within their jurisdiction.' "

Fire hydrants are nothing more than discharge pipes attached to the water main and would be, in our opinion, a part of the equipment, design and specification of the water system subject to the subdivi-

vision regulation and control of the planning commission pursuant to [KRS 100.281](#) as we concluded in OAG 78-253.

We also might mention that the safeguarding or promotion of public safety, such as protection against fire hazards, has long been deemed to justify an exercise of the zoning power by a political subdivision. McQuillin, Mun. Corps., Vol. 8, § 25.22 and § 25.146.

Under the circumstances, we believe that the planning commission possesses the power to require the water district to install appropriate fire hydrants to its existing and future water lines pursuant to its subdivision regulations.

Yours very truly,
Robert F. Stephens
Attorney General

By: Walter C. Herdman
Assistant Deputy Attorney General

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