



STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

March 16, 1978

**Curt T. Schneider**  
Attorney General

ATTORNEY GENERAL OPINION NO. 78-118

Mr. Floyd H. Dibbern  
State Fire Marshal  
Forbes Field, Building 730  
Topeka, Kansas 66619

RE: Fire Protection -- Fire Safety and Prevention --  
Enforcement of the Act and Regulations

SYNOPSIS: Pursuant to K.S.A. 31-137, the chief of any organized fire department of any city must enforce all applicable provisions of K.S.A. 31-132 et seq., and any rules and regulations promulgated pursuant thereto.

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Dear Mr. Dibbern:

You advise that certain municipalities have advised your office that they have no duty to enforce either state laws pertaining to fire protection, K.S.A. 31-132 et seq., or the Kansas administrative regulations promulgated pursuant thereto. You then ask whether K.S.A. 31-137 requires municipalities to enforce these statutes and regulations.

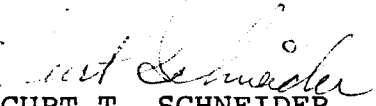
K.S.A. 31-137 states in part that:

[T]he state fire marshal, his deputies, the chief of any organized fire department of any municipality, whether such fire department is regular or volunteer, or any member of any such fire department who has been duly authorized by the chief thereof, shall enforce the provisions of this act and any rules and regulations adopted pursuant thereto. [Emphasis supplied.]

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This language is clear and unambiguous. There can be no question that the legislature has intended that state laws, rules and regulations pertaining to fire safety and prevention shall be uniformly enforced throughout Kansas. The legislature has also recognized that the office of the State Fire Marshal cannot be expected to enforce these laws in every municipality, and therefore, every chief of an organized fire department is vested with enforcement responsibility. One also should note that municipalities may also enforce provisions of local ordinances which may be the equivalent of, or which impose higher standards than those imposed by state laws and regulations.

Very truly yours,

  
CURT T. SCHNEIDER  
Attorney General

CTS:CAB:ksn