

CHAPTER 82 (HB 61)

AN ACT relating to intergovernmental agreements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 67.083 is amended to read as follows:

- (1) It is the purpose of this section to provide counties as units of general purpose local government with the necessary latitude and flexibility to provide and finance various governmental services within those functional areas specified in subsection (3) of this section, while the General Assembly retains full authority to prescribe and limit by statute local governmental activities when it deems such action necessary.
- (2) The fiscal court of any county is hereby authorized to levy all taxes not in conflict with the Constitution and statutes of this state now or hereafter enacted.
- (3) The fiscal court shall have the power to carry out governmental functions necessary for the operation of the county. Except as otherwise provided by statute or the Kentucky Constitution, the fiscal court of any county may enact ordinances, issue regulations, levy taxes, issue bonds, appropriate funds, and employ personnel in performance of the following public functions:
 - (a) Control of animals, and abatement of public nuisances;
 - (b) Regulation of public gatherings;
 - (c) Public sanitation and vector control;
 - (d) Provision of hospitals, ambulance service, programs for the health and welfare of the aging and juveniles, and other public health facilities and services;
 - (e) Provision of corrections facilities and services, and programs for the confinement, care and rehabilitation of juvenile law offenders;
 - (f) Provision of parks, nature preserves, swimming pools, recreation areas, libraries, museums, and other recreational and cultural facilities and programs;
 - (g) Provision of cemeteries and memorials;
 - (h) Conservation, preservation and enhancement of natural resources including soils, water, air, vegetation, and wildlife;
 - (i) Control of floods;
 - (j) Facilitating the construction and purchase of new and existing housing; causing the repair or demolition of structures which present a hazard to public health, safety, or morals or are otherwise inimical to the welfare of residents of the county; causing the redevelopment of housing and related commercial, industrial, and service facilities in urban or rural areas; providing education and counseling services and technical assistance to present and future residents of publicly assisted housing;
 - (k) Planning, zoning, and subdivision control according to the provisions of KRS Chapter 100;
 - (l) Adoption, by reference or in full, of technical codes governing new construction, renovation, or maintenance of structures intended for human occupancy;
 - (m) Regulation of commerce for the protection and convenience of the public;

- (n) Regulation of the sale of alcoholic beverages according to the provisions of KRS Chapters 241 to 244;
 - (o) Exclusive management of solid wastes by ordinance or contract or by both and disposition of abandoned vehicles;
 - (p) Provision of public buildings, including armories, necessary for the effective delivery of public services;
 - (q) Cooperation with other units of government and private agencies for the provision of public services, including, but not limited to, training, educational services, and cooperative extension service programs;
 - (r) Provision of water and sewage and garbage disposal service but not gas or electricity; including management of onsite sewage disposal systems;
 - (s) Licensing or franchising of cable television;
 - (t) Provision of streets and roads, bridges, tunnels and related facilities, elimination of grade crossings, provision of parking facilities, enforcement of traffic and parking regulations;
 - (u) Provision of police and fire protection;
 - (v) Regulation of taxis, buses, and other passenger vehicles for hire;
 - (w) Provision and operation of air, rail and bus terminals, port facilities, and public transportation systems;
 - (x) Promotion of economic development of the county, directly or in cooperation with public or private agencies, including the provision of access roads, land and buildings, and promotion of tourism and conventions;
 - (y) Preservation of historic structures; and
 - (z) Regulation of establishments or commercial enterprises offering adult entertainment and adult entertainment activities.
- (4) The county judge/executive is hereby authorized and empowered to exercise all of the executive powers pursuant to this section.
- (5) A county acting under authority of this section may assume, own, possess and control assets, rights and liabilities related to the functions and services of the county.
- (6) If a county is authorized to regulate an area which the state also regulates, the county government may regulate the area only by enacting ordinances which are consistent with state law or administrative regulation:
- (a) If the state statute or administrative regulation prescribes a single standard of conduct, a county ordinance is consistent if it is identical to the state statute or administrative regulation;
 - (b) If the state statute or administrative regulation prescribes a minimal standard of conduct, a county ordinance is consistent if it establishes a standard which is the same as or more stringent than the state standard;

- (c) A county government may adopt ordinances which incorporate by reference state statutes and administrative regulations in areas in which a county government is authorized to act.
- (7) County ordinances which prescribe penalties for their violation shall be enforced throughout the entire area of the county unless:
- Otherwise provided by statute; or
 - The legislative body of any city within the county has adopted an ordinance pertaining to the same subject matter which is the same as or more stringent than the standards that are set forth in the county ordinance. The fiscal court shall forward a copy of each ordinance which is to be enforced throughout the entire area of the county to the mayor of each city in the county.
- (8) (a) The powers granted to counties by this section shall be in addition to all other powers granted to counties by other provisions of law. These powers, other than the power to tax, may be exercised cooperatively by two (2) or more counties, or by a county and a city, or by a county and a special district, or by a county and the state through, but not limited to, joint contracts, joint ownership of property, or the exchange of services, including personnel and equipment. When counties cooperate in the provision of public services, contracts shall be drawn to **document the**~~insure that~~ **benefits and relative cost for each of**~~among~~ the participating governments. **One (1) government may pay one hundred percent (100%), or a lesser percentage, of all or any part of the cost of the joint undertaking, based upon the written contract required by this subsection**~~are relative to costs among them. If the personnel or equipment of one (1) government is provided for a second government, the second government shall fully compensate the first through the reciprocal provision of services or through monetary compensation~~.
- (b) A permissive procedure authorized by this section shall not be deemed to be exclusive or to prohibit the exercise of other existing laws and laws which may hereafter be enacted but shall be an alternative or supplement thereto.
- (9) Any agency of county government exercising authority pursuant to subsection (3)(y) of this section shall, prior to exercising such authority, obtain the voluntary written consent of the owner of the structure. Consent may be obtained only after advising the owner in writing of any advantages and disadvantages to the owner which are likely to result from the exercise of such authority.

Section 2. KRS 178.010 is amended to read as follows:

- (1) As used in this chapter, unless the context otherwise requires:
- "Construction" includes reconstruction and improvement;
 - "County roads" are public roads which have been accepted by the fiscal court of the county as a part of the county road system after July 1, 1914, or private roads, streets, or highways which have been acquired by the county pursuant to KRS 178.405 to 178.425. "County roads" includes necessary bridges, culverts, sluices, drains, ditches, waterways, embankments or retaining walls; and
 - "Hard surface road" means a road the surface of which is asphalt, brick, stone block, macadam, concrete, gravel or other material of equal merit.

- (2) Nothing in this chapter shall be construed to take from the jurisdiction or control of the legislative body of any incorporated city any road, bridge, landing or wharf, or any other thing exclusively under the jurisdiction or control of such city.
- (3) Nothing in this chapter shall prevent any fiscal court from acquiring land by gift for public purposes.
- (4) Nothing in this chapter, including the fact that a municipal street has not been accepted into the county road system, shall prevent any county from entering into an agreement, pursuant to the provisions of KRS 65.220 to 65.300, with any city located within the county to perform work upon or to provide personnel, materials or equipment for work to be performed upon any street located within the city. ***A county may pay one hundred percent (100%), or a lesser percentage, of all or any part of the cost of the joint undertaking, based upon the terms agreed to in the interlocal cooperative agreement required by this subsection*** ~~[, provided that the city agrees to pay the costs if any associated with any such agreement].~~

Approved March 6, 2000