

CHAPTER 152**(HB 304)**

AN ACT relating to cities.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Brodhead, in Rockcastle County, is such as to justify its being classified as a city of the fifth class;

NOW, THEREFORE,

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

Section 1. The City of Brodhead, in Rockcastle County, is transferred from the sixth to the fifth class of cities.

Section 2. KRS 81A.530 is amended to read as follows:

- (1) When a city of the third, fourth, or fifth class and a city of the sixth class have a common boundary, and it is determined by the legislative body of the city of the sixth class and of the adjoining city of the third, fourth, or fifth class that the entire area of the city of the sixth class can be better served by the adjoining city, the entire area of the city of the sixth class may be annexed to the adjoining city and the city of the sixth class dissolved after the enactment of identical ordinances by each legislative body according to the provisions of this section.
- (2) The ordinances declaring the annexation of the city of the sixth class by the adjoining city shall include, but not be limited to, the following:
 - (a) A statement of the financial consideration, if any, between the two (2) cities regarding the area of the city of the sixth class and the terms of any financial arrangements;
 - (b) The resolution of any taxes or revenues from the area of the city of the sixth class;
 - (c) A statement of the land use or the zoning regulations that would be applicable to the area of the city of the sixth class if planning and zoning is in effect pursuant to KRS Chapter 100 in either city; and
 - (d) The date that the annexation of the city of the sixth class by the adjoining city would be effective, which shall not be more than one (1) year after the date on which the last of the identical ordinances is adopted.
- (3) In order for the annexation to be completed, either of the following procedures shall be followed and concluded:
 - (a) Prior to the effective date of the annexation of the area of the city of the sixth class into the adjoining city, a petition in support of the annexation, containing a number of signatures of residents in the area of the city of the sixth class that is not less than fifty-one percent (51%) of the number of registered voters in the area of the city of the sixth class, shall be submitted to the county clerk of the county in which the city of the sixth class is located. The county clerk shall within ten (10) working days of receipt of the petition notify each city of the validity of each signature and address on the petition; or
 - (b) An election shall be held to determine the desire of the voters in the city of the sixth class. An election shall be held at a regular election~~, or an election may be held at a primary election if an ordinance or municipal order of the legislative body of the city~~

~~of the sixth class desiring annexation has been filed with the county clerk not later than the second Tuesday in August preceding the primary election].~~ The qualifications of voters and all other matters in regard to the election shall be governed by the general election laws. The question shall be submitted in substantially the following form: "Are you in favor of annexing the city of into the city of and dissolving the city of? Yes..... No.....".

- (4) If the requisite number of signatures is verified by the county clerk as provided in subsection (3)(a) of this section, or if a majority of the legal votes cast at the election in the city of the sixth class proposing to be annexed favors the annexation, the annexation shall proceed and become effective, and the city of the sixth class shall be dissolved at the date provided in the identical ordinances adopted by the legislative bodies of the city of the sixth class and of the adjoining city upon the enactment by the legislative body of the adjoining city of an ordinance accepting the annexation of the city of the sixth class.
- (5) All assets of the city of the sixth class existing on the date of annexation shall become the property of the annexing city. Any indebtedness for which the city of the sixth class is liable on the date of annexation shall be assumed by the annexing city, so that after annexation the burden of taxation shall be uniform throughout the area of the two (2) cities.
- (6) The enactment of ordinances by each city shall be pursuant to KRS 83A.060.
- (7) The authority for the annexation of the city of the sixth class shall be exclusive of the provisions of KRS 81A.440.
- (8) In addition to other public notice requirements, the annexing city shall comply with the provisions of KRS 81A.470, but shall not be required to comply with the provisions of KRS 81A.475. The city clerk of the city of the sixth class shall, within sixty (60) days after the effective date of the dissolution of the city of the sixth class, give written notice of the dissolution and the date of the dissolution to the Secretary of State who shall properly index and file the notice and date as a permanent record in the secretary's office.
- (9) The area of the city of the sixth class being annexed shall assume the local option status of the city by which it is being annexed.

Approved March 20, 2001