

CHAPTER 78

(HB 233)

AN ACT relating to city boundaries and declaring an emergency.

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

Section 1. KRS 81A.440 is amended to read as follows:

(1) ***In areas that are inhabited:***

(a) A city may reduce its boundaries by the enacting by its legislative body of an ordinance stating the intention of the city to reduce its boundaries. ~~This~~~~[Such]~~ ordinance shall accurately define the boundaries of the area to be stricken from the corporate limits of the city, and shall provide that the question of reduction of boundaries shall be submitted to the registered voters of the area to be stricken from the city at the next regular election. A copy of the ordinance shall be sent to the county clerk who shall have prepared, for presentation to the voters located within the area to be stricken, the question: "Are you in favor of being stricken from the City of, and becoming part of the unincorporated area of the county?" The election shall be held at the next regular election if the ordinance is filed with the county clerk not later than the second Tuesday in August preceding the regular election.

~~(b)~~~~(2)~~ If a majority of those voting on the question vote "Yes" to the question of being stricken, the legislative body of the city within ten (10) days of the certification of the election, shall enact an ordinance declaring the area to be stricken from the corporate limits of the city as of the date of the ordinance.

(2) ***In areas that are uninhabited, a city may reduce its boundaries by the following procedure:***

(a) ***The legislative body of the city proposing to strike uninhabited territory shall enact an ordinance stating the intention of the city to strike the uninhabited area. The ordinance shall accurately define the boundary of the uninhabited territory proposed to be stricken, and declare its intention to strike this uninhabited territory. The clerk of the legislative body of the city shall send a copy of this ordinance to the county judge/executive of the territory to be stricken by certified mail, return receipt requested.***

(b) ***In not less than thirty (30) days after receipt of proof of receipt by the county/judge executive of the county encompassing the territory to be stricken, if no ordinance objecting to the striking of the territory is received from the legislative body of the county encompassing the territory to be stricken, the legislative body may enact a second ordinance striking the territory described in the ordinance. Upon the enactment of this ordinance, the territory shall cease to be part of the city for all purposes.***

(c) ***The county/judge executive of county encompassing the territory to be stricken shall receive notice of the city's intention to strike this territory from the city. The legislative body of the county encompassing the territory to be stricken may pass an ordinance objecting to the striking of the territory from the city's boundaries. The clerk of the legislative body of the county shall send a copy of this ordinance objecting to the striking of territory to the mayor of the city striking the territory by certified mail, return receipt requested. This ordinance objecting to the striking of***

the territory shall prevent the city from striking that territory from its boundaries. Failure to pass an ordinance objecting to the striking of the territory shall constitute acceptance of the city's decision to strike the territory.

Section 2. Whereas the burden placed on cities attempting to reduce boundaries in uninhabited areas is intolerable, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 16, 2005.