

96.5405 Sale, lease, or transfer of utility system in emergency by city with population of less than 1,000 -- Procedure.

- (1) A city with a population of less than one thousand (1,000) based upon the most recent federal decennial census may, in an emergency situation, sell, lease, or otherwise transfer a utility system which it owns after obtaining the approval of two-thirds (2/3) of the utility's customers by petition, as specified in this section, without holding an election under KRS 96.540.
- (2) The city legislative body shall enact an ordinance pursuant to 83A.060 which shall describe the terms of the proposed sale, lease, or other transfer of the city-owned utility system, declare an emergency, and set out the reasons why the proposed transaction is deemed to be an emergency. The ordinance also shall set a deadline for obtaining the necessary signatures, and specify who will certify the petition.
- (3) At least two (2) public hearings shall be held to inform the public of the proposed sale, lease, or other transfer of the utility system, and to obtain public comment on the proposal. The hearings shall be publicized at a minimum, in accordance with KRS 424.130(1)(d).
- (4) The petition may consist of several separate units, and shall include a full address and the date with each signature. Unless the ordinance provides otherwise, only a person named on an account shall be a valid signer of the petition. The utility shall make available a list of the names and addresses of all current customers.

Effective: January 1, 2015

History: Amended 2014 Ky. Acts ch. 92, sec. 175, effective January 1, 2015. -- Created 1990 Ky. Acts ch. 153, sec. 2, effective March 30, 1990.