

**76.231 Joint sewer agency established -- Powers -- Administration -- Dissolution.**

- (1) As an alternative to establishing a metropolitan sewer district pursuant to KRS 76.010, any city with a population equal to or greater than twenty thousand (20,000) but less than one hundred thousand (100,000) based upon the most recent federal decennial census, together with the county in which it is located, may jointly establish a sewer agency for the purpose of providing sewer and drainage facilities within the city and the county.
- (2) A joint sewer agency shall be established upon the enactment of identical ordinances establishing and setting out the powers of the agency by both the legislative body of the city and the fiscal court of the county.
- (3) All the powers granted a metropolitan sewer district in cities of the first class by KRS 76.010 to 76.279 may be granted by ordinance to the sewer agency except that these powers may be restricted or qualified in order to conform to the local needs of the county and the city.
- (4) The legislative body of the city and the fiscal court of the county shall establish a schedule of rates, rentals and charges to be collected from all real property served by the facilities of the sewer agency in the manner provided by KRS 76.090. If the city, county, and sewer agency find that local needs warrant, uniformity of rates for all residential property shall not be required for a period of no more than ten (10) years from the date the sewer agency is established under subsection (2) of this section. If for whatever reason the city and county cannot agree to amendments to a rate schedule, the current schedule shall remain in effect until such time as an agreement can be reached.
- (5) For purposes of establishing a schedule of rates, rentals, and charges to be collected, the legislative body of the city and the fiscal court of the county may prescribe by joint ordinance for the creation of a rate adjustment board that shall be comprised of the members of both legislative bodies, sitting as a single body. Upon the creation of a rate adjustment board, a simple majority of the combined membership of the rate adjustment board shall be required to establish rates, rentals, and charges to be collected.
- (6) The joint sewer agency shall be administered as a separate legal entity or by a jointly appointed administrator or joint board as set out in the establishing ordinances.
- (7) The joint sewer agency may be dissolved only by a joint action of the legislative body of the city and the fiscal court of the county. The establishing ordinance may be amended in the same manner as originally enacted.
- (8) The legislative body of any city with a population of less than twenty thousand (20,000) based upon the most recent federal decennial census may by ordinance elect to be within the jurisdiction of a joint sewer agency established pursuant to this section.
- (9) The joint sewer agency may enter into agreements with another entity or entities to acquire by purchase or lease, any real or personal property, or any interest, right, easement, or privilege therein, outside of the agency's jurisdictional boundaries, in

connection with the acquisition, construction, operation, repair, or maintenance of any sewage, wastewater, or storm water facilities, notwithstanding any other provision of the Kentucky Revised Statutes restricting, qualifying, or limiting their authority to do so, except as set forth in KRS Chapter 278.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 196, sec. 7, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 92, sec. 55, effective January 1, 2015. -- Amended 2002 Ky. Acts ch. 319, sec. 1, effective April 11, 2002. -- Amended 1998 Ky. Acts ch. 195, sec. 1, effective July 15, 1998. -- Created 1984 Ky. Acts ch. 30, sec. 1, effective July 13, 1984.