

**76.232 Establishment of joint sewer agency by city with population of less than 20,000 to less than 100,000 with county or sanitation district -- Powers -- Administration.**

- (1) A city with a population less than twenty thousand (20,000) based upon the most recent federal decennial census together with the county in which it is located or together with the sanitation district, or 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 or together with the sanitation district, as an alternative to establishing a metropolitan sewer district under KRS 76.010, may jointly establish a sewer agency for the purpose of providing sewer and drainage facilities within the city and the county or within the city and the sanitation district.
- (2) In order to establish a joint sewer agency under this section, the legislative body of the city, the fiscal court of the county, or the governing body of the sanitation district may vote to merge any existing agency or sanitation district or any portion thereof into the jointly established sewer agency or into an existing city or county sewer agency. If the legislative body of the city, fiscal court of the county, or governing body of the sanitation district determines to merge an existing agency or sanitation district into the joint sewer agency, it shall determine a method to satisfy any legal obligations of the existing agency or sanitation district which might be affected.
- (3) A joint sewer agency shall be established upon the enactment of identical agreements establishing and setting out the powers of the sewer agency by all parties establishing the joint sewer agency. Any agreement enacted by a city or county shall be by ordinance. Any agreement enacted by a sanitation district shall be done in the same manner as any other official actions taken by the sanitation district.
- (4) All the powers granted a metropolitan sewer district and cities of the first class by KRS 76.010 to 76.279 may be granted by ordinance to the joint sewer agency except that such powers may be restricted or qualified in order to conform to the local needs of the county, city, and sanitation district.
- (5) The joint sewer agency shall be administered as a separate legal entity or by a jointly appointed administrator, joint board, or one of the merging entities, as set out in the ordinance creating the joint sewer agency.
- (6) The joint sewer agency may be dissolved only by adoption of an ordinance of the legislative body of the city and the fiscal court of the county. The ordinance creating the joint sewer agency shall be amended in the same manner as originally enacted.
- (7) 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.
- (8) 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. 8, effective July 14, 2018. -- Amended 2014 Ky. Acts ch. 92, sec. 56, effective January 1, 2015. -- Created 1998 Ky. Acts ch. 36, sec. 1, effective July 15, 1998.