

**67C.115 Continued existence of laws of county and of city of the first class after consolidation -- Resolution of conflicts between existing laws -- Enactment of new laws for consolidated local government -- County attorney to serve as legal adviser -- Exception -- Meaning given to titles in ordinances.**

- (1) Upon the successful passage of the question to consolidate a city of the first class and its county, all ordinances and resolutions of the previously existing city of the first class and all ordinances and resolutions of the county shall become effective ordinances and resolutions of the consolidated local government until repealed, modified, or amended in accordance with the following order of precedence:
  - (a) If a city ordinance conflicts with a county ordinance, the county ordinance shall prevail and shall become effective countywide; and
  - (b) If a city ordinance addresses a subject matter not addressed by a county ordinance, the city ordinance shall become effective countywide; and
  - (c) If a county ordinance addresses a subject matter not addressed by a city ordinance, the county ordinance shall become effective countywide.

Notwithstanding paragraph (a) of this subsection and in the event a uniform land development code has not been jointly adopted by the city and county prior to the effective date of a consolidated local government, the historic preservation and landmarks ordinances, and the zoning regulations of the city adopted pursuant to KRS Chapter 100, shall prevail and become effective countywide.

- (2) Ordinances and resolutions of either the city of the first class or its county in existence on the effective date of a local government consolidation which conflict with other provisions of this chapter shall be void. Except as provided in KRS 67C.123(3), any ordinance, resolution, or order in effect in a city of the first class or its county on the date a consolidated local government takes effect shall expire five (5) years from that date unless amended or reenacted by the consolidated local government.
- (3) All ordinances of the city and county creating agencies and boards and interlocal agreements shall survive and be deemed reenacted by the council. All members may serve the balance of the terms to which they were appointed and until their successors are appointed and duly qualified according to law.
- (4) For purposes of this section, a conflict shall be deemed to exist between ordinances or resolutions, or the provisions of this chapter, where any rights, remedies, entitlements, or the enforcement thereof cannot reasonably be reconciled.
- (5) The county attorney shall serve as the legal advisor and representative to the consolidated local government, except for those duties pertaining to fiscal court. The county attorney shall retain and exercise all other duties, powers, and rights delegated to that office by law, excluding the power to approve legislation prior to its consideration by the legislative body of the consolidated local government. The county attorney may provide an opinion on the form, legality, or constitutionality of any legislative action, but that opinion shall only be an advisory opinion. This subsection does not prevent the consolidated local government council from retaining its own legal counsel for advice and consultation should they choose to do

so.

- (6) Wherever the words "county judge" or "county judge/executive" appear in any resolution or ordinance in existence in a city of the first class or in a county containing a city of the first class as of the effective date of the establishment of a consolidated local government, they shall be deemed to mean the mayor of the consolidated local government.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 201, sec. 4, effective July 14, 2022. -- Amended 2017 Ky. Acts ch. 150, sec. 3, effective June 29, 2017. -- Amended 2004 Ky. Acts ch. 104, sec. 2, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 346, sec. 58, effective July 15, 2002. -- Created 2000 Ky. Acts ch. 189, sec. 8, effective July 14, 2000.