

**67C.111 Status of cities other than those of the first class located within the territory of the consolidated local government -- Establishment of new city within consolidated local government -- Procedure -- Annexation.**

- (1) All cities other than those of the first class located within the territory of the consolidated local government, upon the successful passage of the question to consolidate a city of the first class and its county, shall remain incorporated unless dissolved in accordance with KRS 81.094 and shall continue to exercise all powers and perform the functions permitted by the Constitution and general laws of the Commonwealth of Kentucky applicable to the cities of the class to which they have been assigned.
- (2)
  - (a) After July 15, 2024, with the approval of the consolidated local government's legislative council, qualified voters within the consolidated local government may establish new cities within the consolidated local government pursuant to KRS 81.050 and 81.060. The proposed city must have a population of six thousand (6,000) or greater. This territory shall not be within any urban services boundary of the consolidated local government nor shall it include any territory currently incorporated within any existing city. The approval of the desire to establish a new city shall be in the form of a resolution by the consolidated local government's legislative council. If the legislative council does not act upon the request within sixty (60) days of the receipt of the desire to incorporate a new city, that shall serve as notice of approval by the legislative council of the incorporation of the new city.
  - (b) If the petition to form a city is signed by a number of registered and qualified voters residing in the area proposed to be incorporated which is equal to at least seventy-five percent (75%) of the total number of votes cast in the area in the last preceding presidential election, the consolidated local government's legislative council shall approve the proposed incorporation.
  - (c) If the petition to form a city is signed by a number of registered and qualified voters residing in the area proposed to be incorporated which is less than seventy-five percent (75%) of the total number of votes cast in the area in the last preceding presidential election, the consolidated local government's legislative council may approve the proposed incorporation.
  - (d) An action of the consolidated local government's legislative council approving an incorporation passed by the consolidated local government legislative council shall not be subject to veto by the mayor of the consolidated local government.
- (3)
  - (a) Any proposed annexation by a city in that county shall first receive the approval of the legislative council of the consolidated local government prior to the city proceeding under the provisions of KRS Chapter 81A. The city shall request the approval of the consolidated legislative council by ordinance. For requests filed after July 15, 2024:
    1. If the ordinance is accompanied by a petition in favor of the proposed annexation signed by a number of registered and qualified voters residing in the area proposed to be annexed which is equal to at least seventy-five percent (75%) of the total number of votes cast in the area

in the last preceding presidential election, the consolidated local government shall approve the proposed annexation; or

2. If the ordinance is accompanied by written consent of the owners of record of the area to be annexed when that area is vacant or is otherwise unimproved land and where no persons reside, the consolidated government legislative council shall approve the proposed annexation. A city shall not annex vacant or otherwise unimproved land where no persons reside as set out by this subparagraph more than once every four (4) calendar years.
- (b) The consolidated legislative council's decision shall be made by ordinance and within sixty (60) days of the receipt of the request by the affected city. If an ordinance has not been enacted by the consolidated legislative council within sixty (60) days, the request for a city to proceed with an annexation proposal shall be deemed to be approved by the consolidated legislative council. An ordinance approving annexation passed by the consolidated local government legislative council shall not be subject to veto by the mayor of the consolidated local government.
- (c) 1. A city in a county containing a consolidated local government shall not annex commercial real estate primarily for the purpose of obtaining occupational license taxes, net profits, or gross receipts taxes unless each owner of record of property within the area to be annexed gives prior consent in writing to the annexation.
2. a. As used in this paragraph, "commercial real estate" means any parcel of real estate that is:
    - i. Lawfully used primarily for sales, retail, wholesale, office, research, institutional, warehouse, manufacturing, or industrial purposes;
    - ii. Lawfully used primarily for multifamily residential purposes involving five (5) or more dwelling units; or
    - iii. Zoned as a business or commercial use by a planning unit under the provisions of KRS Chapter 100.
  - b. "Commercial real estate" does not include single-family residential units such as condominiums, townhouses, manufactured homes, or homes or lots in a subdivision when sold, or residential units otherwise conveyed on a unit-by-unit basis, even if those units are part of a larger building or parcel of real estate containing more than four (4) residential units.
- (4) The adoption of a consolidated local government in a county containing a city of the first class shall not prevent the merger or dissolution of any existing cities as provided by law or the merger of any remaining cities with the newly consolidated local government.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 181, sec. 2, effective July 15, 2024. -- Amended 2022 Ky. Acts ch. 201, sec. 3, effective July 14, 2022. -- Created 2000 Ky. Acts ch. 189, sec. 6, effective July 14, 2000.