

**Local Mandate Fiscal Impact Estimate
Kentucky Legislative Research Commission
2016 Regular Session**

Part I: Measure Information

Bill Request #: 156

Bill #: HB 55 HCS

Bill Subject/Title: AN ACT relating to planning and zoning in consolidated local governments

Sponsor: Representative Jim S. Wayne

Unit of Government: City County Urban-County
 Charter County Consolidated Local Unified Local
Government

Office(s) Impacted: Code enforcement

Requirement: Mandatory Optional

Effect on
Powers & Duties: Clarifies Existing Modifies Existing Adds New Eliminates Existing

Part II: Purpose and Mechanics

Some small cities in Jefferson County that are part of the consolidated local government of Louisville Metro have experienced legal challenges to their authority to regulate land use within their boundaries; for example, authority to require nuisance abatement and to enforce local building permit processes. Some challengers have claimed, relying on KRS 100.137(3), that only cities with population equal to or greater than 3,000 or, if fewer than 3,000, cities that regulated land use prior to January 1, 2014, have any authority to regulate any kind of land use within their boundaries. The purpose of HB 55 HCS is to clarify that cities within a consolidated local government that do not satisfy the criteria in KRS 100.137(3) and so are not authorized to enact zoning regulations within their boundaries, still **are** authorized to enact and enforce ordinances, regulations, and procedures that affect certain land uses within their boundaries, so long as they do not conflict with the use of property allowed by the consolidated local government's comprehensive land use and zoning plan.

HB 55 HCS significantly changes the bill as introduced and makes the following changes to the bill:

The bill retains the criteria for city authority to enact zoning laws established in KRS 100.137(3) and deletes the amendments to statutes in Section 2, Section 3 and Section 4 of the original measure. HB 55 HCS removes the perceived ambiguity in the original bill and makes clear the authority of the smaller cities in a county with a consolidated local government to regulate certain aspects of land use within their boundaries. The bill would amend KRS 100.137(3) to establish that the statute is not to be interpreted to limit authority of cities that do not meet the criteria to enact zoning regulations and specifies that they **do** have authority to enact ordinances, regulations, and procedures that govern:

1. Nuisance abatement;
2. Business licensing;
3. Building permit processes;
4. Code enforcement measures; and
5. The exercise of all other local powers that further a public purpose and which do not conflict with a constitutional provision or law.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of HB 55 HCS on cities within Louisville Metro that do not meet the criteria for authorization to enact zoning laws is indeterminable but likely to be positive.

The bill's clarification of the authority of small cities in a consolidated local government to enact ordinances, regulations, and procedures governing certain aspects of land use within their boundaries should discourage legal challenges to that authority and make enforcement of ordinances easier. It would save the cities costly litigation fees and expenses, reduce enforcement costs, and help preserve city resources. And, while the bill acknowledges the authority of the small cities to enact legislation, it does not require them to do so.

Data Source(s): Kentucky League of Cities; Mayor of Audubon Park in Jefferson County; LRC staff

Preparer: Mary Stephens **Reviewer:** JWN **Date:** 2/4/16