

Local Government Mandate Statement
Kentucky Legislative Research Commission
2018 Regular Session

Part I: Measure Information

Bill Request #: 16

Bill #: HB 89

Document ID #: 86

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

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: Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 89 would amend KRS 100.137 to make clear that cities within a consolidated local government have authority to regulate certain land uses within their boundary. HB 89 would not change existing law, but would add a paragraph (b) to KRS 100.137(3) to clarify that cities within a consolidated local government that do not satisfy the criteria in KRS 100.137(3)(a) and so are not authorized to enact zoning regulations, but are still authorized to enact and enforce ordinances, regulations, and procedures that affect specifically nuisance abatement, business licensing, building permit processes, and code enforcement measures, 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. The amendment would also clarify that those cities have authority generally to exercise "all other local powers that further a public purpose and which do not conflict with a constitutional provision or law."

The fiscal impact of HB 89 on cities is indeterminable but would be positive. The bill would impose no mandate on the cities. 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 HB 89 would acknowledge the authority of the small cities to enact legislation, it does not require them to do so. In addition, clarification of the enforcement authority of city boundaries could reduce calls to, and responses by, law enforcement and so reduce such costs to the consolidated local government.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II pertains to the bill as introduced and there are no prior introduced versions of the bill.

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

Preparer: Mary Stephens **Reviewer:** KHC **Date:** 1/29/18