

65.805 Definition of nontaxing special district.

As used in KRS 65.810 to 65.830, unless the context otherwise requires, the word "district" shall mean, and the provisions of KRS 65.810 to 65.830 shall apply to, any special district governed by the following statutes: KRS 66.610 to 66.650, 74.010 to 74.415, 108.010 to 108.070, 184.010 to 184.300, and 267.010 to 267.990.

Effective: July 15, 2008

History: Amended 2008 Ky. Acts ch. 6, sec. 2, effective July 15, 2008. -- Created 1984 Ky. Acts ch. 64, sec. 1, effective July 13, 1984.

65.810 Sole method of creating a nontaxing special district.

Except as otherwise provided by state law, the sole method of creating a district shall be in accordance with the following:

- (1) Persons desiring to form a district shall present a petition to the fiscal court clerk and to each member of the fiscal court, meeting the criteria of KRS 65.815, and signed by a number of registered voters equal to or greater than twenty percent (20%) of an average of the voters living in the proposed service area and voting in the last four (4) general elections. At time of its submission to fiscal court each petition shall be accompanied by a plan of service, showing such of the following as may be germane to the purposes for which the district is being formed:
 - (a) The statutory authority under which the district is created and under which the district will operate;
 - (b) Demographic characteristics of the area including but not limited to population, density, projected growth, and assessed valuation;
 - (c) A description of the service area including but not limited to the population to be served, a metes and bounds description of the area of the proposed district, the anticipated date of beginning service, the nature and extent of the proposed service, the projected effect of providing service on the social and economic growth of the area, and projected growth in service demand or need;
 - (d) A three (3) year projection of cost versus revenue;
 - (e) Justification for formation of the district including but not limited to the location of nearby governmental and nongovernmental providers of like services; and
 - (f) Any additional information such as land use plans, existing land uses, drainage patterns, health problems, and other similar analyses which bear on the necessity and means of providing the proposed service.
- (2) The fiscal court clerk shall notify all planning commissions, cities, and area development districts within whose jurisdiction the proposed service area is located and any state agencies required by law to be notified of the proposal for the creation of the district.
- (3) The fiscal court clerk shall schedule a hearing on the proposal for no earlier than thirty (30) nor later than ninety (90) days following receipt of the petition, charter, and plan of service, and shall, in accordance with the procedures of KRS Chapter 424, publish notice of the time and place of the public hearing and an accurate map of the area or a description in layman's terms reasonably identifying the area of the proposed district.
- (4) At the public hearing, the fiscal court shall take testimony of interested parties and solicit the recommendations of any planning commission, city, area development district, or state agency meeting the criteria of subsection (2) of this section.
- (5) The fiscal court may extend the hearing, from time-to-time, for ninety (90) days from the date of the initial hearing and shall render a decision within thirty (30) days of the final adjournment of the hearing.

- (6) Following the hearing, the fiscal court shall set forth its written findings of fact and shall approve or disapprove the formation of the district to provide service as described in the plan of service, and to exercise the powers granted by the specific statutes that apply to the district being formed.
- (7) The creation of a district shall be of legal effect only upon the adoption of an ordinance, in accordance with the provisions of KRS 67.075 and 67.077, creating such district and compliance with the requirements of KRS 65.005.
- (8) Nothing in this section shall be construed to enlarge upon or to restrict the powers granted a district under the district's specific authorizing statutes.

Effective: July 13, 1984

History: Created 1984 Ky. Acts ch. 64, sec. 2, effective July 13, 1984.

65.815 Petition for creation of nontaxing special district.

- (1) A valid petition for the creation of a district shall be in substantially the following form:

"The following registered voters of (insert name of county) hereby petition the fiscal court of each county concerned to form a (insert type of district) for the following reasons: (A valid petition shall contain a brief list in layman's terms of the reasons for the creation of the district.)"

- (2) The petition shall contain the name and address of each petitioner. Each signature shall be dated as of the day of its execution, the last signature no later than one hundred eighty (180) days from the first signature.

Effective: July 13, 1984

History: Created 1984 Ky. Acts ch. 64, sec. 3, effective July 13, 1984.

65.820 Appeal of decision of fiscal court on formation of nontaxing special district.

- (1) Any city containing all or any portion of the service area or any state agency with jurisdiction over the district or any citizen living in the proposed area of the district may, within thirty (30) days of the decision of the fiscal court, appeal the decision of the fiscal court on the formation of a district to the Circuit Court.
- (2) The Circuit Court may affirm the action of the fiscal court, remand the matter to the fiscal court for additional findings or may reverse the action of the fiscal court and order approval or disapproval of the district. The Circuit Court may reverse the action of the fiscal court only if such decision is found to be arbitrary or capricious.
- (3) No new or additional evidence may be introduced in the Circuit Court except as to fraud or misconduct affecting the decision of the fiscal court.
- (4) Where appeals are brought from two (2) or more fiscal courts, the actions shall be merged and venue shall lie in the Circuit Court of the county where the greatest number of the district's residents are located.

Effective: July 13, 1984

History: Created 1984 Ky. Acts ch. 64, sec. 4, effective July 13, 1984.

65.825 Creation of joint nontaxing special district.

The fiscal courts of two (2) or more counties may create a district that includes the area of two (2) or more counties by following the procedures of KRS 65.810 to 65.830.

Effective: July 13, 1984

History: Created 1984 Ky. Acts ch. 64, sec. 5, effective July 13, 1984.

65.830 Effect of KRS 65.805 to 65.830 on special districts created prior to July 13, 1984.

The amendment or repeal by 1984 Acts, Chapter 64 of a section authorizing the creation of a district shall not be construed as limiting or changing the power or organization of districts created prior to July 13, 1984.

Effective: July 13, 1984

History: Created 1984 Ky. Acts ch. 64, sec. 6, effective July 13, 1984.