

#### **81.094 Condition for dissolution -- Procedure.**

- (1) If any city fails for one (1) year to maintain a city government by both the election or appointment of officers and the levying and collection of necessary taxes, it shall be dissolved by judgment of the Circuit Court on petition filed by a bona fide resident of the city.
- (2) A city, except for a city which has long-term debt, or any debt in excess of the assets of the city, shall be dissolved by the following procedure:
  - (a) Any qualified voter of the city may file with the mayor of the city a petition seeking a referendum on the question whether the city shall be dissolved. All papers of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. When it is filed, each sheet of a petition shall have an affidavit executed by the circulator stating that he personally circulated the sheet; the number of signatures thereon; that all signatures were affixed in his presence; that he believes them to be the genuine signatures of registered voters in the city; and that each signer had an opportunity before signing to read the full text of the petition. Petitions shall contain or have attached throughout their circulation the full text of the following proposal: "We the undersigned registered voters of the City of \_\_\_\_\_ hereby petition the mayor for an election on the question whether the city should be dissolved.";
  - (b) If such a petition signed by registered voters of the city equal in number to at least twenty percent (20%) of the total number of votes cast in the city in the last presidential election is presented to the mayor, the mayor of the city shall deliver a certified copy of the petition to the county clerk of the county in which the greater part of the city is located within ten (10) working days after it is received by the mayor. The county clerk shall have printed on the ballot provided for use in each precinct embraced in whole or in part within the city the question: "Are you in favor of dissolving the City of \_\_\_\_\_?" The mayor shall file the petition with the county clerk within ten (10) working days after he receives it. The election shall be held at the next general election if the petition is filed with the county clerk and certified by the county clerk as sufficient not later than the second Tuesday in August preceding the general election; and
  - (c) If a majority of those voting in the election favor the dissolution of the city, the city shall cease to be an incorporated city within thirty (30) days of the certification of the election results. The terms of all elected and appointed officers shall terminate at such time and all assets of the city shall become the property of the fiscal court of the county in which the city is located. The county clerk shall note the dissolution in his records and notify the Secretary of State in writing of the dissolution.
- (3) Each petition for dissolution filed with the Circuit Court pursuant to subsection (1) of this section shall be filed in the Circuit Court of the county in which the greater part of the city is located and shall set out the name and class of the city, a metes

and bounds description of its boundaries, the reasons why dissolution is sought and other facts relevant to the petition.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 195, sec. 40, effective July 15, 1996. -- Amended 1986 Ky. Acts ch. 349, sec. 1, effective July 15, 1986. -- Created 1980 Ky. Acts ch. 116, sec. 4, effective July 15, 1980.