

### **100.117 Independent planning units.**

Any city or county may establish a planning program as an independent operation if the following required procedure is unsuccessful in establishing a joint planning unit encompassing the county and cities therein.

- (1) A city shall interrogate the county and every other city therein to determine whether they desire to enter into an agreement to form a joint planning unit. The interrogation shall be in writing, addressed to the various legislative bodies stating proposed reasonable terms for combination and the reasoned purpose and objectives. The political subdivisions which have been interrogated shall have sixty (60) days in which to answer in writing and the city may assume that the answer is negative if no response is received within the sixty (60) days. If the county answers in the negative, then the city may engage in an independent planning operation. If the county responds affirmatively, then a joint planning unit shall be established, and no city located in such county may form an independent planning unit. If a city has been operating under an agreement under which its planning operations have been combined with one (1) or several counties or cities and the combination is broken, then it shall follow the procedure set forth in this subsection before it engages in an independent planning operation.
- (2) A county shall interrogate every incorporated city within its boundaries and otherwise be subject to following the procedure established for an independent city operation.
- (3) In a county where independent planning units have been created in accordance with this section, another interrogation shall not be permitted for a period of four (4) years from the date of the previous letter of interrogation. If another interrogation is initiated, the required procedure as defined by this section, shall be followed. If the result of such an interrogation is creation of a joint planning unit, as permitted by KRS 100.121, then all the existing independent planning units shall be dissolved, and no city located in such county may form an independent planning unit. A period of one (1) year from the date of the letter of interrogation shall be permitted for the newly formed joint planning unit to come into existence, during which time the other necessary steps required by this chapter must be complied with and the dissolution of the independent units shall be effective upon compliance with requirements of this chapter, for creation of the joint planning unit, or at the end of the one (1) year period, whichever is first.
- (4) Any independent planning unit in existence on June 20, 2005, in a county containing all or a portion of a joint planning unit may continue to exist and operate as an independent planning unit and shall not be required to:
  - (a) Conduct any interrogation under the provisions of subsection (1) of this section;
  - (b) Be subject to the interrogation process in subsection (2) of this section; or
  - (c) Dissolve in accordance with the provisions of subsection (3) of this section.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 119, sec. 8, effective June 20, 2005. -- Amended

1986 Ky. Acts ch. 141, sec. 2, effective July 15, 1986. -- Created 1966 Ky. Acts ch. 172, sec. 3.