

**109.270 Establishment of district by citizen petition and election -- Election on plan -- Dissolution or modification of districts.**

- (1) When the citizens of a county desire to have such county establish a solid waste management plan and as of January 1, 1984, the fiscal court has failed to establish a plan, a number of citizens equivalent to ten percent (10%) of the votes cast in the county for the office receiving the greatest total vote at the last general election, shall file a petition in the county of their residence asking that a solid waste management plan be established.
- (2) The petition shall be filed with the county judge/executive asking that the proposition of establishing a solid waste management plan for the county be submitted to the voters of the county at the next general election held in the county. Each voter signing the petition shall state his full name and address. Upon the filing of the petition with the county judge/executive he shall enter an order directing that the petition be published in full pursuant to KRS Chapter 424, and shall further enter an order with the county clerk not later than the second Tuesday in August preceding the general election to have placed before the voters at such election the question, "Are you in favor of having the county establish a solid waste management plan?" with proper spaces in which the voter may indicate a "Yes" or a "No" vote. If the majority of those voting on the proposition vote "Yes," a solid waste management plan shall be developed. The vote shall be canvassed and returned by the board of election commissioners for the general election.
- (3) The result of any election with respect to establishing a solid waste management plan shall be certified to the fiscal court of the county, and the fiscal court shall, if the result of the election is certified as in favor of the establishment of the plan, proceed to develop a solid waste management plan for the county.
- (4) At the next general election held in the county following the vote of the people in favor of the establishment of a solid waste management plan, the county shall submit to the voters of the county the details of said plan, including the area to be served, the debt to be incurred, any fees or assessments to be levied or other financing proposals. At least thirty (30) days prior to said election the county judge/executive shall enter an order directing that the details of the solid waste management plan be published pursuant to KRS Chapter 424, and shall further enter an order not later than the second Tuesday in August preceding the general election directing the county clerk to have placed before the voters at such election the question, "Are you in favor of the implementation of the solid waste management plan proposed by the county?" with proper spaces in which the voter may indicate a "Yes" or a "No" vote. If the majority of those voting on the proposition vote "Yes," the solid waste management plan shall be implemented. The vote shall be canvassed and returned by the board of election commissioners for the general election.
- (5) The result of any election with respect to a solid waste management plan shall be certified to the fiscal court of the county, and the fiscal court shall, if the result of the election is certified as in favor of the plan, forthwith proceed to put the plan into effect. If the result of the election is against the implementation of that solid waste

management plan, the county shall proceed to develop another plan to be submitted to the voters of the county at the next general election, following the procedure set forth in subsection (4) of this section.

- (6) The result of any election with respect to establishing a waste management district shall be certified to the fiscal court of the counties composing the district to be established, and the fiscal court shall, if the result of the election is certified as in favor of the establishment of the district, forthwith proceed to declare the county or counties a district for the purposes of waste management, and shall proceed to put the district into effect in the same manner as they are authorized to do upon their own initiative.
- (7) Waste management districts created under this section may be dissolved or modified pursuant to the provisions of KRS 65.166 to 65.176.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 195, sec. 53, effective July 15, 1996. -- 1982 Ky. Acts ch. 74, sec. 16, effective July 15, 1982.