

**81.060 Standards for incorporation -- Court considerations -- Judgment -- Certification to Secretary of State.**

- (1) At the hearing the court shall, if the proper notice has been given or publication made, and no defense is interposed, enter a judgment establishing a city as requested by the petition, filed pursuant to KRS 81.050, if the court finds as a matter of law that the following standards have been met:
  - (a) At least three hundred (300) persons reside in the territory sought to be incorporated;
  - (b) Incorporation constitutes a reasonable way of providing the public services sought by the voters or property owners of the territory, and there is no other reasonable way of providing the services;
  - (c) The territory is contiguous;
  - (d) The territory is able to provide necessary city services to its residents within a reasonable period after its incorporation; and
  - (e) The interest of other areas and adjacent local governments is not unreasonably prejudiced by the incorporation.
- (2) In determining whether the standards for incorporation have been met, the court shall consider, but shall not be limited to the consideration of the following criteria:
  - (a) Whether the character of the territory is urban or rural;
  - (b) The ability of any existing city, county or district to provide needed services;
  - (c) Whether the territory and any existing city are interdependent or part of one (1) community;
  - (d) The need for city services in the territory;
  - (e) The development scheme of applicable land-use plans;
  - (f) The area and topography of the territory; and
  - (g) The effect of the proposed incorporation on the population growth and assessed valuation of the real property in the territory.
- (3) Defense may be made to the petition by any inhabitant of the proposed city, and if defense is made, the court shall hear and determine the same, and render a judgment establishing or refusing to establish a city, as may seem proper.
- (4) If the court renders judgment granting the petition, the order shall set out the name of the city, a metes and bounds description of its boundaries, the population contained therein and the class to which the city shall be assigned by reason of its population. The order shall appoint the officers appropriate to the class of the new city, who shall hold their respective offices until the next regular election at which city officers are elected, at which time officers shall be elected by the residents of the new city.
- (5) Whenever any city shall be established in the manner above provided, the court shall in the judgment direct the clerk of the court wherein such judgment is entered to, not later than ten (10) days thereafter, certify a copy thereof to the Secretary of State, whose duty it shall be to properly index and file the same as a permanent

record in his office.

**Effective:** July 15, 1980

**History:** Amended 1980 Ky. Acts ch. 116, sec. 3, effective July 15, 1980. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 72, effective January 2, 1978. -- Amended 1942 Ky. Acts ch. 133, secs. 1 and 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3715.