

**81.006 Certification of city's population if different than shown on most recent federal decennial census.**

- (1) If the General Assembly establishes a population requirement for cities and bases that population requirement upon the most recent federal decennial census, a city may file a petition with the circuit clerk of the county in which the city, or the largest part of the city, is contained, if the city is in more than one (1) county, and, as a consequence, more than one (1) judicial circuit, to certify the city's population at a number different than shown by the most recent federal decennial census.
- (2) The petition shall be presented in the form of a resolution passed by the city legislative body and shall contain:
  - (a) An accurate map of the city;
  - (b) An affidavit certifying new growth of the city that may be through any of the following:
    1. Annexation since the most recent federal decennial census;
    2. Property valuation records;
    3. Population counts conducted by the city, or by a person contracted with the city;
    4. Census estimates of the United States Bureau of Census; and
    5. Any other data that the city may provide to certify the additional growth of the city since the most recent federal decennial census.
- (3) The petition shall be docketed for hearing not less than sixty (60) days from the date of filing the petition. Notice of the filing of the petition and of its object shall be given by publication pursuant to KRS Chapter 424.
- (4) At the hearing, the court shall, if the proper notice has been given and publication made and no defense is interposed, enter a judgment declaring the city's population as requested by the petition filed pursuant to this section, if the court finds that the information provided pursuant to subsection (2) of this section is accurate.
- (5) Defense may be made to the petition by any resident of the city and, if so, the court shall hear and determine the same, and render a judgment either declaring the city's population as requested by the petition, or by refusing to declare the city's population as requested by the petition. If the court refuses to declare the city's population as requested by the petition, then the population as determined by the most recent federal decennial census shall remain effective for determining the city's population pursuant to the requirements in state law. If the court finds in favor of the petitioners, the court shall in the judgment direct the clerk of the court wherein the judgment is entered to, not later than ten (10) days thereafter, certify a copy thereof to the county clerk who shall properly index and file the judgment as a permanent record in his office.
- (6) A judgment of the court of the city's population shall be used to determine the city's population for any population requirements established by the General Assembly wherein the most recent federal decennial census is used to measure the population of a city.

- (7) At the time of the federal decennial census next following any judgment of the court finding the city's population to be different than that of the federal decennial census, the judgment shall expire and that population determination of the most recent federal decennial census shall be used to determine the population for any population requirements established by the General Assembly until such time a city petitions the court for a determination of population under the provisions of this section.

**Effective:** January 1, 2015

**History:** Created 2014 Ky. Acts ch. 92, sec. 2, effective January 1, 2015.