

**107.040 Public hearing -- Record -- Owners of affected property to be heard --
Written statements -- Vote -- Results to be included in report.**

A public hearing shall be held at the time and place designated in the first ordinance. Any person qualifying under the provisions of KRS 107.030 may preside and conduct such hearing. Such presiding person, or any person whom he or she may designate, shall make reasonable notes or minutes of the proceedings, and the same shall be submitted in writing to a subsequent regularly scheduled meeting of the governing body. Any owner of property intended to be benefited by the proposed improvement project may be heard at such public hearing, in person or by a representative. Any such owner may submit to the person presiding, or to the designated clerk, if one (1) be designated, a written instrument in which such owner is identified by name, address, and designation of the property owned, and containing a statement of any reason for advocating, or objecting to, any of the aspects of the proposed improvement project as set forth in subsection (1), (2), (3), or (4) of KRS 107.030, and such written instruments shall be attached to, or included in, the written report of the hearing. Whether or not any such written instruments are submitted, the person presiding at such hearing may require those in attendance to identify themselves as owners of property to be benefited, or otherwise, and may call for a vote of such identified owners, by secret ballot or show-of-hands, on any pertinent controversial matter, and the results thereof shall be included in the subsequent written report to the governing body. The presiding officer may impose reasonable rules upon the conduct of the public hearing. Reports of local health agencies, summaries, engineering and health reports and other informative data may be made a part of the public hearing. The hearing may be adjourned to convene again, and from time to time, either at a time and place announced at the hearing, or any adjourned session, or upon public notice of such time and place, to be given in such manner as the person presiding may announce prior to the adjournment. If no owners of property to be benefited by the proposed project appear at such hearing, or if no substantial controversy develops at such hearing, regarding any of the matters enumerated in subsection (1), (2), (3), or (4) of KRS 107.030, the hearing may be adjourned sine die by the person presiding, and such facts shall be set forth in the written report to the governing body.

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 13, sec. 12. -- Amended 1970 Ky. Acts ch. 92, sec. 22. -- Created 1956 Ky. Acts ch. 239, sec. 4.