

**74.120 Incorporated city may be included in district -- Consent -- Contract with city.**

- (1) All or any part of an incorporated city may be included in the boundaries of any existing water district or water district being newly organized, provided the governing body of such city by resolution or ordinance gives, or has given, its consent. Said consent may be limited to water, gas or sewage service, and the authority of the water district to serve the area of the incorporated city shall be limited by the exclusion of any type of service from the consent given. Any city which has been included in the boundaries of a water district for ten (10) or more years shall be deemed to have given its consent to the service, whether water, gas, or sewage, which has been provided for such period. The acquisition by a water district of an existing franchise for a water, gas, or sewage distribution system within such a city, whether by purchase, assignment or otherwise, shall be deemed to constitute the consent of the city which granted the franchise in the first instance, but only for the purpose of operating the type of distribution system for which the franchise was granted.
- (2) The commission may contract with any city which is not included within the boundaries of the district for the purpose of furnishing water, gas or sewage services to the residents of such city and may contract with any city for the purpose of obtaining water, gas or sewage services for the use of the district.
- (3) When the commission shall contract with any city of the first five (5) classes in the manner prescribed in this section, such city shall be deemed a part of the district during the life of the contract, but only for the purpose of carrying out the provisions of the contract. Nothing herein shall impair the ownership by the contracting city of its own system, or empower the district to take any action not authorized by the contract.

**Effective:** July 15, 1988

**History:** Amended 1988 Ky. Acts ch. 104, sec. 1, effective July 15, 1988. -- Amended 1966 Ky. Acts ch. 170, sec. 2. -- Amended 1962 Ky. Acts ch. 218, sec. 2. -- Amended 1954 Ky. Acts ch. 106, sec. 1. -- Amended 1952 Ky. Acts ch. 133, sec. 6; and ch. 175, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 938g-24.