

### **178.010 Definitions -- Construction of chapter -- Minimum requirement for gift.**

- (1) As used in this chapter, unless the context otherwise requires:
  - (a) "Construction" includes reconstruction and improvement;
  - (b) "County roads" are public roads which have been formally accepted by the fiscal court of the county as a part of the county road system, or private roads, streets, or highways which have been acquired by the county pursuant to subsection (3) of this section or KRS 178.405 to 178.425. "County roads" includes necessary bridges, culverts, sluices, drains, ditches, waterways, embankments or retaining walls; and
  - (c) "Hard surface road" means a road the surface of which is asphalt, brick, stone block, macadam, concrete, gravel or other material of equal merit.
- (2) Nothing in this chapter shall be construed to take from the jurisdiction or control of the legislative body of any incorporated city any road, bridge, landing or wharf, or any other thing exclusively under the jurisdiction or control of the city.
- (3) Nothing in this chapter shall prevent any fiscal court from acquiring unimproved land by gift for public purposes. However, on and after July 13, 2004, a fiscal court may only accept a private road, street, or highway by gift if the private road, street, or highway has been constructed to meet minimum construction standards established by the fiscal court.
- (4) Nothing in this chapter, including the fact that a municipal street has not been accepted into the county road system, shall prevent any county from entering into an agreement, pursuant to the provisions of KRS 65.210 to 65.300, with any city located within the county to perform work upon or to provide personnel, materials or equipment for work to be performed upon any street located within the city. A county may pay one hundred percent (100%), or a lesser percentage, of all or any part of the cost of the joint undertaking, based upon the terms agreed to in the interlocal cooperative agreement required by this subsection.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 61, sec. 1, effective July 13, 2004. -- Amended 2000 Ky. Acts ch. 82, sec. 2, effective July 14, 2000. -- Amended 1986 Ky. Acts ch. 278, sec. 2, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 7, sec. 1, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 243, sec. 2, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 384, sec. 303, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 272, sec. 7. -- Amended 1970 Ky. Acts ch. 87, sec. 1. -- Amended 1964 Ky. Acts ch. 68, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4287, 4294, 4297, 4307.

**Legislative Research Commission Note (7/14/2000).** The reference to "KRS 65.220 to 65.300" in subsection (4) of this section has been changed back to its original form of "KRS 65.210 to 65.300." Subsection (4) was added to this statute by 1984 Ky. Acts ch. 7, sec. 1, and contained the reference to "KRS 65.210 to 65.300." Although the amendment of the statute by 1986 Ky. Acts ch. 278, sec. 2 did not change this reference, it was altered to "KRS 65.220 to 65.300" in the codification of that Act. Because it is clear from an examination of KRS Chapter 65 that the range in question is KRS 65.210 to 65.300 and no reason is given or can be determined for altering the text as originally enacted, the original text of the reference has been restored.