

179.470 Maintenance of subdivision roads in counties.

- (1) In counties containing a city of the third class, and not a city of the first class or a consolidated local government, any street or road located outside of the corporate limits of an incorporated city which is a street or road of a subdivision established by a recorded plat that dedicates the street or road to public use, shall be maintained by the fiscal court of the county in the same manner that roads established under KRS 178.115 are maintained, if the street or road is at least one thousand (1,000) feet in length and at least fifty percent (50%) of the lots abutting the street or road contain houses which are occupied, and the street or road has been or shall be so constructed as to meet the approval of the county road engineer or, if there is no county road engineer, the approval of the fiscal court, such approval being based upon the established standards for county road construction within the county.
- (2) Notwithstanding the provisions of KRS 178.010(2), in counties containing a city of the first class or a consolidated local government, any street or road located in the area of the county not within a city of the second, third, or fourth class or within the area formerly comprising a city of the first class, which is a street or road of a subdivision that dedicated the street or road to public use, may be maintained by the fiscal court of the county or consolidated local government as the case may be, in the same manner as provided in subsection (1) and subject to the same conditions. In addition, street lights and other improvements already established may be maintained by the fiscal court or consolidated local government. The county or consolidated local government shall be reimbursed for the cost of such maintenance by the abutting property owner whose proportionate share of the cost of maintenance shall be added to the owner's county tax bill and collected in the same manner as other taxes.
- (3) Notwithstanding the provisions of KRS 178.010(2), in counties containing a population between eighty thousand (80,000) and one hundred fifteen thousand (115,000) and a city of the second class or in counties containing a city of the fourth, fifth, or sixth class and not a city of the first, second, or third class, any street or road in an unincorporated area or a city of the sixth class of the county, which is at least two hundred (200) feet in length and dedicated to public use, may be maintained by the fiscal court of the county in the same manner as provided in subsection (1) of this section. In addition, street lights, garbage collection, water, and sewer services may be provided by the fiscal court. The county shall be reimbursed for the cost of such maintenance and services by the abutting property owner whose proportionate share of the cost of maintenance and services shall be added to the owner's county tax bill and collected in the same manner as county taxes. Further, upon the petition of fifty percent (50%) or more of the abutting property owners of the street or road, the fiscal court may by proper resolution provide for the improvements.
- (4) No street or road shall be accepted by a fiscal court or consolidated local government under the provisions of subsection (2) or (3) of this section for county maintenance unless twenty-five percent (25%) of the abutting property owners petition the fiscal court or consolidated local government for county maintenance.

The fiscal court or consolidated local government within thirty (30) days thereafter shall hold a public hearing on the petition. If fifty percent (50%) of the abutting property owners agree in writing to accept county maintenance, the fiscal court of the county or the consolidated local government may maintain the road or street in the same manner as provided in subsection (2) or (3) of this section as applicable and subject to the same conditions.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 193, effective July 15, 2002. -- Amended 1980 Ky. Acts ch. 105, sec. 1, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 337, sec. 1. -- Amended 1972 Ky. Acts ch. 79, sec. 1. -- Amended 1956 Ky. Acts ch. 217, sec. 1, effective May 18, 1956. -- Created 1950 Ky. Acts ch. 5, sec. 1.