

**AN ORDINANCE RELATING
TO SUBDIVISION REGULATIONS
ORDINANCE NO. 03-0121A**

Be it ordained by the Fiscal Court of the County of Calloway, Commonwealth of Kentucky:

WHEREAS, the Fiscal Court of Calloway County has heretofore adopted ordinances relating to the development of subdivisions; and

WHEREAS, the Fiscal Court finds that the current ordinances do not provide adequate protections for purchasers of lots in subdivisions relating to the development of roads therein; and

WHEREAS, KRS 68.083 provides that Fiscal Courts shall have the power to carry out governmental functions and may enact ordinances and issue regulations for the public functions identified therein, including subdivision regulation as required by the provisions of KRS Chapter 100;

WHEREAS, the Fiscal Court further finds that this ordinance should conform to Chapter 100 of the Kentucky Revised Statutes; and

WHEREAS, the findings and purposes contained in the attached Regulations are hereby incorporated herein by reference as the findings of fact of the Fiscal Court; and

WHEREAS, pursuant to KRS 100.273, a county which does not wish to establish a planning program or form a planning unit may adopt regulations for the subdivision of land within its boundaries;

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Calloway, Commonwealth of Kentucky as follows:

SECTION I. The Fiscal Court hereby adopts the attached Subdivision Regulations which are incorporated herein by reference as if fully set forth herein.

SECTION II. SEVERABILITY: If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance or the attached Regulations are for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance and the attached Regulations..

SECTION III. REPEAL OF PRIOR ORDINANCES.


All Ordinances in conflict with this Ordinance and the attached Regulations are hereby repealed and deleted.

SECTION IV. EFFECTIVE DATE. This Ordinance shall become effective on March 1, 2003, after passage by the Fiscal Court of Calloway County and upon its publication or a summary thereof, in accordance with the requirements of the Kentucky Revised Statutes.

Adopted by the Calloway County Fiscal Court on First Reading:

 01/21/03
LARRY ELKINS DATE
CALLOWAY COUNTY-JUDGE EXECUTIVE

Attest:

 1-21-03
RAY COURSEY, JR. DATE
CALLOWAY COUNTY CLERK

Adopted by the Calloway County Fiscal Court on Second Reading:

 02/18/03
LARRY ELKINS, DATE
CALLOWAY COUNTY-JUDGE EXECUTIVE

Attest:

 2-18-03
RAY COURSEY, JR. DATE
CALLOWAY COUNTY CLERK