

**ORDINANCE #
00-07-11A**

(AMENDED)

**AUTHORIZATION OF RESPONSE TO ANY
ACTUAL OR THREATENED HAZARD,
DISASTER, CATASTROPHE EMERGENCY
ORDINANCE**

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ORDINANCE NO. 00-07-11A

AN AMENDED ORDINANCE RELATING TO THE AUTHORIZATION OF RESPONSE TO ANY ACTUAL OR THREATENED HAZARD, DISASTER, CATASTROPHE AND/OR EMERGENCY IN, OR POTENTIALLY AFFECTING, POWELL COUNTY, KENTUCKY, WHETHER DECLARED OR UNDECLARED; THE ESTABLISHMENT OF PROHIBITED ACTS WITHIN POWELL COUNTY AND PROVISION FOR THE REIMBURSEMENT TO THE RESPONDING AGENCY OF COST INCURRED IN THE APPROPRIATE RESPONSE TO SUCH PROHIBITED ACTS.

WHEREAS, the Powell County Fiscal Court on December ____, 1996 enacted Ordinance Number _____ relating to hazardous materials, but said Ordinance was incomplete by failing to provide for the response to other types of actual or threatened hazards, disasters, catastrophes or emergencies which may also occur in, or potentially affect, Powell County, Kentucky; and

WHEREAS, the Powell County Fiscal Court believes it is necessary for the protection of human health, property and the environment to amend said Ordinance so that it may provide for the response to any and all actual or threatened hazards, disaster, catastrophes and/or emergencies which may occur in, or potentially affect, Powell County, Kentucky; now

BE IT ORDAINED AS FOLLOWS:

1. That any reference in the aforesaid Ordinance to the "Powell County Disaster and Emergency Services (DES)" shall hereafter be amended to the "Powell County Emergency Management Agency (EMA)".

2. That any reference in the aforesaid Ordinance to "release or threatened release of hazardous materials" shall hereafter be amended to "actual or threatened hazard, disaster, catastrophe or emergency".



2. That "SECTION VI - RESPONSE AUTHORITY" shall be amended to read as follows:

SECTION VI - RESPONSE AUTHORITY

- (1) The Powell County Emergency Management Agency (EMA) shall have authority to direct response to any hazard, disaster, catastrophe or emergency occurring in, or potentially affecting, Powell County, Kentucky as defined in KRS Chapter 39B.030.
- (2) EMA shall have primary authority for taking remedial, removal or any other actions necessary to control or contain such actual or threatened hazard, disaster, catastrophe or emergency and to assure the protection of human health, property and the environment.
- (3) EMA shall immediately report any actual or threatened hazard, disaster, catastrophe or emergency to the executive authority of the jurisdiction if Section II (2) of this Ordinance applies. If in the opinion of the executive authority, the seriousness of the situation warrants, the chief executive officer of the jurisdiction shall declare the existence of a state of emergency in the jurisdiction and thereafter, the response authority provided by this Section shall then be vested in such chief executive officer. In such event, the chief executive officer may authorize EMA, or other appropriate person to exercise all or part of the response authority provided by this Section until further notice.
- (4) All local emergency response personnel shall cooperate with and operate under the direction of the chief executive officer of the jurisdiction, EMA, or other person then exercising response authority under this Section until such time as the person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state or federal agency having primary jurisdiction over such hazard, disaster, catastrophe or emergency.
- (5) The person exercising response authority under this Section shall coordinate and/or

ORDINANCE NO. 00-07-11B

AN ORDINANCE ESTABLISHING AN ALTERNATE EMERGENCY OPERATING CENTER IN THE EVENT OF DISASTER OR CATASTROPHE AND ESTABLISHING A LINE OF SUCCESSION IN THE EVENT THE POWELL COUNTY JUDGE-EXECUTIVE IS DISABLED, ABSENT, DECEASED OR OTHERWISE UNABLE TO ACT.

WHEREAS, in order to preserve lawful leadership and authority and prevent the unlawful assumption of authority; now

BE IT ORDAINED AS FOLLOWS:

1. That in the event a disaster, catastrophe or other occurrence makes the use of the Powell County Courthouse or the offices of the Powell County Emergency Management Services unsafe or impossible, then an alternate emergency operating center for the purpose of responding to any actual or threatened disaster or catastrophe, and to continue providing basic governmental services to its citizens shall be located at Middleback Volunteer Fire Department.

2. That in the event the Powell County Judge-Executive becomes disabled, absent, dies, or is otherwise unable to act, the following shall constitute the line of succession to serve as "Interim Judge-Executive" until such time as the Powell County Judge-Executive is able to resume his duties, or his successor is legally appointed: (1) Deputy Judge-Executive (2) Senior Magistrate and (3) next Magistrate in descending order of seniority.

3. That the offices of the Powell County Judge-Executive, Powell County Clerk, Powell Circuit Clerk, Powell County Sheriff, Powell County Attorney, Powell County Property Valuation Administrator, and Powell County Jailer shall evaluate the nature and type of official records stored in each of their respective offices, and take steps to assure that essential records remain available in the event of a disaster or catastrophe which destroys said office and its

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contents, including records. Such steps could include copies stored in a separate location and the storage of records in a separate location on microfilm, computer disks, zip drives, cd-roms or any other method which will assure the preservation and availability of records essential to the effective functioning of government.

Introduced and give first reading by Magistrate Bobby Ginter at a regular meeting of the Powell County Fiscal Court on June 13, 2000, and given second reading and adopted upon motion of Magistrate Bobby Ginter, seconded by Magistrate Herald Huest at a regular meeting of the Powell County Fiscal Court on July __, 2000. The vote was five (5) in favor, and zero (0) opposed.

This Amended Ordinance shall be effective immediately, and shall be published according to law.

Bobby Drake
BOBBY DRAKE
POWELL COUNTY JUDGE/EXECUTIVE

ATTEST:

Judy Denniston
JUDY DENNISTON
POWELL COUNTY FISCAL COURT CLERK

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cooperate with other federal, state or local public health, safety and emergency agencies involved in the response to an actual or threatened hazard, disaster, catastrophe or emergency.

(6) The person exercising response authority under this Section may, with the approval of the executive authority of the jurisdiction, obtain vital supplies, equipment, services and other properties found lacking and needed for the protection of human health, property and the environment, and obligate the jurisdiction for the fair value thereof.

Introduced and give first reading by Magistrate Tipton at a regular meeting of the Powell County Fiscal Court on June 13, 2000, and given second reading and adopted upon motion of Magistrate Tipton, seconded by Magistrate RICE at a regular meeting of the Powell County Fiscal Court on July 11, 2000. The vote was five (5) in favor, and zero (0) opposed.

This Amended Ordinance shall be effective immediately, and shall be published according to law.

Bobby Drake
BOBBY DRAKE
POWELL COUNTY JUDGE/EXECUTIVE

ATTEST:

Judy Denniston
JUDY DENNISTON
POWELL COUNTY FISCAL COURT CLERK