

COMMONWEALTH OF KENTUCKY
COUNTY OF HART

HART FISCAL COURT

AN ORDINANCE AMENDING A RESOLUTION APPROVED ON JANUARY 24, 1978 BY HART COUNTY FISCAL COURT PERTAINING TO DISASTER AND EMERGENCY SERVICE AND CREATING HART COUNTY OFFICE OF EMERGENCY MANAGEMENT

SECTION I

WHEREAS, the General Assembly of the Commonwealth of Kentucky has enacted KRS Chapters 39A to 39F requiring the creation of a local emergency management agency and comprehensive emergency management program in Hart County; and

WHEREAS, to make local procedures conform to the Kentucky Disaster Law and to insure that Hart County Government can function properly during an emergency or disaster situation and to fulfill its responsibility under the law to the citizens of the county for other than functions that are primarily the responsibility of military forces;

NOW, THEREFORE, the Fiscal Court of Hart County enacts this ordinance which shall be known and may be cited as the "Hart County Emergency Management Ordinance".

SECTION II

There is hereby created the Hart County Office of Emergency Management, in accordance with the provisions of KRS Chapters 39A to 39F, which shall serve in the interest of public safety within the territorial boundaries of Hart County.

The Hart County Office of Emergency Management shall develop, implement and maintain the local comprehensive emergency management program for Hart County in accordance with the provisions of KRS Chapters 39A to 39F, the comprehensive emergency management program requirements of the state Division of Emergency Management, the provisions of the Kentucky Emergency Operations Plan, administrative regulations promulgated by the state Division of Emergency Management, and the resolutions, orders or ordinances of the Fiscal Court of Hart County.

The Hart County Office of Emergency Management shall be an organizational unit of county government attached to the Office

of the County Judge/executive and shall have primary jurisdiction, responsibility and authority for all matters pertaining to the comprehensive emergency management program and disaster and emergency response of Hart County.

The Hart County Office of Emergency Management shall meet all requirements of a local emergency management agency as defined in KRS Chapters 39A to 39F, and shall be the administrative branch of the Hart County Disaster and Emergency Services organization established pursuant to KRS Chapters 39A to 39F.

The Hart County Judge/executive shall designate and include a separate Office of Emergency Management budget until classification with each annual Hart County budget and all financial matters of the Hart County Office of Emergency Management shall be handled through the county treasurer and finance officer and uniform budget system.

SECTION III

The County Judge/executive, within (30) days of assuming office, shall appoint a Hart County Emergency Management Director in accordance with the provisions of KRS Chapter 39B, and shall immediately notify the state Division of Emergency Management of the appointment.

The Hart County Emergency Management Director, appointed pursuant to this section, shall be sworn by oath to the office of emergency management director immediately upon appointment, and shall serve at the pleasure of the County Judge/executive, but shall serve no longer than four (4) consecutive years without reappointment and, as a minimum, shall meet all the qualification requirements specified in KRS Chapters 39A to 39F.

SECTION IV

The Hart County Emergency Management Director shall have and exercise all the powers, authorities, rights and duties as specified in KRS Chapters 39A to 39F, and in the orders or ordinances of the fiscal court of Hart County, to include the following:

(A) To represent the County Judge/executive on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of Hart County;

(B) To be the executive head and chief administrative officer of the Hart County Office of Emergency Management and

direct, control, supervise and manage the development, preparation, organization, administration, operation, implementation and maintenance of the comprehensive emergency management program of Hart County, and to coordinate all disaster and emergency response of Hart County;

(C) To develop, update and maintain the Hart County Emergency Operations Plan in compliance with the provisions of KRS Chapters 39A to 39F;

(D) To establish, maintain and coordinate or direct the Hart County Disaster and Emergency Operations Plan, the Kentucky Emergency Operations Plan and the provisions of KRS Chapters 39A to 39F;

(E) To notify the County Judge/executive and the state Division of Emergency Management immediately of the occurrence, or threatened or impending occurrence, of any emergency, disaster or catastrophic incident or situation, and provide in such notice an assessment of possible or actual damages or threats to life, health, safety, property, or the environment, and recommend any emergency actions or orders which should be executed;

(F) To be the chief advisor to, and the primary on-scene representative of, the County Judge/executive in the event of any emergency, declared emergency, disaster, or catastrophe within Hart County;

(G) To respond and have full access to the scenes of an emergency, declared emergency, disaster, or catastrophe and immediately investigate, analyze, or assess the nature, scope, or seriousness of all situations; coordinate the establishment and operation of an incident command or management system; execute the provisions of the Hart County Emergency Operations Plan; activate the Hart County Emergency Operations Center or on-scene command post; convene meetings, gather information and conduct briefings; notify the County Judge/executive and the state Division of Emergency Management immediately of the nature, scope or seriousness of any emergency situation and provide information on all on-going response actions being taken in association with the incident; provide any assistance requested, as deemed necessary or appropriate; and take any actions to fully expedite and coordinate the disaster and emergency response of all local public or private agencies, departments, units or individuals;

(H) To take or direct immediate actions to protect public safety at the direction of the County Judge/executive during any declared emergency or disaster;

(I) To act as an official representative of the state Division of Emergency Management when specifically requested by the state director;

(J) To report directly to the County Judge/executive and act in an official policy-making capacity when carrying out all duties of the office of emergency management director;

(K) To have full signatory authority, in accordance with the county administrative code; for execution of all contracts, agreements, or other official documents pertaining to the administration, organization and operation of the Hart County Office of Emergency Management and the local comprehensive emergency management program;

(L) To direct all paid or volunteer employees, staff assistants or other workers of the Hart County Office of Emergency Management and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the Hart County Disaster and Emergency Services organization pursuant to the provisions of KRS Chapters 39A to 39F;

(M) To prepare and submit regular or scheduled program activity reports to the area manager of the state Division of Emergency Management and the County Judge/executive;

(N) To execute bond in the amount as determined by the County Judge/executive, when directed by the County Judge/executive;

(O) To prepare and submit to the County Judge/executive, on an annual basis by the first day of March, a program and agency budget request for the Hart County Office of Emergency Management;

(P) To prepare and submit to the state Division of Emergency Management, on an annual basis by the fifteenth of July, a fiscal year program paper and budget request for the Hart County Office of Emergency Management;

(Q) To enroll and be a registered member of an Emergency Management Association;

(R) To perform duties of, or appoint with the approval of the Fiscal Court of Hart County, the Hart County Search and Rescue Coordinator pursuant to the provisions of KRS Chapter 39F;

(S) To perform all administrative, organizational or operational tasks required pursuant to KRS Chapters 39A to 39F, Kentucky administrative regulations, the Kentucky Emergency Operations Plan, or program guidance issued by the state Division of Emergency Management; and to carry out all other emergency management related duties as required by the resolutions, orders or ordinances of the Fiscal Court of Hart County, the executive orders of the County Judge/executive, and the provisions of the Hart County Emergency Operations Plan.

SECTION V


Any person violating any of the provisions of this ordinance, or any lawful orders; rules or regulations promulgated pursuant to it, upon conviction shall be guilty of a Class A misdemeanor. Violators of this ordinance may be issued a citation by the Sheriff of Hart County or by a duly authorized official.

SECTION VI

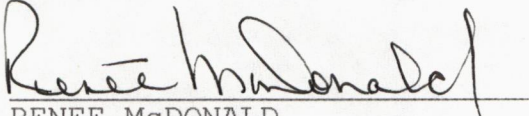
The provisions of this ordinance are severable and if any provisions shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionally or inapplicability shall not affect or impair the remaining provisions of this ordinance. This ordinance shall be in full force and effect from and after its approval, adoption and publication, and all ordinances or parts of ordinances in conflict herewith are hereby repealed and held for naught.

IT IS NOW HEREBY ORDERED AND ORDAINED by the Fiscal Court of Hart County, Kentucky, Commonwealth of Kentucky, that this ordinance is adopted pursuant to KRS 67.077 in that it was published in summary form in the News Herald and was introduced and read on the 1st day of July, 1999 and said Ordinance will be in full force and effect upon signature, recordation and publication pursuant to KRS 67.077 Subsection 3.

Approved this the 1st day of July, 1999.


TERRY SHELTON
Hart Co. Judge/executive

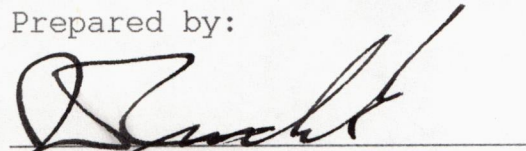
ATTESTED:


RENEE McDONALD
Hart Co. Fiscal Court Clerk



CONROY HARRIS
Hart Co. Court Clerk

Passed by a vote of 6 to 0.

Prepared by:


J.D. CRADDOCK III
Hart Co. Attorney's Office
P.O. Box 335
Munfordville, Ky. 42765

Have seen and recommend for approval:


ROBERT BROOKS
Director Hart Co. DES