

DEPARTMENT OF MILITARY AFFAIRS
Division of Emergency Management
(Amended at ARRS Committee)

106 KAR 1:231. Local emergency management agency ordinance requirement.

RELATES TO: KRS 39B.010, 39B.020, 39B.030, 39B.990

STATUTORY AUTHORITY: KRS 39A.050(2)(j), (m), 39A.070(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 39A.050(2)(m) requires the Division of Emergency Management to promulgate administrative regulations to implement KRS Chapter 39A through 39F. KRS 39B.010(1) requires each city, county, charter county, or urban-county government create a local emergency management agency. This administrative regulation establishes the requirements to be met by a governing body of a city, county, charter county, or urban-county government to develop and pass a local emergency management agency ordinance.

Section 1. Ordinance Provisions.

(1) The governing body of a city, county, charter county, or urban-county Government shall pass a local ordinance pertaining to local emergency management agency creation, as established in KRS 39B.010.

(2) A local ordinance passed pursuant to subsection (1) of this section shall:

(a) Include the term "emergency management" in the title of the local ordinance; and

(b) Include provisions that state:

1. The official name of a local emergency management agency created in the local ordinance;
2. The functional and operational organization of a local emergency management agency consistent with KRS 39B.010;
3. The establishment and use of a local emergency management agency budget account consistent with KRS 39B.010(3);
4. The powers and responsibilities of a local emergency management agency;
5. The powers, authorities, rights, and duties of a local emergency management agency director appointed pursuant to KRS 39B.020, including all the powers, duties, rights, and authorities established in KRS 39B.030; and
6. Ordinance enforcement, including the establishment of penalties for violation of the local ordinance.

Section 2. Documentation Requirements. A full copy of a local emergency management agency ordinance and any amendments, agreements, compacts, or other documents associated with the joint creation of a local emergency management agency pursuant to KRS 39B.010(2)(b) shall be submitted by a local director to the area manager for transmittal to the Director of the Division of Emergency Management within thirty (30) calendar days following final passage or adoption by a local governing body.

(49 Ky.R. 176, 1038; eff. 11-16-2022.)

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