

ORDERPULASKI FISCAL COURT

This Order replaces Pulaski Fiscal Court Order dated January 1, 1985 and shall become effective January 27, 1998.

AN ORDER IMPOSING A PREMIUM TAX ON INSURANCE

COMPANIES FOR THE PRIVILEGE OF ENGAGING IN

BUSINESS WITHIN THE COUNTY

BE IT ORDERED BY THE FISCAL COURT OF PULASKI COUNTY:

SECTION 1. As used in this Order unless the context requires otherwise:

(1) "County" means all the incorporated and unincorporated area of Pulaski County except the incorporated areas of the City of Somerset and the City of Burnside. Other presently incorporated cities are Ferguson, Science Hill and Eubank.

(2) "Property" means real and tangible assets. The tax would be collected on insurance policies written for Fire and Allied Perils, Casualty, Automobile and Inland Marine.

(3) "Premium" means any assessment collected by or any payment made to an insurance company for insurance on property or within the county; but "premium" shall not be construed to include any reinsurance premiums paid to or received by any insurance company, premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the workmen's compensation act.

(4) "Insurance Company" means any insurance company or agent doing business in the county-wide area of Pulaski County, including the incorporated portions thereof, that provides insurance on property located in Pulaski County except the incorporated areas of the City of Somerset and the City of Burnside.

SECTION 2. Premium Tax

(1) No later than thirty (30) days after the last day of quarter year, every insurance company shall file with the county treasurer a statement of the total amount of direct premiums received during the preceding calander year for insurance on property or risks located within the county, except the incorporated areas of the City of Somerset and the City of Burnside, less premiums returned to policy holders, premiums on policies not taken, and dividends paid or credited to policy holders.

(2) Upon filing the statement, an insurance company shall pay to the county treasurer a license tax of 3.84 percent of the premiums received less the deductions provided for in subsection (1) of this section; provided, however, that the minimum annual license tax shall be \$5.00.

(3) All premium tax fees due from insurance companies shall be due and payable quarterly no later than thirty (30) days from the last day in March, June, September and December and if not paid by this date, the insurance company shall be deemed delinquent and a penalty of 10 percent per annum may be added.

(4) The county treasurer shall deposit the premium taxes collected pursuant to the provisions of this order in a sinking fund to be designated as the "Pulaski County Fire Protection Sinking Fund". The fund shall be used for fire protection and communication equipment, fire department buildings and salaries, or incidental expenses for maintaining and equipping a fire protection program, or used as security for the sale of revenue bonds commensurate with the above enumerated expenditure.

(5) The Pulaski County Fire Protection Commission shall prepare an annual budget and make all recommendations concerning the disbursements from the Pulaski County Fire Protection Sinking Fund as provided for in the Pulaski County Fire Protection Plan adopted by the Fiscal Court March 29, 1979.

SECTION 3. Audit of Accounts

(1) Every insurance company shall make the accounts and books of the company which reflect the premiums taxed under the provisions of this Order available to the Fiscal Court or its representative at the local agent's office, the home office, or the state office of the company; and audits of the accounts and books may be authorized by the Fiscal Court. Cost of audit shall be borne by insurance company being audited.

SECTION 4. Penalty

(1) Any insurance company violating the provisions of this Order shall be fined not less than \$50.00 nor more than \$100.00. The fines and court costs shall be accounted for, as directed by Kentucky Statutes and audit costs shall be accounted for, as directed by Kentucky Statutes and audit cost charged to insurance company in violation.

SECTION 5 All order, resolutions, or parts thereof in conflict with this Order are hereby repealed to the extent of the conflict.


SECTION 6. Should any part of this Order be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

SECTION 7. This Order shall become effective January 27, 1998.

Adopted by the Fiscal Court of Pulaski County, Kentucky, at a regular meeting on the 27 day of January, 1998, and on the same occasion signed in open session by the County Judge Executive under authority of Pulaski Fiscal Court, attested under seal by the Pulaski County Court Clerk.


First Reading: 1-13-98

Second Reading: 1-27-98



LOUIE FLOYD, PULASKI COUNTY JUDGE
EXECUTIVE

ATTEST,



PULASKI COUNTY COURT CLERK



ORDINANCE RELATING TO REMOVAL OF OBSTRUCTIONS FROM AND AROUND EXISTING FIRE HYDRANTS AND FLUSH VALVES; PROHIBITING OBSTRUCTION OF FUTURE INSTALLED FIRE HYDRANTS OR FLUSH VALVES; PROHIBITING CHANGING OF COLORS OF COLOR CODED FIRE HYDRANTS OR FLUSH VALVES:

PULASKI COUNTY KENTUCKY
ORDINANCE NO. 310.2

WHEREAS; It has been determined by the Pulaski County Fire Commission that access to fire hydrants or flush plugs are becoming increasingly difficult due to homeowners attempting to beautify their property by planting shrubs, flower beds, fences, trees, etc around and near fire hydrants or flush plugs and;

WHEREAS; It is imperative in order to protect life and property in case of fire or maintenance of hydrants or flush plugs that access to fire hydrants or flush plugs be completely free from objects impeding access;

BE IT NOW THEREFORE, ordained by the Fiscal Court of Pulaski County, that a four (4) foot area around fire hydrants and flush plugs be completely clear of any trees, shrubs, fences, etc. that may impede access to same. All flower beds should not exceed the height of the outlet.

SECTION I: THAT by virtue of the creation of this Ordinance the fire departments and personnel are deemed not liable for damages done to existing obstructions surrounding fire hydrants or flush plugs in the course of their duties in maintaining or utilizing the hydrants to fight fires.

SECTION II: THAT all property owners in the above category should allow unimpeded access to fire hydrants or flush plugs contained on their property.

SECTION III: THIS Ordinance shall apply also to any new fire hydrants or flush plugs installed after the date of this Ordinance.

SECTION IV: THE County Fire Commission has adopted a color code for all fire hydrants and flush plugs which is critical to the fire departments identifying the amount of

water flow from each hydrant or flush plug, and it is expressly prohibited that any individual, company or other entity change the color of these hydrants or flush plugs subject to the penalties in Section V.

SECTION V: PENALTIES for violation of this Ordinance: First Offense shall be a THIRTY (30) DAY written notice to the property owner or resident to correct the violations. Second Offense shall be a fine in the amount of TWENTY-FIVE (\$25.00) DOLLARS. Should any landowner be unable to correct problem, then the Pulaski County Fire Commission should be contacted for assistance.

If any fire hydrants are in question of this violation the Pulaski County Fire Commission should be contacted for clarification.

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, unconstitutionality, 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.

INTRODUCED, SECONDED, AND GIVEN FIRST READING APPROVAL at a duly convened meeting of the Fiscal Court of Pulaski County, Kentucky, held on the 23 day of MARCH, 1999.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Pulaski County, Kentucky, held on the 13 day of April, 1999.

ATTEST


FISCAL COURT CLERK


PULASKI COUNTY JUDGE/EXECUTIVE

PULASKI COUNTY FISCAL COURT

ORDINANCE NO: 310.3

THIS ORDINANCE SUPERCEDES COUNTY ORDINANCE NO: 310.4

OPEN-BURNING BAN ORDINANCE

BE IT ORDAINED BY THE FISCAL COURT OF PULASKI COUNTY:

SECTION I: Whenever, the Division of Forestry of the Commonwealth of Kentucky notifies the County Judge Executive of Pulaski County that an extraordinary fire hazard exist in Pulaski County as determined by the National Fire Danger Rating System and Fire Occurrence, the County Judge Executive may proclaim such condition to exist in Pulaski County.

SECTION II: No person shall, except as hereinafter provided in Section 2, when a proclamation as provided for in Section 1 has been issued, light or maintain an open fire at any location in Pulaski County while such proclamation is in effect. Any person violating this section shall be subject to the fines and penalties hereinafter provided.

SECTION III: Upon request, the County Judge Executive, in his discretion, may grant permission to individuals to burn in situations involving emergency, health or extraordinary circumstances, provided the nearest local fire department has been notified and on standby status. The County Judge Executive may require such other safety measures he deems necessary to insure a controlled burn.

SECTION IV: Notice of the proclamation provided in Section I shall be published in the newspaper of largest bona fide circulation in Pulaski County and made public using other available news media.

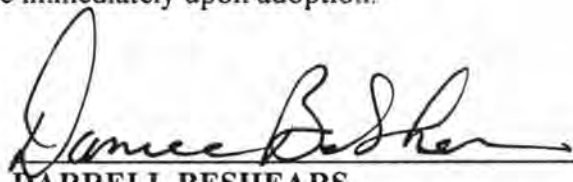
SECTION V: A person who violates this Ordinance may be fined the sum of **FIFTY DOLLARS TO FIVE HUNDRED DOLLARS (\$50.00 to \$500.00)** for each offense of this Ordinance.

First reading this 28 day of Sept, 1999.

Second reading this 12 day of October, 1999.

Passed this 12 day of October, 1999.

This Ordinance shall become effective immediately upon adoption.


DARRELL BESHEARS
PULASKI COUNTY JUDGE EXECUTIVE

ATTEST:


WILLARD HANSFORD
PULASKI COUNTY COURT CLERK

PUBLISHED THIS _____ DAY OF October, 1999.

PULASKI COUNTY FISCAL COURT

ORDINANCE NO: 310.4

THIS ORDINANCE SUPERCEDES COUNTY ORDINANCE NO: 310.1

**AN ORDINANCE IMPOSING A PREMIUM TAX ON INSURANCE
COMPANIES FOR THE PRIVILEGE OF ENGAGING IN
BUSINESS WITHIN THE COUNTY**

BE IT ORDAINED BY THE FISCAL COURT OF PULASKI COUNTY:

SECTION I. As used in this Ordinance unless the context requires otherwise:

(1) "County" means all the incorporated and unincorporated area of Pulaski County except the incorporated areas of the City of Somerset, the City of Burnside and the City of Science Hill. Other presently incorporated cities are Ferguson and Eubank.

(2) "Property" means real and tangible assets. The tax would be collected on insurance policies written for Fire and Allied Perils, Casualty, Automobile and Inland Marine, Life, and all other risks.

(3) "Premium" means any assessment collected by or any payment made to an insurance company for insurance on property or within the County; but "premium" shall not be construed to include any reinsurance premiums paid to or received by any insurance company, premiums received for insuring employers against liability for personal injuries to their employees, or death caused thereby, under the provisions of the workmen's compensation act.

(4) "Insurance Company" means any insurance company or agent doing business in the county-wide area of Pulaski County, including the incorporated portions thereof, that provides insurance on property located in Pulaski County except the incorporated areas of the City of Somerset, the City of Burnside and the City of Science Hill.

SECTION 2. PREMIUM TAX

(1) No later than thirty (30) days after the last day of quarter year, every insurance company shall file with the County Treasurer a statement of the total amount of direct premiums received during the preceding calander year for insurance on property or risks located within the County, except the incorporated areas of the City of Somerset and the City of Burnside, less premiums returned to policy holders, premiums on policies not taken, and dividends paid or credited to policy holders.

(2) Upon filing the statement, an insurance company shall pay to the County Treasurer a license tax of 5.5 percent of the premiums received less the deductions provided for in subsection (1) of this section; provided, however, that the minimum annual license tax shall be \$5.00.

(3) All premium tax fees due from insurance companies shall be due and payable quarterly no later than thirty (30) days from the last day in March, June, September and December and if not paid by this date, the insurance company shall be deemed delinquent and a penalty of 10 percent per annum may be

added.

(4) The County Treasurer shall deposit the premium taxes collected pursuant to the provisions of this Ordinance in a sinking fund to be designated as the "Pulaski County Fire Protection Sinking Fund". The fund shall be used for fire protection and communication equipment, fire department buildings and salaries, or incidental expenses for maintaining and equipping a fire protection program, or used as security for the sale of revenue bonds commensurate with the above enumerated expenditure.

(5) The Pulaski County Fire Protection Commission shall prepare an annual budget and make all recommendations concerning the disbursements from the Pulaski County Fire Protection Sinking Fund as provided for in the Pulaski County Fire Protection Plan adopted by the Fiscal Court March 29, 1979.

SECTION 3. AUDIT OF ACCOUNTS

(1) Every insurance company shall make the accounts and books of the company which reflect the premiums taxed under the provisions of this Order available to the Fiscal Court or its representative at the local agent's office, the home office, or the state office of the company; and audits of the accounts and books may be authorized by the Fiscal Court. Cost of audit shall be borne by insurance company being audited.

SECTION 4. PENALTY

(1) Any insurance company violating the provisions of this Ordinance shall be fined not less than FIFTY (\$50.00) DOLLARS nor more than ONE HUNDRED (\$100.00)

DOLLARS. The fines and court costs shall be accounted for, as directed by Kentucky Statutes and audit costs shall be accounted for, as directed by Kentucky Statutes and audit cost charged to insurance company in violation.

SECTION 5. All ordinances, resolutions, or parts thereof in conflict with this Ordinance are hereby repealed to the extent of the conflict.

SECTION 6. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable and shall continue to be in full force and effect.

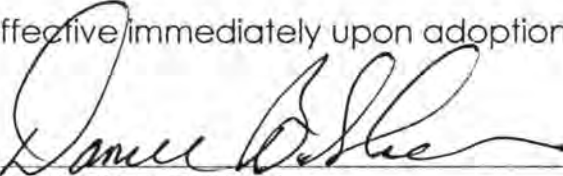
SECTION 7. This Ordinance shall become effective January 25, 2000.

First reading this 11 day of JANUARY, 2000.

Second reading this 25 day of JANUARY, 2000.

Passed this 25 day of JANUARY, 2000.

This Ordinance shall become effective immediately upon adoption.


DARRELL BESHEARS
PULASKI COUNTY JUDGE EXECUTIVE

ATTEST:


WILLARD HANSFORD
PULASKI COUNTY COURT CLERK

PUBLISHED THIS 22 DAY OF February, 2000.

ORDINANCE NO. 340.1

AN ORDINANCE OF Pulaski COUNTY, KENTUCKY, RELATING TO AND REAFFIRMING PARTICIPATION IN THE KENTUCKY ASSOCIATION OF COUNTIES ALL LINES FUND INSURANCE PROGRAM; REAFFIRMING, APPROVING AND AUTHORIZING A SELF-INSURANCE PROGRAM AGREEMENT, A DECLARATION OF TRUST, BY-LAWS AND INTERLOCAL COOPERATION AGREEMENT AND RELATED MATTERS; ACKNOWLEDGING THAT PENDLETON COUNTY, KENTUCKY, IS ISSUING REVENUE BONDS PURSUANT TO THE KENTUCKY INTERLOCAL COOPERATION ACT TO PROVIDE FUNDS TO ESTABLISH THE PROGRAM; AND REAFFIRMING THE APPROPRIATION OF MONEYS TO PAY THE COUNTY'S PREMIUM UNDER THE PROGRAM

WHEREAS, the Fiscal Court of Pulaski County, Kentucky (the "Participant"), is a duly and regularly created, organized and existing county and political subdivision of the Commonwealth of Kentucky, existing as such under and by virtue of the Constitution, statutes and laws of the Commonwealth of Kentucky; and

WHEREAS, the Participant has determined, and hereby determines, that it is in the best interests of the Participant to participate in the Kentucky Association of Counties All Lines Fund Insurance Program (the "Program") and, in order to do so, to enter into the Declaration of Trust, By-Laws and Interlocal Cooperation Agreement for the KACo All Lines Fund (KALF) (the "Declaration of Trust") pursuant to which the Program has been implemented, and to enter into a Self-Insurance Program Agreement (the "Agreement") among the Participant, the Kentucky Association of Counties All Lines Fund ("KACo") and Citizens Fidelity Bank and Trust Company, Louisville, Kentucky, pursuant to which a Coverage Memorandum (the "Coverage Memorandum") (the initial form of which is attached to the Agreement as Exhibit A) will be issued with respect to the Participant; and

WHEREAS, the Participant has appropriated for the current fiscal year and intends to appropriate, on an annual basis, sufficient funds to pay the Premium (as defined in the Agreement); and

WHEREAS, the Declaration of Trust and the Agreement have been previously authorized and approved by official action of the Fiscal Court of the Participant, and it is now the desire and purpose of the Participant to reaffirm such action;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT
OF COUNTY, KENTUCKY, AS FOLLOWS:

Section 1. The Participant hereby reaffirms, approves and authorizes participation in the Program and further reaffirms, approves and authorizes the Agreement and the Declaration of Trust in substantially the forms previously authorized and approved by official action of the Participant. It is acknowledged and agreed that Pendleton County is the issuer of revenue bonds under authority of the Kentucky Interlocal Cooperation Act (KRS 65.210 through 65.300) and the Declaration of Trust to provide funds to establish the Program.

Section 2. The Participant hereby designates the County Judge/Executive to act as representative of the Participant in connection with the matters provided in this Ordinance and said representative or his designee is authorized and directed to execute and deliver for and on behalf of the Participant the Agreement and the Declaration of Trust and any and all additional certificates, documents or other papers, and to perform all other acts necessary or desirable for the Participant in connection with the Participant's participation in the Program.

Section 3. The Participant has appropriated and authorized payment of, and hereby reaffirms the appropriation and authorization of payment of, moneys sufficient to pay the Premium (as defined in the Agreement) for the initial term of the Coverage Memorandum.

Section 4. If any section, phrase or provision of this Ordinance is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance. To the extent any resolution, ordinance or part thereof is in conflict, the provisions of this Ordinance will prevail and be given effect. This Ordinance will be in full force and effect from and after adoption as provided by law.

INTRODUCED, SECONDED, READ AND GIVEN FIRST-READING APPROVAL:

7-26-, 1987.

GIVEN SECOND READING AND ADOPTED: 8-9-, 1987.

Attest:

Daniel B. Bisher
County Judge/Executive

Willard Hanford
Clerk of the Fiscal Court

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Fiscal Court of Pulaski County, Kentucky, and as such Clerk I further certify that the foregoing is a true, correct and complete copy of an Ordinance duly adopted by said Fiscal Court at a duly convened meeting held on 7-26 + 8-9, 1989, signed by the County Judge/Executive, duly published and filed, recorded and indexed in my office and now in full force and effect, and that all actions taken in connection with such Ordinance occurred at regular or duly called special meetings of said Fiscal Court in compliance with the requirements of KRS 61.810 through 61.825, all as appears from the official records of said Fiscal Court in my possession and under my control.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County this 8-9-, 1989.

(SEAL)

Willard Houghard
Clerk of the Fiscal Court
of Pulaski County, Kentucky

COUNTY ATTORNEY'S OPINION

As counsel to the Participant, I have reviewed the foregoing Ordinance, the Agreement, the Declaration of Trust and such other material as I have deemed relevant. Based on my review, I am of the opinion that:

The Participant is a county and political subdivision duly organized and existing under the Constitution and laws of the Commonwealth of Kentucky, and has full legal right, power and authority to participate in the Program and to enter into and perform its obligations under the Agreement and the Declaration of Trust.

The Agreement and the Declaration of Trust have been duly authorized and executed by the Participant and constitute valid, binding and enforceable obligations of the Participant, except to the extent enforcement may be limited by bankruptcy, insolvency or similar laws affecting creditors' rights generally, now or hereafter in effect, or by application of equitable principles.

All consents, approvals or authorizations of any governmental entity and all filings required on the part of the Participant in connection with participation in the Program and the authorization, execution and delivery of the Agreement and the Declaration of Trust and the consummation of the transactions contemplated thereby have been obtained and are in full force and effect.

Neither participation in the Program, the execution and delivery of the Agreement and the Declaration of Trust, nor the consummation of the transactions contemplated thereby, nor the fulfillment of or compliance with the terms and conditions of the Agreement and Declaration of Trust conflict with or constitute a violation of any provision of law governing the Participant or, to the best of my knowledge after reasonable investigation, conflicts with or results in a breach of the terms, conditions or provisions of any restriction or any agreement or instrument to which the Participant is now a party or by which the Participant is bound. To the best of my knowledge, after reasonable investigation, the Participant is not currently in default in any material respect on any obligation.

To the best of my knowledge, after reasonable investigation, there is no controversy, budget protest or litigation pending or threatened involving the incorporation, organization, existence or boundaries of the Participant, or the titles of its

officers to their respective positions, or the validity of the adopted budget, or the power and duty of the Participant to provide and apply adequate ad valorem tax receipts and other general fund receipts in accordance with its adopted budget for the current fiscal year; and there is no action, suit, proceeding, inquiry or investigation at law or in equity or before or by any public board or body pending or, to the best of our knowledge, after reasonable investigation, any basis therefor, where an unfavorable decision, ruling or finding would adversely affect the transactions contemplated by the Agreement or the Declaration of Trust or give rise to a claim under the Coverage Memorandum.

The Participant will be jointly and severally liable along with all other Participants (as defined in the Agreement) for the payment of the Risk Adjustment Premium (as defined in the Agreement) in accordance with the Agreement.

County Attorney

340.2

Hazardous Materials Ordinance

for

Pulaski County, Kentucky

COMMONWEALTH OF KENTUCKY
PULASKI COUNTY FISCAL COURT
PULASKI COUNTY, KENTUCKY

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE USE AND CONTROL OF HAZARDOUS MATERIALS IN PULASKI COUNTY, KENTUCKY, THE TIMELY REPORTING OF RELEASES THEREOF, AND PROVIDING COMPENSATION FROM THE PARTIES RESPONSIBLE FOR HAZARDOUS MATERIALS RELEASES TO LOCAL GOVERNMENT, PUBLIC SAFETY, AND EMERGENCY AGENCIES FOR EXPENSES INCURRED RESPONDING TO SUCH HAZARDOUS MATERIALS RELEASES.

WHEREAS, the Fiscal Court of Pulaski County, Kentucky, has determined that there have been numerous releases of hazardous materials in this county; and

WHEREAS, hazardous materials can pose a direct and potential threat to the health, safety and welfare of the people of this county and to the surrounding environment and that it is the duty of local government to protect its citizens, and that persons who handle hazardous materials also have a responsibility to the community and its residents to minimize risks; and

WHEREAS, the releases or spillage of hazardous materials may require emergency response by the various public safety and emergency agencies of the county and/or the cities therein to protect the health, safety and welfare of the people of this county and their environment; and

WHEREAS, the Fiscal Court further determines that an ordinance is necessary to provide a comprehensive approach on the local level to prevent the uncontrolled release of hazardous materials into the surrounding environment which can directly or indirectly cause harm or damage to the environment and to human health and property, and for this approach to be effective, cooperation between the public and private sectors is essential; and

WHEREAS, in order to implement a plan related to hazardous materials, information on the locations and types of hazardous materials stored, manufactured, used, disposed of, transported, or otherwise managed in and through this county must be gathered, compiled, and updated for use by the government, while protecting the legitimate interests of business in safeguarding confidential information and trade secrets; and

WHEREAS, the Fiscal Court further determines that the timely reporting of releases or threatened releases of hazardous materials and spills is critical to government emergency response procedures designed to limit and control danger to life and property; and

WHEREAS, the Fiscal Court further determines that the regulations established in this ordinance are necessary and appropriate and reasonably established and rationally related to the potentially exigent circumstances which may be posed by the release or spillage of hazardous materials occurring in this county.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF PULASKI, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION I-PURPOSE

This Ordinance is adopted by the Pulaski County Fiscal Court for the purpose of protecting public health and safety in Pulaski County, Kentucky, through prevention and control of hazardous materials incidents and releases, requiring the timely reporting of releases of hazardous materials to appropriate local public safety and emergency agencies and requiring payment by parties responsible for hazardous materials of all expenses incurred by public safety and emergency agencies in responding to such hazardous materials releases.

SECTION II-DEFINITIONS.

As used in the herein Ordinance, unless the context of usage clearly requires otherwise, the meanings of specific terms in this Ordinance shall be as follows:

(1) "Authorized Release" means a release of hazardous materials in accordance with an appropriate permit granted by a state or federal agency having primary jurisdiction over such release;

(2) Bulk Storage of a Hazardous Material: Any facility holding for more than (10) ten consecutive working days more than 1200 gallons of a petroleum product above ground or 1500 gallons of a petroleum below ground or more than 2000 pounds of a hazardous material in a storage facility not packaged in containers for retail sale under 50 pounds.

Propane storage tanks of 1500 pounds capacity or more shall be considered bulk storage facilities of a hazardous material.

(3) "Costs" shall mean and include all expenses incurred by local government and/or local emergency response organizations regardless of whether or not such agencies are publicly or privately owned in responding to any hazardous materials spill, leak or other release into the environment and for any remedial or removal actions taken to protect and safeguard the public health and safety, property or the environment. The term includes, but is not limited to costs incurred for personnel, equipment and the use thereof, materials, supplies, services, lost wages of volunteer personnel, damage or loss of equipment, both organization and personal, and related expenses resulting directly from response to a release or threatened release of a hazardous material;

(4) "Employee" means any person who works, with or without compensation, in a workplace;

(5) "Employer" means any person, firm, corporation, partnership, association, government agency, or other entity engaged in a business or providing services which has employees;

(6) "Environment" means the navigable waters of the United States and any other surface water, ground water, drinking water supply, soil surface, subsurface strata, storm sewer or publicly owned sanitary sewer or treatment works (other than those handling only wastewater generated at a facility) within Pulaski County, Kentucky. The terms shall include air only for purposes of reporting releases pursuant to the further provisions of this Ordinance;

(7) Explosive Device or Materials:
Dynamite, TNT, fireworks not allowed for retail sale, nitroglycerin.

(8) "Facility" means any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock, or aircraft; or any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed or otherwise come to be located.

(9) "Hazardous Materials" means any element, compound, substance or material or any combination thereof which are toxic, flammable, explosive, corrosive, radioactive, oxidizers, etiological agents, carcinogenic, or are highly reactive when mixed with other substances, including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A., Sec. 1801, et seq.) or is listed by Appendix A, 40 CFR Part 302, "List of Hazardous Materials and Reportable Quantities", as amended, published by the U.S. Environmental Protection Agency (EPA), a copy of which said list is attached as Appendix A hereto and herein incorporated by reference the same as if set out at length herein in words and figures, in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored transported, disposed of, or otherwise managed;

(10) "Normal Application of Pesticides" means application pursuant to the label directions for application of a pesticide product registered under section 30 or section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 135 et seq.) (FIRA), or pursuant to the terms and conditions of an experimental use permit issued under section 5 of FIRA, or pursuant to an exemption granted under section 18 of FIRA;

(11) "Oil" means oil of any kind or in any form, including but not limited to petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(12) "Person" means any individual, trust, firm, company, society, corporation, joint stock company, partnership consortium, joint venture, city county, city and county special district, the State or any department or agency or political subdivision thereof, United States Government, or other commercial or legal entities;

(13) "Petroleum Product" Gasoline, diesel fuel, fuel oil, oil, kerosene;

(14) "Release" means any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, or disposing of a hazardous material into or on any land, air, water, well, stream, sewer or pipe so that such hazardous materials or any constituent thereof may enter the environment. The term shall not apply to (a) with respect to a claim which such persons may assert against the employer of such persons as provided by CERCLA regulations, any release which results in exposure to persons solely within a workplace, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or a pipeline station pumping engine, and (c) the normal application of fertilizer and pesticides;

(15) "Remedial Action" means any action consistent with permanent remedy taken instead of or in addition to any removal actions in the event of a release or threatened of a hazardous material into the environment, to prevent or minimize the release of hazardous materials so that they do not migrate to cause a substantial present or potential hazard to human health, property or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches or ditches, clay (or other earth) cover, neutralization, cleanup of released hazardous materials or contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, repair or replacement of leaking containers, collection of leachate and runoff, on site treatment or incineration, provision of alternative water supplies, and any monitoring reasonably required to assure that such actions protect public health and welfare and the environment;

(16) "Removal" means the cleanup or removal of released hazardous materials from the environment, such actions as may be necessary or appropriate to monitor, assess, and evaluate the release or threatened release of hazardous materials, the disposal of removed material, or the taking of such actions as may be necessary to prevent, minimize, or mitigate damage to public health or welfare or the environment. The term includes, but is not limited to, security fencing, provision of alternative water supplies, and temporary evacuation, reception and care of threatened persons;

(17) "Reportable Quantity" means that quantity as set forth in Section IV of this Ordinance;

(18) "Response" means any remedial or removal actions, including, but not limited to, response by local public safety and emergency agencies and subsequent actions taken to insure the preservation and protection of the public health, safety, welfare and the environment;

(19) "Store" means to deposit or place a substance in the county for a period of ten (10) days or more provided such substance is not otherwise in transit;

(20) "Use" means to store, maintain, treat, process, handle, generate, dispose of, or otherwise manage. Use shall not include any mode of transportation other than onsite transportation;

(21) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

SECTION III-DETERMINATION OF REPORTABLE QUANTITIES

A. Listed Hazardous Materials: The quantity appearing in column "RQ" for each hazardous material listed by Appendix A, "List of Hazardous Materials and Reportable Quantities", 40 CFR Part 302, as amended, published by the U.S. Environmental Protection Agency (EPA) shall be the reportable quantity for that material.

B. Unlisted Hazardous Materials: Unlisted hazardous wastes designated as hazardous materials have the reportable quantity of 100 pounds, except for those unlisted hazardous wastes exhibiting the characteristics of EP toxicity identified in 40 CFR 261.24. Unlisted hazardous wastes which exhibit EP toxicity have the reportable quantities listed in Appendix A to 40 CFR Part 302, as amended, for the containment on which the characteristics of EP toxicity is based. If an unlisted hazardous waste exhibits EP toxicity on the basis of more than one containment, the reportable

quantity for that waste shall be the lowest of the reportable quantities listed by Appendix A to 40 CFR Part 302, as amended, for those contaminants. If an unlisted hazardous waste exhibits the characteristics, the reportable quantity shall be the lowest of the applicable reportable quantities.

C. Oil: (1) The reportable quantity for releases of oil to waters of the United States or adjoining shorelines is any quantity which violates applicable water quantity standards or causes a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. (2) The reportable quantity for releases of oil to the environment other than releases to waters of the United States and adjoining shorelines is 56 gallons. (3) Notwithstanding any other provision of this Section, a release of oil from a properly functioning vessel engine shall not be deemed to be in a reportable quantity; however, this provision shall not be applicable to oil accumulated in a vessel's bilges.

D. Higher Reportable Quantity: Notwithstanding any other provision of this Section, the Pulaski County Fire Coordinator, after review of the "Pulaski County Hazardous Materials Use and Spill Prevention control Plan" required to be submitted pursuant to the further provisions of this Ordinance, may designate a reportable quantity for a hazardous material in excess of the quantity determined under this Section if the administering agency determines that the higher reportable quantity is consistent with the purpose and objective of this Ordinance.

E. Releases to Sanitary Sewer System: Notwithstanding any other provision of this Section, any release of a hazardous material to a sanitary sewer system which is prohibited under applicable pretreatment or other regulations of any sanitation district operating within Pulaski County governing discharges to the sanitary sewer system shall be deemed to be discharged in reportable quantities.

F. Component Hazardous Materials Release: A release of a mixture or solution of which a hazardous material is a component shall be considered to be a release in a reportable quantity only where the component hazardous material of the mixture or solution is released in a quantity equal to or greater than its reportable quantity.

SECTION IV-PROHIBITED ACTS

No person shall cause, threaten or allow the release of a hazardous material into the environment within the territorial boundaries of Pulaski County, Kentucky, unless such release is an authorized release in accordance with an appropriate permit granted by that agency of state or federal government which has primary jurisdiction over such release and such release is in such place and manner as will not create a substantial present or potential hazard to human health, property or the environment.

SECTION V-NOTICE TO PUBLIC SAFETY COMMUNICATIONS CENTER

A. Notice Upon Discovery: When a release or a threatened release, other than an authorized release, of a hazardous material in a quantity equal to or exceeding the reportable quantity herein before established for such material occurs or is imminent on any facilities of any kind within Pulaski County, the person in charge of such facilities, upon discovery of such release or threatened release, or evidence that a release has occurred even though it has apparently been controlled, shall immediately cause notice of the existence of such release or threatened release, the circumstances of same, and the location thereof

to the Public Safety Communications Center.

B. Emergency Telephone Number: The notice required to be given by this Section in Pulaski County may be given by telephoning "9-1-1" (or such other emergency telephone number as may be subsequently designated). This one call will meet the requirements for notification of local agencies and, to the extent permitted by existing or future agreement, will provide notice to appropriate agencies of the Commonwealth of Kentucky, including, but not limited to, the Cabinet for Natural Resources and Environmental Protection, the Office of the State Fire Marshal in the Department of Housing, Department of Fish and Wildlife, Buildings and Construction in the Cabinet for Public Protection and Regulation, and the Division of Disaster and Emergency Services in the Department of Military Affairs.

C. Duty to Control Releases: The notice required to be given by this Section shall not be construed as forbidding or otherwise exempting any person on or about the facilities from exercising all diligence necessary to control such release prior to or subsequent to such notice to the Public Safety Communications Center, especially if such efforts may result in the containment of the release and/or the abatement of extreme hazard to the employees or the general public. Delays in reporting due to any in-house requirement for notification to off site owners/supervisors shall not be acceptable as reason for delay in notification required by this Section, and any such delay may result in penalties.

D. Duty to Report to Other Agencies: No statement contained in this Section shall be construed to exempt or release any person from any other notification or reporting procedures in accordance with applicable state or federal laws or regulations.

SECTION VI-ADMINISTERING AGENCY

The purpose of this Ordinance is to establish a uniform county-wide program for protection of the environment from uncontrolled releases of hazardous materials to be administered by existing agencies of local government. The Pulaski County Fire Coordinator and the Pulaski County Disaster and Emergency Services shall be the lead agency in administering this Ordinance.

SECTION VII-RESPONSE AUTHORITY

A. The Pulaski County Fire Coordinator and Pulaski County D.E.S. shall have authority to coordinate response to any release or threatened release of hazardous materials in any incorporated or unincorporated area of Pulaski County.

B. The Fire Chief of the jurisdiction in which such release or threatened release is located shall have primary authority for taking remedial or removal actions necessary to control or contain such release or threatened release and to assure the protection of human health, property and the environment. The role of Pulaski County Fire Coordinator is to give technical advice and assistance to the Fire Chief. Pulaski County Fire Coordinator shall direct the emergency response unless the Fire Coordinator is not present then the Fire Chief of the jurisdiction shall be in charge.

C. Pulaski County Fire Coordinator or the Fire Chief shall immediately report any release or threatened release to the executive authority of the jurisdiction (e.g. County Judge/Executive or his administrative assistant, Mayor, City Administrative Officer, Safety Officer). If in the opinion of the executive authority, the seriousness of the situation warrants, the chief executive officer of the jurisdiction (County Judge/Executive or Mayor) 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 Pulaski County Fire Coordinator, the Fire Chief, or other appropriate person to exercise all or part of the response authority provided by this Section until further notice.

D. All local emergency response personnel shall cooperate with and operate under the direction of the chief executive officer of the jurisdiction, the Fire Chief, Pulaski County Fire Coordinator, or other person then exercising response authority has determined that the response is complete, or responsibility for response has been assumed by the state of federal agency having primary jurisdiction over such release or threatened release.

E. The person exercising response authority under this Section shall coordinate and/or cooperate with other federal, state or local public health, safety and emergency agencies involved in the response to a release or threatened release of hazardous materials.

F. 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.

SECTION VIII-LIABILITY FOR COSTS

Notwithstanding any other provision or rule of law, the following persons shall be jointly and severally liable for all costs of removal and remedial actions incurred by local public safety and emergency agencies as a result of a release or threatened release of hazardous materials into the environment:

A. The owner and operator of a facility or vessel from which there is a release or substantial threat of release of hazardous materials;

B. Any person who, at the time of disposal, transport, storage, or treatment of hazardous materials, owned or operated the facility or vessel used for such disposal, transport, treatment, or storage from which there was a release or substantial threat of a release of hazardous materials;

C. Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by another party or entity from which facility there is a release or substantial threat of a release hazardous materials;

D. Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a release or substantial threat of a release of hazardous materials.

SECTION IX-AUTHORIZED RELEASE

There shall be no liability under this Ordinance for any release permitted by state or federal law, but only to the extent that such release is made in accordance with an appropriate permit granted by the state or federal agency having primary jurisdiction over such release and that such release is in full compliance with such permit with respect to time, location and manner of the release so that such release will not create a hazard or potential hazard to human health, property or the environment; or, if such release is in substantially lesser quantities than those reportable quantities established by state or federal law, regulations, permit requirements, or ordinance of the jurisdiction in which such release occurs.

SECTION X-CONTRACTUAL IDENTIFICATION: SUBROGATION

A. No conveyance, transfer, sale, indemnification, hold harmless, or similar agreement shall be effective to release the owner or operator of any facility or vessel or any person who may be liable for a release of hazardous materials or threat thereof under this Ordinance. Nothing in this Section shall bar any arrangement to insure, hold harmless or indemnify a party to such agreement for any liability under this Ordinance.

B. Nothing in this Section, including the provisions of subsection A above, shall bar a cause of action that an owner or operator or any other person subject to liability under this Ordinance, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

SECTION XI-REQUIREMENTS FOR PULASKI COUNTY HAZARDOUS MATERIAL INFORMATION SHEET INVENTORY

A. The following persons who use hazardous materials must prepare, submit and maintain a "Annual Tier Two sheet Emergency and Hazardous Chemical inventory.

1. All federal, state and local government agencies which use hazardous materials in reportable quantities;

2. All of the following businesses or services within Pulaski County which use hazardous materials, as clarified by the Standard Industrial Classification (SIC) Code:

<u>Classification</u>	<u>Business or Service</u>
0782	Lawn and garden services
2011 - 3999	Manufacturing
4011 - 4953	Transportation, communication & Public Utilities
5043	Photographic Equipment & Supplies (Wholesale Trade)
5085	Industrial Supplies (Wholesale Trade)
5161 - 5199	Specific Catagories in Wholesale Trade
5541	Gasoline Service Stations (Retail Trade)

7011 - 7218	Industrial & Commercial Launderers, etc., in Services
7342	Disinfecting & Exterminating Services
7395	Photofinishing Laboratories in Services
7512	Passenger Car Rental in Services
7513	Truck Rental & Leasing
7538 - 7549	Automotive Repair Shops & Auto Services in Services
8062	General Medical & Surgical Hospitals in Services
8063	Psychiatric Hospitals in Services
8069	Specialty Hospitals except Psychiatric in Services

3. Those persons not covered in 1 or 2 above who use hazardous materials may be required to submit a Plan if the administering agency finds it necessary to protect the public health and safety.

B. EXEMPTIONS:

1. Persons who handle agricultural chemicals in the ordinary course of agricultural operations other than warehousing or bulk storage of such chemicals for resale or commercial applications.

2. Persons who handle hazardous materials otherwise regulated only at temporary construction sites.

3. Persons who handle hazardous materials only in conjunction with residential use or property for non-commercial purposes.

4. Consumer products and foodstuffs packaged for distribution to and intended for use by the general public. This refers to ingredients used in production of foodstuffs which are regulated by the Federal Food, Drug and Cosmetic Act, as amended.

C. REQUIRED HMPC PLAN ELEMENTS

The Pulaski County Fire Coordinator shall provide forms with the necessary instructions and requirements for completing Plans in compliance with this Ordinance. The Plans will include, but not be limited to:

1. Facility identification;

2. Spill history;

3. Identification of hazardous materials (HM) storage, in-plant transfer, process and materials handling areas and hazardous materials truck, rail car and/or vessel loading and unloading areas;

4. Description of plant site runoff from parking areas described in 3., including in-place containment appurtenances (e.g. dikes) and means of releasing rainwater from such areas;

5. Other means of spill prevention, control and countermeasure of all listed hazardous materials, such as containment or detection equipment and absorbent materials;

6. Provisions for the operation and maintenance of all items described in 5. above;

7. Contingency plans, including spill notification procedures for both internal personnel as well as outside authorities, including the Pulaski County Fire Coordinator;

8. Provisions for training of personnel in the utilization of contingency plans;

9. Security provisions;

10. Provisions for inspections, spill report preparation and records retention;

11. Schedule (with actual dates or milestones) for plan elements yet to be implemented, with provisions for reporting progress to the administering agency;

12. Provisions for periodic review and amendments to the plan;

13. Certification of the Plan by a Registered Professional Engineer or an officer of the company;

14. For the purposes of this Section, only one plan need be submitted by the owner of electrical equipment at multitude locations when such equipment contains hazardous materials as a coolant, lubricant, or insulation for the operation of such equipment. Subsections 3 and 5 above shall not apply to single plans authorized under this subsection.

D. PLAN SUBMITTAL DEADLINES:

Those persons and facilities required to submit a Local Plan under this Ordinance shall submit such plans in duplicate to the Pulaski County Fire Coordinator Office within 180 days following the effective date of this Ordinance provided, however, that persons required to submit such Local Plans may request in writing for extensions of time where the complexity of the operations involved require additional time in which to complete such plans. When granted by the Pulaski County Fire Coordinator Office, such extensions of time shall be for periods of thirty (30) days, renewable thereafter for like periods until January 1, 1993, at which time all Local Plans shall have been submitted to the Pulaski County Fire Coordinator for review.

E. REVIEW AND APPROVAL OF PLAN :

The Local Plan shall be reviewed by the Pulaski County Fire coordinator, the Local Emergency Planning Committee, the fire department having jurisdiction; however, final administrative action on the Local Plan shall be taken by the Local Emergency Planning Committee. Upon submission of the Local Plan or the granting of time extension in accordance with subsection D of this Section, the person submitting the plan shall be presumed to be in compliance with this Section pending final approval of the plan. The Local Plans which do not provide the necessary information or are otherwise defective shall be rejected and returned to the person submitting the plan for revision and resubmittal.

F. APPEALS:

Any rejection or denial of approval of a Local Plan by the Local Emergency Planning Committee may be appealed to the governing body of the jurisdiction in which the facility for which such plan is submitted is located. As soon as practicable following receipt of notice of such appeal, the governing body shall conduct a public hearing into the matter and, after consideration of all evidence and testimony relative to such an appeal, shall, by majority vote, uphold the findings of the Local Emergency Planning

Committee or may modify the requirements of the Local Plan for the particular facility as it may deem appropriate so long as such modifications are in compliance with the intent of this Ordinance which is to promote and secure protection of human health, property and the environment against present or potential hazards occasioned by the uncontrolled release of hazardous materials into the environment.

G. UPDATES, REVISIONS, AND CHANGES:

A new or modified Local Plan may be required and submitted to the Local Emergency Planning Committee when any person institutes the use of a new process or change in its manufacturing or processing facilities, or when there is significant change in its existing operations or wastewater constituents or characteristics.

H. TRAINING AND EDUCATIONAL PROGRAMS:

1. Each employer who uses hazardous materials as herein defined and who is required to prepare an Local Plan shall be required to have an initial and on-going safety and accident prevention training program for all employees. This training and education shall include, but not be limited to, appropriate work practices, protective measures and emergency procedures. The details and frequency of the training program should be provided as a part of the Local Plan for the facility.

2. The Pulaski County Fire Coordinator shall have the authority to require different frequencies of training for industries with frequent spills and/or spill histories.

SECTION XII-INSPECTIONS

The Pulaski County Fire Coordinator and the response agency shall have the authority to jointly conduct the periodic inspections of any facilities, for the purpose of ascertaining and causing to be corrected, any condition which may be a violation of this Ordinance. Joint inspection shall be conducted where necessary for purposes of Local Plan review. Inspections shall be made during working hours except by special arrangement with the person in charge of the facility.

SECTION XIII-CONFIDENTIAL INFORMATION AND TRADE SECRETS

Information and data provided by any person or obtained from any report, questionnaire, permit application, permit and monitoring program, and from inspections shall not be made available to the public or any other government agency, unless required by law.

A. Upon submission of information in any form, it shall be the obligation of the submitter to separate all confidential and trade secret material from any materials subject to disclosure under the law.

B. Any request made under the law for information containing confidential or trade secret information shall be brought to the attention of the person requesting confidentiality of its trade secrets by certified mail, return receipt requested. The notification shall advise the person requesting confidentiality of the decision of the administering agency regarding release of the confidential information. In no event, will such confidential information be released until five (5) days have elapsed from date notice is sent by certified mail.

C. Within seventy-two (72) hours after receipt of notice, the person requesting confidentiality of its trade secrets shall have the burden to initiate appropriate actions at law or otherwise to protect its confidential or trade secret information from disclosure, and must demonstrate that public disclosure of confidential or trade secret information is likely to cause substantial harm to his competitive position.

D. Any individual who releases information containing confidential or trade secret information in violation of law or this section shall be subject to disciplinary action by his employer for malfeasance, misfeasance and willful neglect of official duties, and may further be guilty of misuse of confidential information under K.R.S. 522.040.

E. The provisions of this Section shall in no way prohibit or limit the exchange of information, confidential or otherwise, between public agencies when the exchange is serving a legitimate government need or is necessary in the performance of a government function including, but not limited to, the carrying out of the provisions and intent of this Ordinance.

F. Pulaski County Fire Coordinator's office shall be the repository for all trade secret information for the purposes of this Ordinance.

SECTION XIV-ENFORCEMENT; NOTICE OF VIOLATION

A. Pulaski County Fire Coordinator and the response authority hereinbefore designated shall have joint primary responsibility for enforcement of the provisions of this Ordinance.

B. Upon notification or discovery of any violation of the provisions of this Ordinance, the Pulaski County Fire Coordinator shall immediately investigate the site upon which the violation is located. The Pulaski County Fire Coordinator will be the lead enforcement agency for violations of this Ordinance. If a violation exists, a notice describing the violation shall be served upon the person who is responsible for the facilities upon which the violation has occurred, if the identity of the person is known. The notice shall also include the following, if applicable:

(1) a statement that if the situation is not remedied within the prescribed period of time, the Pulaski County Fire Coordinator or Responding Agency may proceed to correct the violation;

(2) a statement that a person shall be liable for any costs incurred by public agencies associated with their releases except for those costs that are associated with a normal emergency response;

(3) a statement that after the Pulaski County Fire Coordinator or Response Agency has corrected the violation, a bill shall be sent charging the person the amount of costs and expenses incurred by the governmental agency in correcting the violation;

(4) a statement that penalties may be levied for violations that have occurred.

C. GOVERNMENTAL RESPONSE: In cases where the identity of the person who is responsible for facilities upon which a violation has occurred is not known at the time a violation is reported or discovered, the county or any governmental agency within the county may take reasonable steps to abate any problem and may take reasonable steps to clean-up the area affected to assure continuing safety of the public and

the environment. When the identity of the person responsible for the facility is determined, a bill shall be sent to that person for the costs for correcting the violation according to the provisions of subsections A and B of this Section.

D. INJUNCTIVE RELIEF: The Pulaski County Fire Coordinator is empowered to seek injunctive relief for violations of this Ordinance should other means prove ineffective and a threat to public health and safety exists.

SECTION XV-PENALTIES

A. Any person who is responsible for the release or substantial threat of a release of hazardous materials into the environment in violation of Section IV or who fails to report such release or threatened release in violation of Section V of this Ordinance shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class A Misdemeanor and subject to a fine or imprisonment or by both such fine and imprisonment as its otherwise provided by law for such offense. Each day that such violation occurs, exists or continues shall be deemed to be a separate offense.

B. Any person who otherwise violates any provision of this Ordinance other than Section IV (Prohibited Acts) or V (Notification) shall, upon conviction thereof by a court of competent jurisdiction, be guilty of a Class B Misdemeanor and subject to such fine or imprisonment or by both such fine and imprisonment as is otherwise provided by law for such offense. Each day that such violations occurs, exists or continues shall be deemed to be a separate offense.

C. In addition to the penalties provided in subsections A and B above, any person violating any provisions of this Ordinance shall become liable civilly to the appropriate county or city government for any expense loss or damage to the government or agency thereof caused by reason of such violation, including, but not limited to, any clean-up, evacuation, administration or other expenses, and legal expenses.

SECTION XVI-DISCLAIMER OF LIABILITY

This Ordinance shall not create liability on the part of the Pulaski County Fire Coordinator or on the part of the response authority for any damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. All persons are advised to determine to their own satisfaction the level of protection, in addition to that required by this Ordinance, necessary or desirable to ensure that there is no unauthorized release of hazardous materials.

SECTION XVII-SEVERABILITY

If any provision or section of this Ordinance or the enforcement of such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not effect or render invalid or unenforceable any other provision or section.

SECTION XVIII-EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage and approval according to law.

Passed on first reading this 11th day of August, 1992.

Adopted this 25 day of Aug, 1992.

Danicee Bether
Pulaski Co. Judge/Executive

SUBMITTED BY:

Fred Neikirk
Fred Neikirk, Pulaski Co. Attorney

Phillip McClendon YES

Louie Floyd YES

Howard Hansford YES

Russell Hargis YES

Clifford Jasper YES

Jim Slaughter YES

ATTEST:

Willard Hansford
Willard Hansford, Pulaski Co. Clerk

40 CFR Part 355 (as amended)

**The List of Extremely Hazardous Substances and their Threshold Planning
Quantities
[Alphabetical Order]**

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
75865	ACETONE CYANOHYDRIN	1000	
1752303	ACETONE THIOSEMICARBAZIDE	1000/10000	e
107028	ACROLEIN	500	
79061	ACRYLAMIDE	1000/10000	d,l
107131	ACRYLONITRILE	10000	d,l
814686	ACRYLYL CHLORIDE	100	e,h
111693	ADIPONITRILE	1000	e,l
116063	ALDICARB	100/10000	c
309002	ALDRIN	500/10000	d
107186	ALLYL ALCOHOL	1000	
107119	ALLYLAMINE	500	e
20859738	ALUMINUM PHOSPHIDE	500	b
54626	AMINOPTERIN	500/10000	e
78535	AMITON	500	e
3734972	AMITON OXALATE	100/10000	e
7664417	AMMONIA	500	l
300629	AMPHETAMINE	1000	e
62533	ANILINE	1000	d,l
88051	ANILINE,2,4,6-TRIMETHYL-	500	e
7783702	ANTIMONY PENTAFLUORIDE	500	e
1397940	ANTIMYCINA	1000/10000	c,e
86884	ANTU	500/10000	
1303282	ARSENIC PENTOXIDE	100/10000	d
1327533	ARSENOUS OXIDE	100/10000	d,h
7784341	ARSENOUS TRICHLORIDE	500	d
7784421	ARSINE	100	e
2642719	AZINPHOS-ETHYL	100/10000	e
86500	AZINPHOSMETHYL	10/10000	
98873	BENZAL CHLORIDE	500	d
98168	BENZENAMINE,3-(TRIFLUOROMETHYL)-	500	e
100141	BENZENE,1-(CHLOROMETHYL)-4-NITRO-	500/10000	e
98055	BENZENEARSONIC ACID	10/10000	e
3615212	BENZIMIDAZOLE,4,5-DICHLORO-2- (TRIFLUOROMETHYL)-	500/10000	e,g
98077	BENZOTRICHLORIDE	100	d
100447	BENZYL CHLORIDE	500	d
140294	BENZYL CYANIDE	500	e,h
15271417	BICYCLO[2.2.1]HEPTANE-2-CARBONITRILE, 5- CHLORO-6((((METHYLAMINO)CARBONYL) OXY)IMINO-,(1S-(2-ALPHA,2-BETA,4-ALPHA, 5-ALPHA,6E))-	500/10000	e
534076	BIS(CHLOROMETHYL) KETONE	10/10000	e
4044659	BITOSCANATE	500/10000	e
10294345	BORON TRICHLORIDE	500	e
7637072	BORON TRIFLUORIDE	500	e
353424	BORON TRIFLUORIDE COMPOUND WITH METHYL ETHER(1:1)	1000	e
28772567	BROMADIOLONE	100/10000	e

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
7726956	BROMINE	500	e, l
1306190	CADMIUM OXIDE	100/10000	e
2223930	CADMIUM STEARATE	1000/10000	c, e
7778441	CALCIUM ARSENATE	500/10000	d
8001352	CAMPHECHLOR	500/10000	d
56257	CANTHARIDIN	100/10000	e
51832	CARBACHOL CHLORIDE	500/10000	e
26419738	CARBAMIC ACID, METHYL-0-(((2,4-DIMETHYL-1, 3-DITHIOLAN-2-YL)METHYLENE)AMINO)-	100/10000	e
1563662	CARBOFURAN	10/10000	
75150	CARBON DISULFIDE	10000	l
786196	CARBOPHENOTHION	500	e
57749	CHLORDANE	1000	d
470906	CHLORFENVINFOS	500	e
7782505	CHLORINE	100	
24934916	CHLORMEPHOS	500	e
999815	CHLORMEQUAT CHLORIDE	100/10000	e, h
79118	CHLOROACETICACID	100/10000	e
107073	CHLOROETHANOL	500	e
627112	CHLOROETHYLCHLOROFORMATE	1000	e
67663	CHLOROFORM	10000	d, l
542881	CHLOROMETHYL ETHER	100	d, h
107302	CHLOROMETHYL METHYL ETHER	100	c, d
3691358	CHLOROPHACINONE	100/10000	e
1982474	CHLOROXYURON	500/10000	e
21923239	CHLORTHOPHOS	500	e, h
10025737	CHROMIC CHLORIDE	1/10000	e
10210681	COBALT CARBONYL	10/10000	e, h
62207765	COBALT, ((2,2'-(1,2-ETHANEDIYL-BIS(NITRILO- METHYLIDYNE))([q]BIS(6-FLUOROPHENOLATO)) (2'-N,N',O,O'))	100/10000	e
64868	COLCHICINE	10/10000	e, h
56724	COUMAPHOS	100/10000	
5836293	COUMATETRALYL	500/10000	e
95487	CRESOL, O	1000/10000	d
535897	CRIMIDINE	100/10000	e
4170303	CROTONALDEHYDE	1000	
123739	CROTONALDEHYDE(E)-	1000	
506683	CYANOGEN BROMIDE	500/10000	
506785	CYANOGEN IODIDE	1000/10000	e
2636262	CYANOPHOS	1000	e
675149	CYANURIC FLUORIDE	100	e
66819	CYCLOHEXIMIDE	100/10000	e
108918	CYCLOHEXYLAMINE	10000	e, l
17702419	DECABORANE(14)	500/10000	e
8065483	DEMETON	500	e
919868	DEMETON-S-METHYL	500	e
10311849	DIALIFOR	100/10000	e
19287457	DIBORANE	100	e
111444	DICHLOROETHYL ETHER	10000	d
149746	DICHLOROMETHYLPHENYLSILANE	1000	e
62737	DICHLORVOS	1000	
141662	DICROTOPHOS	100	e
1464535	DIEPOXYBUTANE	500	d
814493	DIETHYL CHLOROPHOSPHATE	500	e, h
164254	DIETHYLCARBAMAZINE CITRATE	100/10000	e
71636	DIGITOXIN	100/10000	c, e
2238075	DIGLYCIDYL ETHER	1000	e
20830755	DIGOXIN	10/10000	e, h
115264	DIMEFOX	500	e
60515	DIMETHOATE	500/10000	
2524030	DIMETHYL PHOSPHOROCHLORIDOTHIOATE	500	e

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
77781	DIMETHYL SULFATE	500	d
75785	DIMETHYLDICHLOROSILANE	500	e,h
57147	DIMETHYLHYDRAZINE	1000	d
99989	DIMETHYL-P-PHENYLEDIAMINE	10/10000	e
644644	DIMETILAN	500/10000	e
534521	DINITROCRESON	10/10000	
88857	DINOSEB	100/10000	
1420071	DINOTERB	500/10000	e
78342	DIOXATHION	500	e
82666	DIPHACINONE	10/10000	e
152169	DIPHOSPHORAMIDE, OCTAMETHYL-	100	
298044	DISULFOTON	500	
514738	DITHIAZANINE IODIDE	500/10000	e
541537	DITHIOBIURET	100/10000	
316427	EMETINE, DIHYDROCHLORIDE	1/10000	e,h
115297	ENDOSULFAN	10/10000	
2778043	ENDOTHION	500/10000	e
72208	ENDRIN	500/10000	
106898	EPICHLOROHYDRIN	1000	d,l
2104645	EPN	100/10000	e
50146	ERGOCALCIFEROL	1000/10000	c,e
379793	ERGOTAMINE TARTRATE	500/10000	e
1622328	ETHANESULFONYL CHLORIDE, 2-CHLORO-	500	e
10140871	ETHANOL, 1,2-DICHLORO-, ACETATE	1000	e
563122	ETHION	1000	
13194484	ETHOPROPHOS	1000	e
538078	ETHYLBIS(2-CHLOROETHYL)AMINE	500	e,h
371620	ETHYLENE FLUOROHYDRIN	10	c,e,h
75218	ETHYLENE OXIDE	1000	d,l
107153	ETHYLENEDIAMINE	10000	
151564	ETHYLENEIMINE	500	d
542905	ETHYLTHIOCYANATE	10000	e
22224926	FENAMIPHOS	10/10000	e
122145	FENITROTHION	500	e
115902	FENSULFOTHION	500	e,h
4301502	FLUENETIL	100/10000	e
7782414	FLUORINE	500	k
640197	FLUOROACETAMIDE	100/10000	j
144490	FLUOROACETIC ACID	10/10000	e
359068	FLUOROACETYL CHLORIDE	10	c,e
51218	FLUOROURACIL	500/10000	e
944229	FONOFOS	500	e
50000	FORMALDEHYDE	500	d,l
107164	FORMALDEHYDE CYANOHYDRIN	1000	e,h
23422539	FORMETANATE HYDROCHLORIDE	500/10000	e,h
2540821	FORMOTHION	100	e
17702577	FORMPARANATE	100/10000	e
21548323	FOSTHIETAN	500	e
3878191	FUBERIDAZOLE	100/10000	e
110009	FURAN	500	
13450903	GALLIUM TRICHLORIDE	500/10000	e
77474	HEXACHLOROCYCLOPENTADIENE	100	d,h
4835114	HEXAMETHYLENEDIAMINE, N,N'-DIBUTYL-	500	e
302012	HYDRAZINE	1000	d
74908	HYDROCYANIC ACID	100	
7647010	HYDROGEN CHLORIDE (GAS ONLY)	500	e,l
7664393	HYDROGEN FLUORIDE	100	
7722841	HYDROGEN PEROXIDE (CONC. GREATER THAN 52%)	1000	e,l
7783075	HYDROGEN SELENIDE	10	e
7783064	HYDROGEN SULFIDE	500	l

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
123319	HYDROQUINONE	500/10000	l
13463406	IRON,PENTACARBONYL-	100	e
297789	ISOBENZAN	100/10000	e
78820	ISOBUTYRONITRILE	10000	e,h
102363	ISOCYANIC ACID, 3,4-DICHLOROPHENYL ESTER	500/10000	e
465736	ISODRIN	100/10000	
55914	ISOFLUORPHATE	100	c
4098719	ISOPHORONE DIISOCYANATE	100	b,e
108236	ISOPROPYL CHLOROFORMATE	1000	e
119380	ISOPROPYLMETHYLPYRAZOLYL DIMETHYL- CARBAMATE	500	e
78977	LACTONITRILE	1000	e
21609905	LEPTOPHOS	500/10000	e
541253	LEWISITE	10	c,e,h
58899	LINDANE	1000/10000	d
7580678	LITHIUM HYDRIDE	100	b,e
109773	MALONONITRILE	500/10000	
12108133	MANGANESE, TRICARBONYL METHYLCYCLO- PENTADIENYL	100	e,h
51752	MECHLORETHAMINE	10	c,e
950107	MEPHOSFOLAN	500	e
1600277	MERCURIC ACETATE	500/10000	e
7487947	MERCURIC CHLORIDE	500/10000	e
21908532	MERCURIC OXIDE	500/10000	e
10476956	METHACROLEIN DIACETATE	1000	e
760930	METHACRYLIC ANHYDRIDE	500	e
126987	METHACRYLONITRILE	500	h
920467	METHACRYLOYL CHLORIDE	100	e
30674807	METHACRYLOYLOXYETHYL ISOCYANATE	100	e,h
10265926	METHAMIDOPHOS	100/10000	e
558258	METHANESULFONYL FLUORIDE	1000	e
950378	METHIDATHION	500/10000	e
2032657	METHIOCARB	500/10000	
16752775	METHOMYL	500/10000	h
151382	METHOXYETHYLMERCURIC ACETATE	500/10000	e
80637	METHYL 2-CHLOROACRYLATE	500	e
74839	METHYL BROMIDE	1000	l
79221	METHYL CHLOROFORMATE	500	d,h
60344	METHYL HYDRAZINE	500	
624839	METHYL ISOCYANATE	500	f
556616	METHYL ISOTHIOCYANATE	500	b,e
74931	METHYL MERCAPTAN	500	
3735237	METHYL PHENKAPTON	500	e
676971	METHYL PHOSPHONIC DICHLORIDE	100	b,e
556649	METHYL THIOCYANATE	10000	e
78944	METHYL VINYL KETONE	10	e
502396	METHYLMERCURIC DICYANAMIDE	500/10000	e
75796	METHYLTRICHLOROSILANE	500	e,h
1129415	METOLCARB	100/10000	e
7786347	MEVINPHOS	500	
315184	MEXACARBATE	500/10000	
50077	MITOMYCIN C	500/10000	d
6923224	MONOCROTOPHOS	10/10000	e
2763964	MUSCIMOL	500/10000	a,h
505602	MUSTARD GAS	500	e,h
13463393	NICKEL CARBONYL	1	d
54115	NICOTINE	100	c
65305	NICOTINE SULFATE	100/10000	e
7697372	NITRIC ACID	1000	
10102439	NITRIC OXIDE	100	c

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
98953	NITROBENZENE	10000	l
1122607	NITROCYCLOHEXANE	500	a
10102440	NITROGEN DIOXIDE	100	
62759	NITROSODIMETHYLAMINE	1000	d,h
891424	NORBORMIDE	100/10000	e
PMN82147	ORGANORHODIUM COMPLEX (PMN-82-147)	10/10000	e
630604	OUABAIN	100/10000	c,e
23135220	OXAMYL	100/10000	e
78717	OXETANE, 3,3-BIS(CHLOROMETHYL)	500	e
2497076	OXYDISULFOTON	500	e,h
10028156	OZONE	100	e
1910425	PARAQUAT	10/10000	e
2074502	PARAQUAT METHOSULFATE	10/10000	e
56382	PARATHION	100	c,d
298000	PARATHION-METHYL	100/10000	c
12002038	PARIS GREEN	500/10000	d
19624227	PENTABORANE	500	e
2570265	PENTADECYLAMINE	100/10000	e
79210	PERACETIC ACID	500	e
594423	PERCHLOROMETHYLMERCAPTAN	500	
108952	PHENOL	500/10000	
4418660	PHENOL 2,2'-THIOBIS(4-CHLORO-6-METHYL-	100/10000	e
64006	PHENOL,3-(1-METHYLETHYL)-,METHYLCARBAMATE	500/10000	e
58366	PHENOXARSINE, 10,10'-OXIDI	500/10000	e
696286	PHENYL DICHLOROARSINE	500	d,h
59881	PHENYLHYDRAZINE HYDROCHLORIDE	1000/10000	e
62384	PHENYLMERCURY ACETATE	500/10000	
2097190	PHENYLSILATRANE	100/10000	e,h
103855	PHENYLTHIOUREA	100/10000	
298022	PHORATE	10	
4104147	PHOSACETIM	100/10000	e
947024	PHOSFOLAN	100/10000	e
75445	PHOSGENE	10	l
732116	PHOSMET	10/10000	e
13171216	PHOSPHAMIDON	100	e
7803512	PHOSPHINE	500	
2703131	PHOSPHONOTHIOIC ACID, METHYL-, O-ETHYL O-	500	e
	(4-(METHYLTHIO)PHENYL) ESTER		
50782699	PHOSPHONOTHIOIC ACID, METHYL-,S-(2-(BIS	100	e
	(1-METHYLETHYL)AMINO)ETHYL O-ETHYL ESTER		
2665307	PHOSPHONOTHIOIC ACID, METHYL-,O-(4-NITRO-	500	e
	PHENYL)O-PHENYL ESTER		
3254635	PHOSPHORIC ACID, DIMETHYL4-(METHYLTHIO)	500	e
	PHENYL ESTER		
2587908	PHOSPHOROTHIOIC ACID, O,O-DIMETHYL-S-	500	c,e,g
	(2-METHYLTHIO) ETHYL ESTER		
7723140	PHOSPHORUS	100	b,h
10025873	PHOSPHORUS OXYCHLORIDE	500	d
10026138	PHOSPHORUS PENTACHLORIDE	500	b,e
1314563	PHOSPHORUS PENTOXIDE	10	b,e
7719122	PHOSPHORUS TRICHLORIDE	1000	
57476	PHYSOSTIGMINE	100/10000	e
57647	PHYSOSTIGMINE, SALICYLATE(1:1)	100/10000	e
124878	PICROTOXIN	500/10000	e
110894	PIPERIDINE	1000	e
23505411	PIRIMIFOS-ETHYL	1000	e
10124502	POTASSIUM ARSENITE	500/10000	d
151508	POTASSIUM CYANIDE	100	b
506616	POTASSIUM SILVER CYANIDE	500	b
2631370	PROMECARB	500/10000	e,h

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
106967	PROPARGYL BROMIDE	10	e
57578	PROPIOLACTONE, BETA-	500	e
107120	PROPIONITRILE	500	
542767	PROPIONITRILE, 3-CHLORO-	1000	
70699	PROPIOPHENONE, 4'-AMINO	100/10000	e,g
109615	PROPYL CHLOROFORMATE	500	e
75569	PROPYLENE OXIDE	10000	i
75558	PROPYLENEIMINE	10000	d
2275185	PROTHOATE	100/10000	e
129000	PYRENE	1000/10000	c
140761	PYRIDINE, 2-METHYL-5-VINYL-	500	e
504245	PYRIDINE, 4-AMINO-	500/10000	h
1124330	PYRIDINE, 4-NITRO-,1-OXIDE	500/10000	e
53558251	PYRIMINIL	100/10000	e,h
14167181	SALCOMINE	500/10000	e
107448	SARIN	10	e,h
7783008	SELENIUS ACID	1000/10000	
7791233	SELENIUM OXYCHLORIDE	500	e
563417	SEMICARBAZIDE HYDROCHLORIDE	1000/10000	e
3037727	SILANE, (4-AMINOBTYL)DIETHOXYMETHYL-	1000	e
7631892	SODIUM ARSENATE	1000/10000	d
7784465	SODIUM ARSENITE	500/10000	d
26628228	SODIUM AZIDE(NA(N3))	500	b
124652	SODIUM CACODYLATE	100/10000	e
143339	SODIUM CYANIDE(NA(CN))	100	b
62748	SODIUM FLUOROACETATE	10/10000	
13410010	SODIUM SELENATE	100/10000	e
10102188	SODIUM SELENITE	100/10000	h
10102202	SODIUM TELLURITE	500/10000	e
900958	STANNANE, ACETOXYTRIPHENYL-	500/10000	e,g
57249	STRYCHNINE	100/10000	c
60413	STRYCHNINE,SULFATE	100/10000	e
3689245	SULFOTEP	500	
3569571	SULFOXIDE,3-CHLOROPROPYLOCTYL	500	e
7446095	SULFUR DIOXIDE	500	e,i
7783600	SULFUR TETRAFLUORIDE	100	e
7446119	SULFUR TRIOXIDE	100	b,e
7664939	SULFURIC ACID	1000	
77816	TABUN	10	c,e,h
13494809	TELLURIUM	500/10000	e
7783804	TELLURIUM HEXAFLUORIDE	100	e,k
107493	TEPP	100	
13071799	TERBUFOS	100	e,h
78002	TETRAETHYL LEAD	100	c,d
597648	TETRAETHYL TIN	100	c,e
75741	TETRAMETHYL LEAD	100	c,e,i
509148	TETRANITROMETHANE	500	
10031591	THALLIUM SULFATE	100/10000	h
6533739	THALLOUS CARBONATE	100/10000	c,h
7791120	THALLOUS CHLORIDE	100/10000	c,h
2757188	THALLOUS MALONATE	100/10000	c,e,h
7446186	THALLOUS SULFATE	100/10000	
2231574	THIOCARBAZIDE	1000/10000	e
39196184	THIOFANOX	100/10000	
297972	THIONAZIN	500	
108985	THIOPHENOL	500	
79196	THIOSEMICARBAZIDE	100/10000	
5344821	THIOUREA, (2-CHLOROPHENYL)-	100/10000	
614788	THIOUREA, (2-METHYLPHENYL)-	500/10000	e
7550450	TITANIUM TETRACHLORIDE	100	e
584849	TOLUENE 2,4-DIISOCYANATE	500	

CAS No.	Chemical Name	Threshold planning quantity (pounds)	Notes
91087	TOLUENE 2,6-DIISOCYANATE	100	
110576	TRANS-1,4-DICHLOROBUTENE	500	e
1031476	TRIAMPHOS	500/10000	e
24017478	TRIAZOFOS	500	e
76028	TRICHLOROACETYL CHLORIDE	500	e
115219	TRICHLOROETHYLSILANE	500	e,h
327980	TRICHLORONATE	500	e,k
98135	TRICHLOROPHENYLSILANE	500	e,h
1558254	TRICHLORO(CHLOROMETHYL)SILANE	100	e
27137855	TRICHLORO(DICHLOROPHENYL)SILANE	500	e
998301	TRIETHOXSILANE	500	e
75774	TRIMETHYLCHLOROSILANE	1000	e
824113	TRIMETHYLOLPROPANE PHOSPHITE	100/10000	e,h
1066451	TRIMETHYLTIN CHLORIDE	500/10000	e
639587	TRIPHENYLTIN CHLORIDE	500/10000	e
555771	TRIS(2-CHLOROETHYL)AMINE	100	e,h
2001958	VALINOMYCIN	1000/10000	c,e
1314621	VANADIUM PENTOXIDE	100/10000	
108054	VINYL ACETATE MONOMER	1000	d,l
81812	WARFARIN	500/10000	
129066	WARFARINSODIUM	100/10000	e,h
28347139	XYLYLENE DICHLORIDE	100/10000	e
58270089	ZINC, DICHLORO(4,4-DIMETHYL-5 (((METHYLAMINO)CARBONYL)OXY)IMINO) PENTANENITRILE) (T-4)-	100/10000	e
1314847	ZINC PHOSPHIDE	500	

*Only the statutory or final RQ is shown. For more information, see 40 CFR Table 302.4.

Notes:

- a This chemical does not meet acute toxicity criteria. Its TPQ is set at 10,000 pounds.
- b This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.
- c The calculated TPQ changed after technical review as described in the technical support document.
- d Indicates that the RQ is subject to change when the assessment of potential carcinogenicity and/or other toxicity is completed.
- e Statutory reportable quantity for purposes of notification under SARA sect 304(a)(2).
- f The statutory 1 pound reportable quantity for methyl isocyanate may be adjusted in a future rulemaking action.
- g New chemicals added that were not part of the original list of 402 substances.
- h Revised TPQ based on new or re-evaluated toxicity data.
- j TPQ is revised to its calculated value and does not change due to technical review as in proposed rule.
- k The TPQ was revised after proposal due to calculation error.
- l Chemicals on the original list that do not meet toxicity criteria but because of their high production volume and recognized toxicity are considered chemicals of concern ("Other chemicals").

ORDINANCE NUMBER 340.3

AN ORDINANCE OF THE COUNTY OF PULASKI, KENTUCKY, DESIGNATING MALCOLM FRANKLIN TO SERVE AS DIRECTOR OF DISASTER AND EMERGENCY SERVICES FOR THE COUNTY OF PULASKI AND PROVIDING FOR THE AVAILABILITY OF SAID DIRECTOR TO PERFORM CERTAIN REQUIREMENTS OF THE POSITION OF DIRECTOR.

WHEREAS, the County of PULASKI has established a local program for disaster and emergency preparedness, response and recovery, and

WHEREAS, the County of PULASKI pursuant to KRS 39.415(6) wishes to qualify for financial reimbursements from the state division of disaster and emergency services,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY OF PULASKI :

Section 1. That MALCOLM FRANKLIN is hereby designated to serve as Director of Disaster and Emergency Services for the County of PULASKI and shall routinely be available to respond to emergencies, attend training, and to attend meetings convened by the disaster and emergency services area coordinator.

Section 2. That MALCOLM FRANKLIN, when acting in the capacity of Director of Disaster and Emergency Services, shall relinquish authorities and responsibilities associated with any other governmental employment with the County of PULASKI and MALCOLM FRANKLIN shall assume those authorities and responsibilities until such time as the Director shall cease acting in the capacity of Director.

Section 3. That in no case shall the County of PULASKI seek reimbursement for the Director's salary for any time spent in another capacity.


Section 4. This ordinance may be published in summary form in accordance with law.

Section 5. This ordinance shall have full force and effect after two readings, adoption and publication as required by law.


COUNTY JUDGE/EXECUTIVE

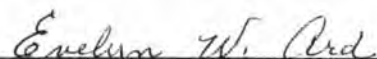
CERTIFICATION

This is to certify that the title of the foregoing ordinance is a true and accurate summary of the contents of the ordinance prepared by the County Attorney of the County of PULASKI, Kentucky.


County Attorney
County of PULASKI

Subscribed and sworn to before me by Fred Neikirk, this 16TH day of FEB, 1995.

My Commission as a Notary Public will expire 11/07/98.


Notary Public
State of Kentucky at Large



PULASKI COUNTY FISCAL COURT

340.4

ORDINANCE NUMBER

AN ORDINANCE OF THE FISCAL COURT OF PULASKI COUNTY, KENTUCKY ESTABLISHING MINIMUM REQUIREMENTS FOR INDIVIDUALS AND ORGANIZATIONS PERFORMING RESCUE AND FIRE OPERATIONS WITHIN THE BOUNDARIES OF PULASKI COUNTY, KENTUCKY PURSUANT TO KRS 67.083 AND KRS CHAPTER 39.

- WHEREAS; The Pulaski County Fiscal Court deems it to be in the best interest and public safety of persons inhabiting Pulaski to insure that emergency fire and rescue personnel and associated organizations are adequately staffed by trained personnel who are adequately funded and equipped to carry out such functions; and,
- WHEREAS; KRS 67.083 grants authority to Fiscal Courts to regulate such persons and organizations.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF PULASKI COUNTY, COMMONWEALTH OF KENTUCKY

SECTION 1: Any person, persons, group or organization shall not engage in any emergency fire or rescue operations on regular or continuing basis without first being sanctioned by the Pulaski County Fire Commission and approved by the Fiscal Court of Pulaski County.

SECTION 2: Any person, persons, groups or organizations wishing to engage in such activities must be organized under the laws of the Commonwealth and/or be an entity of local, state or federal government. Such person, persons, groups or organizations shall work within in the County Fire Plan, County Emergency Operations Plan, and the policies and procedures set out by the Pulaski County Fire Commission. No organization can deviate from this basic plan without authority of the Fire Commission and the Pulaski County Fiscal Court.

SECTION 3: In cases where state or federal guidelines, regulations or laws exist, those persons, groups or organizations must comply with any and all provisions that are applicable to their specific situation.

SECTION 4: Such persons, groups or organizations shall, prior to receiving sanctioning by the Pulaski County Fire Commission prepare acceptable by-laws, standard operating procedures and minimum training requirements which shall be consistent with the Pulaski County Fire Plan, The Pulaski County Emergency Operations Plan and standard fire and rescue activities.

SECTION 5: Groups or organizations engaged in fire and rescue operations shall be recognized by either state fire commission or local area state and federal DES Agencies, and the Pulaski County Fire Commission and shall execute agreements of affiliation where such affiliations will be to the benefit of the community and financially beneficial to the group or organization and the whenever the opportunity exists.

SECTION 6: Any person, persons, groups or organizations who violate the provisions of this ordinance shall be subjective to a fine of \$500.00 per incident or in a continuing violation, \$100.00 per day. Organizations who are members of the Pulaski County Fire Commission, may be subject to the withholding of quarterly funding for each violation. In the event further violations continue, the organization may have all funding through the County Fire Commission stopped for up to one year.

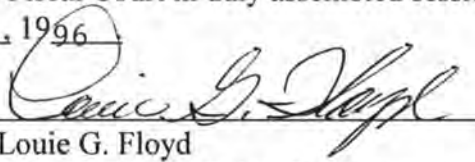
SECTION 7: The County Judge Executive is hereby authorized and empowered to exercise all of the executive powers pursuant to KRS 67.083.

SECTION 8: Each section and each provision of each section of this Ordinance are severable, and if any provision, section, paragraph sentence or part there of, or the application there of to any person, licensed, class or group be held unconstitutional or invalid or impair the remainder of this Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph sentence or part there of, separately and independent of every other.

SECTION 9: This Ordinance shall become effective on the 23rd Day of July, 1996.

SECTION 10: A summary of this Ordinance shall be published in the Commonwealth Journal, Somerset, Kentucky.

Introduced for first reading on a motion made by Phillip McClendon,
Seconded by Howard Hansford and passed majority vote of the Pulaski County
Fiscal Court in duly assembled session on the 25th Day of June,
1996 And finally adopted, after due advertisement on a motion made by Phillip McClendon
and passed by majority vote of the Pulaski County Fiscal Court in duly assembled session
on the 23rd Day of July, 1996


Louie G. Floyd
Pulaski County Judge/Executive

ATTEST:


Willard Hansford
Pulaski County Court Clerk

PULASKI COUNTY FISCAL COURT

**ADDENDUM
ORDINANCE 340.4**

**AN ACT RELATING TO THE REQUIREMENTS
FOR INDIVIDUALS & ORGANIZATIONS PERFORMING
RESCUE AND FIRE OPERATIONS**

**NOW THEREFORE LET IT BE FURTHER ORDAINED BY THE FISCAL
COURT OF PULASKI COUNTY, COMMONWEALTH OF KENTUCKY**

That Sections 2 & 4 of the above styled ordinance adopted by this worthy
Court on July 23, 1996 be amended and shall now read as follows:

- SECTION 2:** Any person, persons, groups or organizations wishing to engage in such activities must be organized under the laws of the Commonwealth and/or be an entity of local, state, or federal government. Such person, persons, groups or organizations shall work within the County Fire Plan, County Emergency Operations Plan, County Emergency Extrication Plan, and the policies and procedures set out by the Pulaski County Fire Commission. No organization can deviate from the basic plan without the authority of the Fire Commission and the Pulaski County Fiscal Court.
- SECTION 4:** Such person, persons, groups or organizations shall, prior to receiving sanctioning by the Pulaski County Fire Commission prepare acceptable by-laws, standard operating procedures and minimum training requirements which shall be consistent with the Pulaski County Fire Plan, the Pulaski County Emergency Operations Plan, the Pulaski County Emergency Extrication Plan and standard fire and rescue activities.

340.5

FLOOD DAMAGE PREVENTION ORDINANCE

44 CFR 60.3

Italics show Revisions as of AUGUST 1996

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Kentucky has in Kentucky Revised Statutes 100 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the FISCAL COURT of PULASKI COUNTY, Kentucky, does ordain as follows:

SECTION B. FINDINGS OF FACT

- (1) The flood hazard areas of PULASKI COUNTY KENTUCKY are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditures of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood blight areas; and,

- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. DEFINITIONS

Unless specifically defined below, words or phrase used in this ordinance shall be interpreted so as to give them meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of PULASKI COUNTY'S (Local Administrator) interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Break-away wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Building" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

"Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, or solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakage walls.

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMS effective before that date. "Existing construction" may also be referred to as Existing structure.

"Flood Hazard/Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building(including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

"Historic Structure" means any structure that is:

- a. Listed individually in the National Register of historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior, or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 60.3.

"Manufactured Home" Means a structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum.(NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means structures for which the "start of construction commenced on or after the effective date of PULASKI COUNTY'S floodplain management regulations and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of PULASKI COUNTY'S floodplain management regulations.

"100 Year Flood" See Base Flood

"Recreational Vehicle" means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable to a light duty truck; and,

2500
25000
22
50000
50000
50000
50000

- d. *designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.*

"Start of Construction" includes substantial improvement, and means the date the building permit is issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. *For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.*

"Structure" means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions or (2) Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"

"Substantially improved existing manufactured home parks or subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this ordinance which permits construction a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

ARTICLE 3. GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of PULASKI COUNTY.

SECTION B BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study dated JULY 16, 1990 <with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHING OF DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be : (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and, (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of PULASKI COUNTY (Local Unit) or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent PULASKI COUNTY from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION

SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR

DIRECTOR OF PUBLIC SAFETY is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. PERMIT PROCEDURES

Application for a Development Permit shall be made to PULASKI COUNTY FISCAL COURT (Local Administrator) on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage

- (a) Elevation in relation to Mean Sea Level of the proposed lowest floor(including basement) of all buildings;
- (b) Elevation in relation To Mean Sea Level to which any non-residential building will be flood-proofed;
- (c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 5, Section B(2);
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and,

(2) Construction Stage

Provide a floor elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to DIRECTOR PUBLIC SAFETY (Local Administrator) a certification of the lowest floor or flood-proofed elevation, as built, in relation to Mean Sea Level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a undertaken prior to the submission of the certification shall be at the permit holder's risk. DIRECTOR PUBLIC SAFETY (Local Administrator) shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

The duties of DIRECTOR PUBLIC SAFETY (Local Administrator) shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the Kentucky Division of Water prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Emergency Management Agency;
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation or to Mean Sea Level) of the lowest floor (including Basement) of all new or substantially improved buildings, in accordance with Article 4, Section B (2);
- (6) Verify and record the actual elevation(in relation to Mean Sea Level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 5, Section B (2);
- (7) When flood-proofing is utilized for a particular building, DIRECTOR PUBLIC SAFETY (Local Administrator) shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B (2);
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions)DIRECTOR PUBLIC SAFETY(Local Administrator) shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article;
- (9) When base flood elevation date or floodway data have not been provided in accordance with Article 3, Section B, then DIRECTOR PUBLIC SAFETY (Local Administrator) shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5;
- (10) All records pertaining to the provisions of this ordinance shall be maintained in the office of DIRECTOR PUBLIC SAFETY (Local Administrator) and shall be open for public inspection.

SECTION D. VARIANCE PROCEDURES

- (1) The PULASKI COUNTY FISCAL COURT (Appeal Board) shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- (2) The PULASKI COUNTY FISCAL COURT(Appeal Board) shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or

determination made by DIRECTOR PUBLIC SAFETY (Local Administrator) in the enforcement or administration of this ordinance.

- (3) Any person aggrieved by the decision of the PULASKI COUNTY FISCAL COURT (Appeal Board) or any taxpayer may appeal such decision to the DISTRICT COURT (Appropriate Court), as provided in Kentucky Revised Statutes).
- (4) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (5) In passing upon such applications, the PULASKI COUNTY FISCAL COURT (Appeal Board) shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (6) Upon consideration of the factors listed above, and the purposes of this ordinance, the PULASKI COUNTY FISCAL COURT (Appeal Board) may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (8) Conditions of Variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (b) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and, (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (c) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (d) DIRECTOR PUBLIC SAFETY (Local Administrator) shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damages;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairments to them or contamination from them during flooding; and,
- (9) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (10) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, or Article 4, Section C (9), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated 5 feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section B (3).
- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including the basement, elevated 5 feet above the base flood elevation. Buildings located in all A-Zones may be flood-proofed in lieu of being elevated, provided that all areas of the building below the required elevation

are water tight with all walls substantially impermeable to the passage of water, and use structural components having the capability resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section C (7).

- (3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria;
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

- (4) STANDARDS FOR MANUFACTURED HOMES OR RECREATIONAL VEHICLES

- (a) *All manufactured homes placed or substantially improved (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must meet all the requirements for new construction, including elevation and anchoring.*
- (b) *All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:*
 - (i) *the lowest floor of the manufactured home is elevated to or above the level of the base flood elevation, or*
 - (ii) *the manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the ground.*
 - (iii) *the manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.*
 - (iv) *in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article 5, Section B (4) (b), (i) and (iii) above.*
- (c) *All recreational vehicles placed on sites must either;*

- (i) *be on the site for fewer than 180 consecutive days,*
 - (ii) *be fully licensed and ready for highway use, or*
 - (iii) *meet the permit requirements for new construction, including anchoring and elevation requirements for "manufactured homes".*
- (5) **FLOODWAYS** Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply;
- (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of base flood discharge;
 - (b) If Article 5, Section B (4) (a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

SECTION C. STANDARD FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS

Located within the areas of special flood hazard established in Article 3, Section B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- (1) No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (2) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 4, Section C (9).

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage:
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- (4) base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

SECTION E. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provision apply:

- (1) All new construction and substantial improvements or residential structures shall have the lowest floor, including basements, elevated above the highest adjacent grade, at least as high as the depth number specified in feet on PULASKI COUNTY'S FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(2) All new construction and substantial improvements of non-residential structure shall:

- (a) have the lowest floor, including elevated above the highest adjacent grade at least as high as the depth number specified in feet on PULASKI COUNTY'S FIRM. If no depth number is specified, the lowest floor, including basement, shall be elevated at least (2) feet above the highest adjacent grade, or
- (b) together with attendant utilities and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

ADOPTED ON 8-27-96

Darrell R. Wilson
Howard Hansford
Earl Hick
James C. C. C.
James Slaughter
Ralph T. T. T.
Phillip McChesdon
(PULASKI COUNTY MAGISTRATES)

CERTIFIED BY Willard Hansford
DATE: 8-27-96

RESOLUTION NO. 340.6

A RESOLUTION OF INDUCEMENT OF THE COUNTY OF PULASKI, KENTUCKY INDICATING INTENT TO ISSUE INDUSTRIAL BUILDING REVENUE BONDS (N.B. INDUSTRIES, LLP PROJECT) OF THE COUNTY OF PULASKI, KENTUCKY, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000), FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUISITION, CONSTRUCTION, EQUIPPING AND INSTALLATION OF AN INDUSTRIAL BUILDING FOR USE AS A MANUFACTURING /WAREHOUSING FACILITY IN PULASKI COUNTY, KENTUCKY.

WHEREAS, N.B. Industries, LLP, a Kentucky corporation, its successors and assigns (the "Company"), intends to acquire, construct, equip and install an industrial building suitable for use as a manufacturing and warehousing facility (the "Project") within the boundaries of the County of Pulaski, Kentucky (the "County"); and

WHEREAS, the County is authorized to issue its revenue bonds, notes or other obligations for facilitating the acquisition, construction, equipping and installation of the Project pursuant to Sections 103.200 *et seq.* of the Kentucky Revised Statutes ("KRS")(the "Act"); and

WHEREAS, the Company has evidenced a desire to have such acquisition, construction, equipping and installation of the Project financed from the proceeds of the issuance and sale by the County of its Industrial Building Revenue Bonds (N.B. Industries, LLP Project) (the "Bonds") in an aggregate principal amount not to exceed \$10,000,000; and

WHEREAS, this Fiscal Court has determined that, in order to provide the benefits for its citizens which are set forth in the Act, it desires to issue the Bonds; and

WHEREAS, this Fiscal Court has recommended approval of the Project and enactment of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF PULASKI, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

Section 1. That this Fiscal Court hereby finds that all actions relative to the adoption of this Resolution were in substantial compliance with the procedures established by the County for issuing industrial building revenue bonds, and hereby approves the Project and the issuance of such bonds.

Section 2. That this Resolution is an affirmative official action of this Fiscal Court toward the issuance of the Bonds as contemplated herein in accordance with the purposes of the laws of the Commonwealth of Kentucky and United States Treasury Regulation 150-2.

Section 3. That this Fiscal Court hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in open meetings of this Fiscal Court, and that all deliberations of this Fiscal Court and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements.

Section 4. That this Resolution shall be effective immediately upon adoption, as provided by law.

PASSED AND APPROVED ON FIRST READING THIS 15TH DAY OF DECEMBER, 1998.

APPROVED:


County Judge/Executive

ATTEST:


Fiscal Court Clerk

CERTIFICATION

I, Fiscal Court Clerk of the County of Pulaski, Kentucky, do hereby certify that the above is a true copy of Resolution No. _____, as first adopted by the Pulaski County Fiscal Court at a special meeting held on December _____, 1998, whereat a quorum was present and voting, all as shown by the records of said Fiscal Court in my office.

Witness my signature this _____ day of December, 1998.

Fiscal Court Clerk

340.7

AN ORDINANCE CREATING
THE PULASKI COUNTY OFFICE OF EMERGENCY MANAGEMENT

BE IT ORDAINED BY THE FISCAL COURT OF PULASKI COUNTY:

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 PULASKI County, and

WHEREAS, the fiscal court of PULASKI County desires to protect and safeguard the property, health, safety, and welfare of the citizens and the environment of PULASKI County in accordance with the provisions of KRS Chapters 39A to 39F;

NOW, THEREFORE, the fiscal court of PULASKI County enacts this ordinance which shall be known and may be cited as the "PULASKI County Emergency Management Ordinance".

SECTION II:

There is hereby created the PULASKI 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 PULASKI County.

The PULASKI County Office of Emergency Management shall develop, implement, and maintain the local comprehensive emergency management program for PULASKI 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 PULASKI County.

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

The PULASKI 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 PULASKI County Disaster and Emergency Services organization established pursuant to KRS Chapters 39A to 39F.

The PULASKI County Judge/Executive shall designate and include a separate Office of Emergency Management budget unit classification within each annual PULASKI County budget, and all financial matters of the PULASKI County Office of Emergency Management shall be handled through the county treasury and uniform budget system.

SECTION III.

The county judge/executive, within thirty (30) days of assuming office, shall appoint a PULASKI 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 PULASKI 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 PULASKI 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 PULASKI 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 PULASKI County;

(B) To be the executive head and chief administrative officer of the PULASKI 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 PULASKI County, and to coordinate all disaster and emergency response of PULASKI County;

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

(D) To establish, maintain, and coordinate or direct the PULASKI County Disaster and Emergency Services organization in accordance with the provisions of the PULASKI County Emergency Operations Plan, the Kentucky Emergency Operations Plan, and the provisions of KRS Chapter 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 PULASKI 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 PULASKI County Emergency Operations Plan; activate the PULASKI 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 PULASKI 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 PULASKI County Office of Emergency Management, and supervise any operating units and personnel associated with it which are officially appointed and affiliated with the PULASKI 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 PULASKI 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 PULASKI County Office of Emergency Management;

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

(R) To perform the duties of, or appoint with the approval of the fiscal court of PULASKI County, the PULASKI 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 PULASKI County, the executive orders of the county judge/executive, and the provisions of the PULASKI 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 PULASKI County or by a duly authorized official.

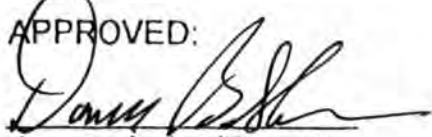
SECTION VI:

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, unconstitutionality, 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.


Approved on first reading on the December 15, 1998

Approved on second reading on JANUARY 12, 1999

APPROVED:


County Judge/Executive

ATTEST:


County Court Clerk

PUBLISHED IN THE Ordinance Book #2 on JANUARY 14, 1999

LOCAL EM AGENCY

vs.

LOCAL DES ORGANIZATION

The administrative agency of a city or county government established to carry out the routine, day-to-day work in developing, implementing, and maintaining the local comprehensive emergency management program of a city or county in accordance with KRS Chapters 39A to 39F.

The emergency response force of a city or county government established to respond in time of an actual or impending emergency, disaster, or catastrophe to protect or save life, property, health, safety, and environment of the citizens of a city or county in accordance with KRS Chapters 39A to 39F.

The "administrative" job functions that a local **EM** agency performs includes the following:

The "emergency" job functions that a local **DES** organization provides includes the following:

- Administration
- Staffing & Organization
- Executive Liaison
- Planning
- Training
- Exercising
- Public Information/Education
- EOC/MCP Systems
- Emergency Commo Sys. Dev.
- Alerting & Warning Sys. Dev.
- Misc. Systems Development
- Systems Maintenance
- Readiness Maintenance
- Resource Development
- Etc.

- EOC/Incident Command Services
- Ambulance Services
- Police Services
- Fire Services
- Rescue Services
- Utility Services
- Evacuation Services
- Sheltering Services
- Feeding Services
- HazMat Services
- Damage Assessment
- Weather Spotters Services
- Communications Services
- Health Services
- Etc.

The local **EM** agency membership includes the following individuals:

The local **DES** organization membership includes these individuals/agencies:

- the local EM director
- the local EM deputy directors
- any clerical, technical, support staff
- EOC coordinators
- emergency scvs. agency heads
- etc.

- local elected chief executives
- local EM agency
- local police departments
- local fire departments
- local public works
- local rescue squads
- local EMS agency
- health department
- local churches, civic clubs
- individual local citizens
- etc.

LOCAL EM AGENCY

vs.

LOCAL DES ORGANIZATION

The **administrative agency** of a city or county government established to carry out the routine, day-to-day work in developing, implementing, and maintaining the local comprehensive emergency management program of a city or county in accordance with KRS Chapters 39A to 39F.

The **emergency response force** of a city or county government established to respond in time of an actual or impending emergency, disaster, or catastrophe to protect or save life, property, health, safety, and environment of the citizens of a city or county in accordance with KRS Chapters 39A to 39F.

The "**administrative**" job functions that a local **EM** agency performs includes the following:

The "**emergency**" job functions that a local **DES** organization provides includes the following:

- Administration
- Staffing & Organization
- Executive Liaison
- Planning
- Training
- Exercising
- Public Information/Education
- EOC/MCP Systems
- Emergency Commo Sys. Dev.
- Alerting & Warning Sys. Dev.
- Misc. Systems Development
- Systems Maintenance
- Readiness Maintenance
- Resource Development
- Etc.

- EOC/Incident Command Services
- Ambulance Services
- Police Services
- Fire Services
- Rescue Services
- Utility Services
- Evacuation Services
- Sheltering Services
- Feeding Services
- HazMat Services
- Damage Assessment
- Weather Spotters Services
- Communications Services
- Health Services
- Etc.

The local **EM** agency membership includes the following individuals:

The local **DES** organization membership includes these individuals/agencies:

- the local EM director
- the local EM deputy directors
- any clerical, technical, support staff
- EOC coordinators
- emergency scvs. agency heads
- etc.

- local elected chief executives
- local EM agency
- local police departments
- local fire departments
- local public works
- local rescue squads
- local EMS agency
- health department
- local churches, civic clubs
- individual local citizens
- etc.