

ORDINANCE NO. 2006-01

AN ORDINANCE PROVIDING FOR THE CONTINUITY OF MUNICIPAL GOVERNMENT IN CONFORMITY WITH THE PROVISIONS OF KRS 39D ET SEQ.

WHEREAS, during a state of emergency it may become imprudent, inexpedient or impossible to conduct the affairs of municipal government, and

WHEREAS, Kentucky Revised Statutes mandate that the operation of municipal government normally comply with the requirements of KRS 61.800 et seq. "Open Meetings" and KRS 61.870 et seq. "Open Records", and

WHEREAS, Kentucky Revised Statutes mandate that the time and place of regular council meetings be established by ordinance KRS 83A.130(11), and

WHEREAS, KRS 39D et seq. establishes a procedure to be utilized by municipal government to continue to provide for the health, safety and welfare of both residents, non-residents and property during a state of emergency, now therefore;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON ESTATES, as follows:

SECTION I: Definitions

a) "Catastrophe" means a disaster or series of concurrent disasters which adversely affect the entire Commonwealth of Kentucky or a major geographical portion thereof;

b) "Declared emergency" means any incident or situation declared to be an emergency by executive order of the Governor, or a county judge/executive, or a mayor, or the chief executive of other local governments in the Commonwealth pursuant to the provisions of KRS Chapters 39A to 39F;

c) "Disaster" means any incident or situation declared as such by executive order of the Governor, or the President of the United States, pursuant to federal law;

d) "Emergency" means any incident or situation which poses a major threat to public safety so as to cause, or threaten to cause, loss of life, serious injury, significant damage to property, or major harm to public health or the environment and which a local emergency response agency determines is beyond its capabilities;

e) "Emergency interim successor" means a person designated under this section, if an officer is unavailable, to exercise the powers and discharge the duties of that office until a successor is appointed or elected and qualified as provided by law, or until the lawful incumbent is able to resume the exercise of the powers and discharge the duties of the office.

f) "Office" includes all state and local offices, the powers and duties of which are defined by law, except the office of Governor, and except those in the General Assembly and the judiciary. An "officer" is a person who holds an office.

g) "Political subdivision" includes counties, urban-counties, charter counties, cities, special districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

h) "Unavailable" means that during a state of emergency either:

1. A vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office; or
2. That the lawful incumbent of the office and any duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

SECTION II: Location of City Council Meetings

During the continuant of a catastrophe, disaster, emergency and/or declared emergency all meetings of the City Council of the City of Hebron Estates may be within or without the territorial limits of the City at a place and time as designated in a Resolution promulgated by the Mayor. Said location shall be within the State of Kentucky.

SECTION III: Exercise of Authority

While the public business is being conducted at temporary location, the governing body and other officers of the City shall have and exercise, at that location, all of the executive, legislative, and administrative powers and functions conferred upon that body and officers under state law. The powers and functions, may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto. All acts of the body and officers shall be as valid and binding as if performed within the territorial limits of the city.

Section shall control notwithstanding any statutory charter or ordinance provision to the contrary.

SECTION IV: Appointments

During the time of a catastrophe, disaster emergency and/or declared emergency the Mayor and/or Deputy Mayor if the Mayor and/or Deputy Mayor are unavailable a majority of the City Council may appoint no less than three (3) nor more than seven (7) emergency interim successors for each office, department and/or agency necessary to continue the provisions of vital services to the general public within the municipal boundaries of the City.

These emergency interim successors shall have the full authority to exercise all powers of their office, department and/or agency.

SECTION V:

No person shall be designated or serve as an emergency interim successor unless he or she is eligible under the Constitution and statutes to hold the office to which he or she is designated to succeed, but no statutory provision prohibiting local or state officials from holding another office shall be applicable to an emergency interim successor.

SECTION VI:

Emergency interim successors shall take the oath required to exercise the powers and discharge the duties of the office to which they may succeed. No person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he or she succeeds, shall be required to comply with any other provision of law relative to taking office.

SECTION VII:

Officials authorized to act as emergency interim successors are empowered to exercise the powers and discharge the duties of an office only during continuance of an emergency. The City Council, by joint resolution, may at any time terminate the authority of the emergency interim successors to exercise the powers and discharge the duties of office.

SECTION VIII:

Until the persons designated as emergency interim successors shall exercise the powers and discharge the duties of an office in accordance with this Ordinance, the persons shall serve in their designated capacities at the pleasure of the designating authority.

SECTION IX: Penalties

Any person violating any provision of this chapter or any administrative regulation promulgated or order issued pursuant to this chapter for which another penalty is not specified shall be guilty of a Class A misdemeanor.

SECTION X: Unconstitutionality

Should any section, clause, line, paragraph or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

SECTION XI: Repeal

Any ordinance or part of an ordinance in conflict with this Ordinance or any part of this Ordinance is hereby repealed.

Given first reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 7th day of February, 2006. Given second reading, voted upon and passed at the regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, the 2nd day of May, 2006.

Votes for 4; Votes against 0; Not Voting 0.



JERRY CLARK, MAYOR

ATTEST:



JENNIFER PICHEO, CITY CLERK