

**77.170 Stricter local regulation not preempted -- Local ordinances not superseded -- Exceptions.**

- (1) Except for subsection (3) of this section, the General Assembly does not, by the provisions of this chapter, intend to occupy the field except for requiring a county air pollution control board to exempt from the requirements of a vehicle exhaust testing program vehicles registered to military personnel on active duty whose duty station is outside of a county. Except for subsection (3) of this section, the provisions of this chapter do not prohibit the enactment or enforcement of any local ordinance stricter than the provisions of KRS 77.150 to 77.180 and stricter than the rules and regulations adopted pursuant to KRS 77.180 to 77.240, which local ordinance prohibits, regulates, or controls air pollution.
- (2) Except for subsection (3) of this section, and except for requiring a county air pollution control board to exempt from the requirements of a vehicle exhaust testing program vehicles registered to military personnel on active duty whose duty station is outside of a county, the provisions of this chapter do not supersede any such local ordinance. If it should be held that the provisions of this chapter supersede the provisions of any local ordinance, such suspension shall not bar the prosecution or punishment of any violation of such ordinance which violation was committed when such ordinance, was in full force and effect.
- (3) Local ordinances prohibiting, regulating, or controlling emissions from mobile sources of air pollutants shall prohibit emissions of, regulate, or control only mobile sources of air pollutants regulated under the state program established in accordance with KRS 224.20-710 to 224.20-765.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 136, sec. 2, effective July 14, 2000; and ch. 226, sec. 7, effective July 14, 2000. -- Amended 1994 Ky. Acts ch. 420, sec. 13, effective July 15, 1994. -- Created 1952 Ky. Acts ch. 53, secs. 39 and 40, effective March 14, 1952.

**Legislative Research Commission Note (7/14/200).** This section was amended by 2000 Ky. Acts chs. 136 and 226, which do not appear to be in conflict and have been codified together.