

## Whitley County Disaster Emergency Declaration Ordinance

Whitley County Board of Commissioners: ORDINANCE NO. 2012-02, An Ordinance addressing Local Disaster Emergency Declarations and Travel Advisories

**WHEREAS**, The Board of Commissioners of Whitley County ("Board") previously adopted Ordinance No 2012-02 which was adopted for the purpose of declaring weather related emergencies in Whitley County, Indiana; and

**WHEREAS**, it is the intent of this Ordinance to protect the health and well being of our citizens, to keep residents informed of significant weather related county road conditions, to facilitate the passage of essential emergency vehicles on county roads and highways in times of weather emergencies by minimizing the number of stalled and abandoned vehicles, to assist the county highway department in clearing the county roadways by eliminating stranded vehicles and to amend the existing ordinance in view of the enactment of IC 10-14-3-29.5; and

**WHEREAS**, under IC 10-14-3-29, it is the duty of the principal executive officer of each Indiana political subdivision to determine when it shall become necessary to declare a local disaster emergency for said political subdivision to activate the response and recovery aspects of all applicable disaster emergency plans, to authorize the furnishing of aid and assistance under such plans and to issue any necessary local travel advisories in accordance with IC 10-14-3-29.5.

### BE IT THEREFORE ORDAINED BY THE BOARD THAT:

#### Section 1. Title

This ordinance shall be known as the Local Disaster Emergency Declaration Ordinance of Whitley County, Indiana and shall apply to all roads, highways or right-of-way maintained by the county highway department ("Roads") The mandatory provisions of the ordinance and of any Local Disaster Emergency issued pursuant to the ordinance, including the prohibitions on travel and the penalties for violating those prohibitions shall not apply to streets maintained by a city or town within the county nor to a state highway maintained by the Indiana Department of Transportation nor to a federal interstate highway situated within the county.

#### Section 2. Procedure

The Board, after consultation with:

- a. The County Emergency Management/ Homeland Security Director,
- b. The County Sheriff;
- c. The County Highway Superintendent,

if available, or the respective representative designated by each as the person to consult in his/her absence for the purpose of recommending a declaration of local disaster emergency, may declare a local disaster emergency which may also contain a "warning level" travel advisory by executive order when, in the Board's judgment, by majority rule, such order would be appropriate under IC 10-14-3-29 and in the best interest of the public safety and welfare of the residents of Whitley County, Indiana.

If only one member of the Board is available to sign the declaration of local disaster emergency, he/she can declare a local disaster emergency if he or she has obtained and documented the verbal or written concurrence of at least one other board member.

If, with or without the issuance of a declaration of local disaster emergency, the Board or the Emergency Management Agency Director determines that conditions require an "Advisory" or "Watch" level of travel advisory, the Board, by majority rule or the Emergency Management Agency Director, upon written notice to the Board may issue an "advisory" or a "watch" travel advisory level.

Pursuant to IC 10-14-3-29.5, a "warning" level travel advisory may be issued only after or as a part of a declaration of local disaster emergency. Such emergency shall continue in effect until the above mentioned Board members and/or Officials or their respective designees who declared the emergency thereafter determine an emergency no longer exists and terminate the emergency order.

The Board may declare a "warning" level travel advisory upon its determination that the conditions are appropriate for the issuance of a local disaster emergency under IC 10-14-3-29, and the further determination that the criteria set forth in Section 3, below, have been met:

### **Section 3. Local Travel Advisories**

A local travel advisory shall be declared in accordance with IC 10-14-3-29.5 and this ordinance. The purpose of a local travel advisory is to keep the residents of Whitley County, Indiana informed of the weather and county road conditions, and to assist County Highway Department in the clearing of the county roadways by eliminating stranded vehicles:

#### **3.1 Advisory Level Travel Advisory**

This level may be declared when routine travel or activities may be restricted in areas of the county because of a hazardous situation; citizens should use caution or avoid these areas. Schools and businesses may begin to implement their emergency action plans.

#### **3.2 Watch Level Travel Advisory**

This level may be declared when conditions are threatening to the safety of the public. Only essential travel is recommended (i.e. to and from work, emergency situations, etc.). At this level, emergency action plans should be implemented by businesses, schools, government agencies and other organizations.

#### **3.3 Warning Level Travel Advisory**

This level may be declared when roads have become impassable and the County Highway Department is not able to keep the roadways cleared due to extreme weather conditions such as a severe snow fall, high drifts or blizzard like conditions are present. Travel may be restricted to emergency response workers ONLY and essential emergency travel by members of the public as the Board may further direct, such as privately employed health care workers. Further restrictions that the Board deems necessary may be included within the local disaster declaration.

#### **Section 4. Publication**

Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly in the office of the clerk of the political subdivision pursuant to IC 10-14-3-22(b)(2). Publication and broadcast of an Advisory, Watch or Warning Level Travel advisory shall be made or caused to be made by the Board or other officials designating the level of travel advisory using a press release to all law enforcement agencies fire departments, hospitals and news media in the county. The declaration shall be promptly forwarded to the Indiana Department of Homeland Security and shall be kept on file by the Whitley County Emergency Management Agency/Department of Homeland Security, County Clerk and County Auditor.

#### **Section 5. Exemptions**

Vehicles which shall be exempt from the travel and parking restrictions imposed in a travel advisory pursuant to this Ordinance shall include medical assistance, law enforcement, fire department, emergency management, public utility, and fuel hauling vehicles, and employees of any of the above exempt services, if engaged in performing their respective duties. Any other vehicles violating this Ordinance or any of the parking restrictions contained in local declaration of disaster emergency or a "warning" travel advisory are subject to removal by towing or other means at the expense of the owner of the vehicle, when such towing and/or removal is deemed necessary by a duly authorized representative of any one or more of the following: the County Highway Department, the County Sheriff's Department, a State Conservation Officer, or the Indiana State Police.

#### **Section 6. Penalties**

Any persons violating any provisions of this ordinance or the vehicle use or parking restrictions contained in a local declaration of disaster emergency or a "warning" travel advisory shall be guilty of the commission of an infraction and may be fined any sum not to exceed \$100.00 and such shall be enforceable in any court of law, duly authorized by Indiana state law, and in addition to such fine the court shall be authorized to direct the violator to repay the County any monetary losses or expenses incurred in the incident.

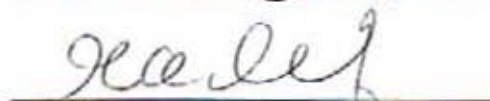
#### **Section 7. Repeal of Prior Ordinance**

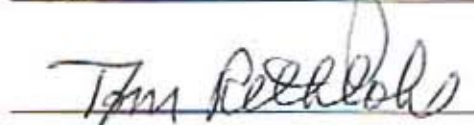
The prior local disaster emergency ordinance, Ordinance Number 2008-01 is hereby repealed as of the effective date of this ordinance.

Signed and approved on this 6<sup>th</sup> day of February, 2012 by a majority vote upon first reading.

Board of Commissioners of Whitley County

Signed: A handwritten signature in black ink, appearing to be "Tom Rethel", written over a horizontal line.

A handwritten signature in black ink, appearing to be "Scott", written over a horizontal line.

A handwritten signature in black ink, appearing to be "Tom Rethel", written over a horizontal line.

Attest:

A handwritten signature in black ink, appearing to be "Janice McFinn", written over a horizontal line. The word "Auditor." is printed to the right of the signature.