

ORDINANCE 2014 - 11

HENDRICKS COUNTY DISASTER EMERGENCY DECLARATION ORDINANCE

Hendricks County Board of Commissioners: Ordinance No. 2014 - 11, an ordinance addressing Local Disaster Emergency Declarations and Travel Advisories.

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 condition, to facilitate the passage of essential emergency vehicles on county roads and highways in times of weather emergencies, minimizing the number of stalled and abandoned vehicles, and to assist the Hendricks County Highway Department in clearing the county roads by eliminating stranded vehicles.

WHEREAS, under IC 10-14-3-29 it is the duty of the executive 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 recover 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 HENDRICKS COUNTY COMMISSIONERS THAT:

Section 1. Title

This ordinance shall be known as the Local Disaster Emergency Declaration Ordinance of Hendricks County, Indiana, and shall apply to all roads, highways, and right of ways which are maintained by the Hendricks County Highway Department. The mandatory provisions of this ordinance, which includes the prohibition of travel and the penalties for violating these prohibitions, shall not apply to streets maintained by an incorporated city or town within the county, or to a state highway maintained by the Indiana Department of Transportation, nor to a federal interstate highway situation within the county.

Section 2. Procedure

The Hendricks County Commissioners, after consultation with the:

- A. Hendricks County Emergency Management Director
- B. Hendricks County Sheriff
- C. Hendricks County Highway Superintendent
- D. Hendricks County Engineer

If available, or the representative designated by each as the person to consult in his absence for the purpose of recommending a declaration of local disaster emergency, may declare a local disaster emergency which may contain a "WARNING LEVEL" travel advisory by executive order when, in the Hendricks County Commissioner's best 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 for the residents of Hendricks County, Indiana.

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

Pursuant to IC 10-14-3-29.5, a "WARNING LEVEL" travel advisory may be issued only after or part of a declaration of local disaster emergency. Such emergency shall continue in effect until the Hendricks County Commissioners, in consultation with the Hendricks County Emergency Director, the Hendricks County Sheriff, Hendricks County Highway Department Supervisor and the Hendricks County Engineer, declare an emergency no longer exists in Hendricks County and the emergency order is terminated by at least two Hendricks County Commissioners.

The Hendricks County Commissioners 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 with this ordinance. The purpose of a local travel advisory is to keep the residents of Hendricks County, Indiana, informed of the weather and county road conditions, and to assist the Hendricks County Highway Department in the clearing of the county roads and right of ways 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. School and businesses may want 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 such as 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 Hendricks County Highway Department is not able to keep the roads cleared due to extreme weather conditions such as severe snow fall, high drifts or blizzard like conditions. Travel may be restricted to emergency management workers ONLY and ESSENTIAL EMERGENCY TRAVEL by members of the public as stated by the Hendricks County Commissioners such as health care workers, public safety, or other critical infrastructure personnel.

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 Hendricks County Clerk pursuant to IC 10-14-3-22 (b) (2). Publication and broadcast of an Advisory, Watch, or Warning Level Travel Advisory shall be made by the Hendricks County Emergency Management Director. He shall issue a press release to all law enforcement agencies, fire departments, and hospitals in the county, and to all news media in the county, and TV Stations in Hendricks County, and general surrounding areas. The declaration shall be promptly forwarded to the Indiana Department of Homeland Security, and shall be

kept on file by the Hendricks County Emergency Management Director, County Clerk, and County Auditor.

Section 5. Exemptions

Vehicles which shall be exempt from the travel restrictions imposed in a travel warning pursuant to this ordinance shall include medical assistance, law enforcement, fire department, emergency management, public utility, fuel hauling vehicles, county commissioners, and county highway employees, if engaged in performing their respective duties. Any other vehicles violating this ordinance 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 of the following: Hendricks County Sheriff's Department, Hendricks County Highway Department, or Indiana State Police.

Section 6. Penalties

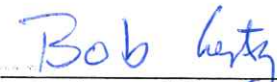
Any person violating any provision of this ordinance or the vehicle restrictions contained in this ordinance of declared disaster emergency or a WARNING travel advisory shall be subject to a fine not to exceed \$2,500.00, and such shall be enforceable in any court of law, duly authorized by Indiana state law and, in addition to such fine, the court shall be authorized to direct the violator to repay the county for any monetary loss or expense incurred in the incident.

This Ordinance shall be in full force and effect from and after its passage, signing by the Board of Commissioners of Hendricks County, Indiana, and publication as required by law.

ORDAINED AND ESTABLISHED THIS 11th DAY OF FEBRUARY, 2014.

Hendricks County Board of Commissioners


Phyllis A. Palmer, President


Bob Gentry, Vice-President


Matthew D. Whetstone, Member

ATTEST: 
Hendricks County Auditor