

ORDINANCE NO. 2014-Q\

WHEREAS, PL 10, Acts of 1980, authorized the County Councils of Indiana Counties to impose a local option Excise Surtax on each motor vehicle registered in that particular County; and,

WHEREAS, The County Council of Dubois County, using such authority, did adopt Ordinance 1981-2 so as to impose such Excise Surtax; and,

WHEREAS, Said County Council of Dubois County did subsequently amend said Ordinance 1981-2, by Ordinance 90-10, so as to also authorize the imposition of such Excise Surtax upon Motorcycles and to provide that the Excise Surtax on any covered vehicle shall not be less than \$8.00; and,

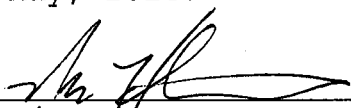
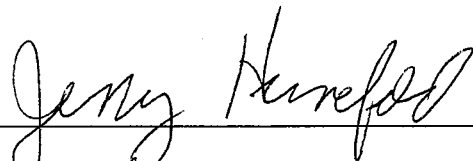
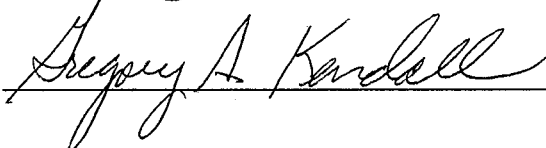
WHEREAS, PL 10, Acts of 1980, has been amended by Enacted House Bill 1343, Acts of 2014, to authorize the imposition of such Excise Surtax upon Motor Driven Cycles at a rate of not less than \$7.50 nor more than \$25.00 per cycle per year, which would be effective January 1, 2015; and,

WHEREAS, It is the opinion of this Council that such Excise Surtax should be imposed in Dubois County to assist in supporting the operation of safe road and street systems in Dubois County.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNTY COUNCIL of Dubois County, Indiana, that:

1. Effective January 1, 2015, and until further amended by subsequent Ordinance, Section 1 of Ordinance 1981-2, as amended by Ordinance 90-10, shall be further amended so as to add to those vehicles subject to the annual Excise Surtax an additional new classification, to-wit: Motor Driven Cycles, as defined in I.C. 9-13-2, which vehicle shall be subject to an annual Excise Surtax at a flat rate of \$8.00. All other provisions of said Ordinance 1981-2, as amended by Ordinance 90-10, shall remain in full force and effect.

ADOPTED by the County Council of Dubois County, Indiana, this 19th day  
of May, 2014.

<u></u>	<u></u>
<u>Martha A. Weber</u>	<u>Shan M. Lindane</u>
<u>Mark A. Brescher</u>	
	<u></u>

ATTEST:

  
AUDITOR OF DUBOIS COUNTY, INDIANA

ORDINANCE NO. 2014-01

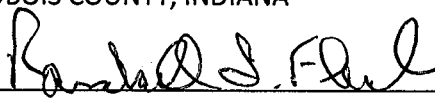
AN ORDINANCE CREATING A RESTRICTIVE PARKING ZONE WITHIN IRELAND, DUBOIS COUNTY, INDIANA.

BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA, AS FOLLOWS:

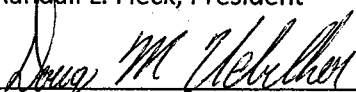
- Section 1. From and after the effective date of this Ordinance, any and all types of vehicles shall be prohibited from parking along the south side of South Street in Ireland, Dubois County, Indiana, from a point beginning 100 feet east of the edge of pavement on C.R. 500 West extending eastward a distance of 225 feet, between the hours of 6:30am to 8:30am and the hours of 2:00pm to 3:30pm. Such zone shall be marked with appropriate signs designating that parking is prohibited during the hours specified above.
- Section 2. Any person violating the provisions of this Ordinance shall, upon a finding of such violation, be liable for fine and judgment in any amount not to exceed One Hundred Dollars (\$100.00).
- Section 3. This Ordinance shall be in full force and effect immediately upon its adoption and publication as provided by law.

Passed and adopted by the Board of Commissioners of Dubois County, Indiana, this 4th day of AUGUST 2014.

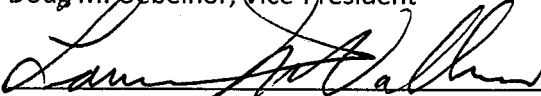
BOARD OF COMMISSIONERS  
DUBOIS COUNTY, INDIANA

  
\_\_\_\_\_

Randall L. Fleck, President

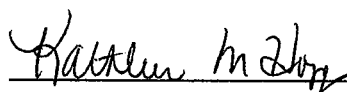
  
\_\_\_\_\_

Doug M. Uebelhor, Vice-President

  
\_\_\_\_\_

Lawrence M. Vollmer, Member

ATTEST:

  
\_\_\_\_\_

Kathleen M. Hopf

Dubois County Auditor

ORDINANCE NO. 2014 - 02

AN ORDINANCE AMENDING ALL ORDINANCES  
AMENDATORY THEREOF, BEING AN ORDINANCE  
IMPOSING RESTRICTION UPON VEHICLES OPERATED  
ON COUNTY ROADS IN JACKSON TOWNSHIP IN  
DUBOIS COUNTY, INDIANA

WHEREAS, the Board of Commissioners of Dubois County, Indiana, after having received a report on and considered an engineering and traffic investigation conducted by the County Highway Engineer regarding the affected intersections, and having the jurisdiction and responsibility to establish rules and regulations for the operation of vehicles and traffic on the following highways in said County, and;

WHEREAS, the Board of Commissioners now find that it is in the best interests of the citizens of said County and required for public safety to establish rules and regulations for the operation of vehicles in the use of the streets and highways hereinafter designated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF  
COMMISSIONERS OF THE COUNTY OF DUBOIS, STATE OF INDIANA:

The provisions of this ordinance amend Ordinance 2004-17, related to preferential highways and stop signs on certain highways in Dubois County, Indiana.

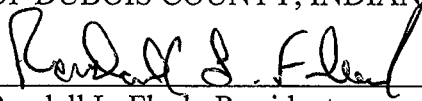
1. At the intersection of Cross Street and South Street in the Community of St. Anthony (JA29), Cross Street shall be the preferential highway and a stop sign shall be placed on the west approach of South Street with Cross Street.

Violation of this ordinance shall be punishable in that manner prescribed by Indiana statute and by prior Ordinance pertaining to preferential roads heretofore adopted by this Board of County Commissioners.

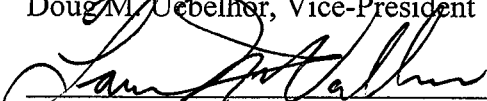
This Ordinance shall be effective from and following its passage and publication and upon completion of any other requirement required by law.

ADOPTED: August 4, 2014

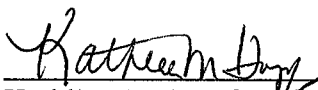
BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

  
Randall L. Fleck, President

  
Doug M. Uebelhor, Vice-President

  
Lawrence M. Vollmer, Member

ATTEST:

  
Kathleen M. Hopf, Dubois County Auditor

AFFIDAVIT

Rebecca Gates, being the duly elected and serving Recorder of Dubois County, Indiana, on her oath, states, pursuant to I.C. 36-2-7-10.2, and does hereby certify to the County Council of Dubois County, Indiana, as follows:

(1) That the Affiant maintains within her office a records perpetuation fund as required by statute and deposits in such fund certain revenues of the Recorder's office in the manner and sums set forth in I.C. 36-2-7-10, the average of which approximates Fifty Thousand Dollars (\$50,000.00) per year;

(2) That as provided by statute, the funds held in such records perpetuation fund are to be regularly used to preserve records and to improve the Recorder's office records keeping system and equipment, with excess funds being available for other Recorder office expenses;

(3) That the current revenue to the perpetuation fund is sufficient to fulfill the statutory purpose of the fund;

(4) That the technology of the Recorder's office is presently updated and at a level to sufficiently meet the statutory purposes of the fund and of the County Recorder's office;

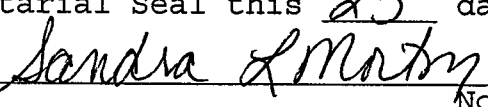
(5) That the fund has a sufficient reserve, consistent with the Recorder's plan, to capitalize the next technology or other records management upgrade necessary to fulfill the statutory purpose of the fund and the Recorder's office, which upgrade is expected to occur approximately each fifth year, having an average cost of Ten Thousand Dollars (\$10,000.00);

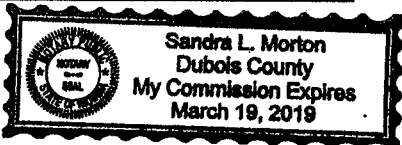
Based upon the statements above certifying that the statutory purposes of the perpetuation fund have been satisfied, the County Recorder requests that all of said perpetuation fund not used for such purposes may be used during 2015 by the undersigned County Recorder to pay such other expenses of the Recorder's office as the Recorder may designate, and she further requests that this Council adopt an Ordinance approving the above request.

Dated: July 23, 2014.  
  
 REBECCA GATES,  
 RECORDER OF DUBOIS COUNTY, INDIANA

STATE OF INDIANA )  
 ) SS:  
 COUNTY OF DUBOIS )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Rebecca Gates, known to me to be the Recorder of Dubois County, Indiana, who acknowledged the truth of the statements in the foregoing instrument and the execution thereof to be her voluntary act and deed.

WITNESS, my hand and Notarial Seal this 23 day of July, 2014.  
  
 My Commission Expires: \_\_\_\_\_ Notary Public  
 (Printed Name)  
 Resident of Dubois County, Indiana



ORDINANCE #2014-02

AN ORDINANCE OF THE COUNTY COUNCIL OF DUBOIS  
COUNTY AUTHORIZING THE DUBOIS COUNTY RECORDER  
TO PAY EXPENSES FROM THE PERPETUATION FUND

WHEREAS, The Recorder of Dubois County has submitted to this County Council her sworn statement asserting that her office maintains a perpetuation fund pursuant to I.C. 36-2-7-10 for the purpose of preserving records held in her office and providing her office with records keeping system and equipment, and further asserting that such purposes are being satisfied using such fund; and,

WHEREAS, I.C. 36-2-7-10.2 provides that revenue held in such fund which is in excess of that required for such purposes may be used to pay for other expenses of the Recorder's office if authorized by Ordinance adopted by this Council; and,

BASED upon the sworn statement of the County Recorder that said purposes have been satisfied and that excess revenue remains within such perpetuation fund.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA, THAT:

1. This Council does hereby approve the request of the Recorder of Dubois County that any revenue held in the Recorder perpetuation fund remaining during 2015 after paying or providing for the cost of those purposes for which said fund was established may be used for payment during 2015 of other expenses of such Recorder's office.

2. This Ordinance shall be effective only for and during calendar year 2015.

Adopted this 18 day of AUGUST, 2014.

COUNTY COUNCIL OF DUBOIS  
COUNTY, INDIANA

Gregory A. Kordel  
Jeffrey Thunefeld  
Shane M. Lindane

Barbara Mathies  
Martha A. Wehr  
Mark A. Brescher

ATTEST:

Kathleen Melton  
AUDITOR OF DUBOIS COUNTY

ORDINANCE NO. 2014-03

WHEREAS, PL 10, Acts of 1980, authorized the County Councils of Indiana Counties to impose a local option Excise Surtax on each motor vehicle registered in that particular County; and,

WHEREAS, The County Council of Dubois County, using such authority, did adopt Ordinance 1981-2 so as to impose such Excise Surtax; and,

WHEREAS, Said County Council of Dubois County did subsequently amend said Ordinance 1981-2, by Ordinance 90-10, so as to also authorize the imposition of such Excise Surtax upon Motorcycles and to provide that the Excise Surtax on any covered vehicle shall not be less than \$8.00; and,

WHEREAS, PL 10, Acts of 1980, has been amended by Enacted House Bill 1343, Acts of 2014, to authorize the imposition of such Excise Surtax upon Motor Driven Cycles at a rate of not less than \$7.50 nor more than \$25.00 per cycle per year, which would be effective January 1, 2015; and,

WHEREAS, It is the opinion of this Council that such Excise Surtax should be imposed in Dubois County to assist in supporting the operation of safe road and street systems in Dubois County.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNTY COUNCIL of Dubois County, Indiana, that:

1. Effective January 1, 2015, and until further amended by subsequent Ordinance, Section 1 of Ordinance 1981-2, as amended by Ordinance 90-10, shall be further amended so as to add to those vehicles subject to the annual Excise Surtax an additional new classification, to-wit: Motor Driven Cycles, as defined in I.C. 9-13-2, which vehicle shall be subject to an annual Excise Surtax of 10%, but not less than \$8.00, being the same rate of other motor vehicles. All other provisions of said Ordinance 1981-2, as amended by Ordinance 90-10, shall remain in full force and effect.

ADOPTED by the County Council of Dubois County, Indiana, this 27th day  
of October, 2014.

[Signature]

Jerry Hunsford

Shane M. Lindauer

Martha A. Weber

Mark A. Brecher

Gregory A. Knodell

Barbara J. Mathis

ATTEST:

Kathleen McHone  
AUDITOR OF DUBOIS COUNTY, INDIANA



ORDINANCE NO. 2014-3

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS,  
OF DUBOIS COUNTY, INDIANA, THAT:

1. To prevent damage caused by excess weight on County Roads during periods of freeze and thaw, the Commissioners hereby establish a 10 ton gross load (weight) limit on all motor vehicles operated on County Roads within Dubois County, Indiana during the period from January 15, 2015 through April 15, 2015. Jasper 3<sup>rd</sup> Avenue from Jasper city limits south to S.R. 162 is exempt from this Ordinance.
2. Operation of a motor vehicle on any County Road in violation of this Ordinance shall be a Class C infraction, as defined by I.C. 34-6-2-85 and I.C. 34-28-5-4.
3. This Ordinance shall become effective upon publication as required by law.

ADOPTED: December 22, 2014.

BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

Randall L. Fleck  
Randall L. Fleck

Doug M. Uebelhor  
Doug M. Uebelhor

Lawrence M. Vollmer  
Lawrence M. Vollmer

ATTEST:

Kathleen M. Hopf  
Kathleen M. Hopf, Auditor

ORDINANCE 2015-01

AN ORDINANCE ESTABLISHING A SPEED LIMIT  
ON A PORTION OF ROLLING RIDGE DRIVE AND  
MEAGAN COURT IN DUBOIS COUNTY, INDIANA,

WHEREAS, any person operating a motor vehicle on a public highway within Dubois County, Indiana, shall operate the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to traffic, surface and width of roadway, and to other conditions then existing; but,

WHEREAS, It is the determination of the Board of County Commissioners that limits shall be placed upon the maximum speed which shall be allowed when traveling such public highways; and,


WHEREAS, As a result of study conducted and review made of road conditions at the following location, it has been determined that a more restrictive speed limit is required for the safety of the general public.

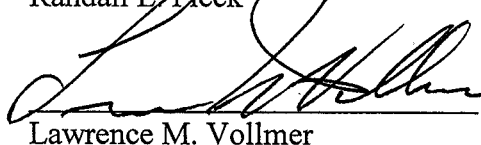
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DUBOIS COUNTY, INDIANA, THAT:

1. Motor vehicles operated on Rolling Ridge Drive from Santine Road to 450 South in being a distance of approximately 0.39 miles, shall be restricted to a maximum speed of 25 miles per hour.
2. Motor vehicles operated on Meagan Court from Rolling Ridge Drive to Dead End in being a distance of approximately 0.05 miles, shall be restricted to a maximum speed of 25 miles per hour.
3. Each such public highway shall be posted for such maximum speed limit.
4. Violation of this Ordinance shall be punishable in that manner prescribed by Indiana Statute and by prior Ordinance pertaining to speed limits heretofore adopted by this Board of County Commissioners.
5. This Ordinance shall be effective from and following its passage and proper posting of the described speed limit.

Passed and adopted by the Board of Commissioners of Dubois County, Indiana this 3<sup>RD</sup> day of August 2015.

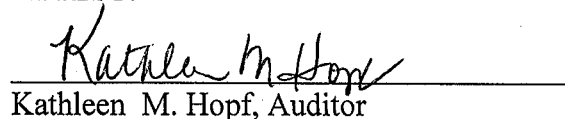
BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

  
Randall L. Fleck

  
Lawrence M. Vollmer

  
Elmer Brames

ATTEST:

  
Kathleen M. Hopf, Auditor

AN ORDINANCE TO REGULATE THE CONSTRUCTION AND MAINTENCE OF SIDEWALKS INSIDE THE  
COUNTY ROAD RIGHT OF WAY OF DUBOIS COUNTY, INDIANABE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY,  
INDIANA, AS FOLLOWS:

## Section 1: NEW SIDEWALK CONSTRUCTION

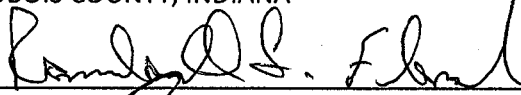
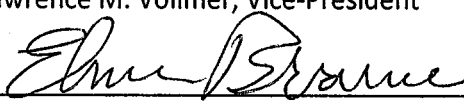
- A. Will conform to Section 604 of the Indiana Department of Transportation Standard Specifications.
- B. Will conform and be designed in accordance to the Americans with Disabilities Act.
- C. All plans shall be submitted to the County Commissioners for review and approval.
- D. All sidewalks constructed, altered, or repaired must be designed to accommodate and not obstruct the drainage; and as to not negatively affect the adjacent streets.
- E. All sidewalks constructed, altered, or repaired must comply with Dubois County Ordinance 2002-04.

## Section 2: MAINTENANCE OF EXISTING SIDEWALKS

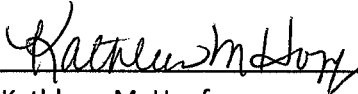
- A. The property owner is responsible for the maintenance of existing sidewalks in the Public Right of Way.
- B. All maintenance and alterations to Existing Sidewalks must still conform to Section 604 of the Indiana Department of Transportation Standard Specifications
- C. All maintenance and alterations to Existing Sidewalks must still conform to the Americans with Disabilities Act.
- D. All maintenance and alterations to Existing Sidewalks are subject to review by the Dubois County ADA Coordinator.

## Section 3: SIDEWALK SPECIFICATIONS

- A. Sidewalks shall be constructed of Portland Cement Concrete with a twenty-eight (28) day compressive strength of three thousand five hundred pounds per square inch (3,500 psi).
- B. Sidewalks shall be at least four (4) feet wide and four (4) inches thick.
- C. Sidewalks shall have a cross slope of one quarter inch per foot (1/4": 1') for drainage purposes

Section 4: This Ordinance shall be in full force and effect immediately upon its  
adoption and publication as provided by law.Passed and adopted by the Board of Commissioners of Dubois County, Indiana,  
this 3 day of August 2015.BOARD OF COMMISSIONERS  
DUBOIS COUNTY, INDIANA  
Randall L. Fleck, President  
Lawrence M. Vollmer, Vice-President  
Elmer Brames, Member

ATTEST:

  
Kathleen M. Hopf  
Dubois County Auditor

ORDINANCE #2015- 01

AN ORDINANCE OF THE COUNTY COUNCIL OF DUBOIS  
COUNTY AUTHORIZING THE DUBOIS COUNTY RECORDER  
TO PAY EXPENSES FROM THE PERPETUATION FUND

WHEREAS, The Recorder of Dubois County has submitted to this County Council her sworn statement asserting that her office maintains a perpetuation fund pursuant to I.C. 36-2-7-10 for the purpose of preserving records held in her office and providing her office with records keeping system and equipment, and further asserting that such purposes are being satisfied using such fund; and,

WHEREAS, I.C. 36-2-7-10.2 provides that revenue held in such fund which is in excess of that required for such purposes may be used to pay for other expenses of the Recorder's office if authorized by Ordinance adopted by this Council; and,

BASED upon the sworn statement of the County Recorder that said purposes have been satisfied and that excess revenue remains within such perpetuation fund.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA, THAT:

1. This Council does hereby approve the request of the Recorder of Dubois County that any revenue held in the Recorder perpetuation fund remaining during 2016 after paying or providing for the cost of those purposes for which said fund was established may be used for payment during 2016 of other expenses of such Recorder's office.

2. This Ordinance shall be effective only for and during calendar year 2016.

Adopted this 3rd day of August, 2015.

COUNTY COUNCIL OF DUBOIS  
COUNTY, INDIANA

Jerry Hunsfeld

Chairman R. Klem

Doreen A. Randall

ATTEST:

Susan Miller  
AUDITOR OF DUBOIS COUNTY

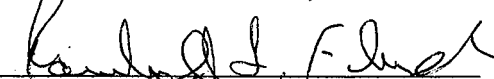
ORDINANCE NO. 2016-1


BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS,  
OF DUBOIS COUNTY, INDIANA, THAT:

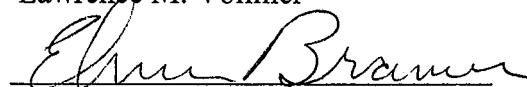
1. To prevent damage caused by excess weight on County Roads during periods of freeze and thaw, the Commissioners hereby establish a 10 ton gross load (weight) limit on all motor vehicles operated on County Roads within Dubois County, Indiana during the period from January 15, 2016 through April 15, 2016. Jasper 3<sup>rd</sup> Avenue from Jasper city limits south to S.R. 162 is exempt from this Ordinance.
2. Operation of a motor vehicle on any County Road in violation of this Ordinance shall be a Class C infraction, as defined by I.C. 34-6-2-85 and I.C. 34-28-5-4.
3. This Ordinance shall become effective upon publication as required by law.

ADOPTED: JANUARY 4, 2016

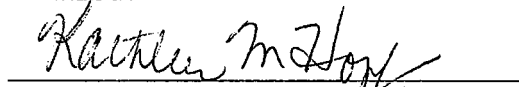
BOARD OF COUNTY COMMISSIONERS  
OF DUBOIS COUNTY, INDIANA

  
Randall L. Fleck

  
Lawrence M. Vollmer

  
Elmer Brames

ATTEST:

  
Kathleen M. Hopf, Auditor

ORDINANCE #2016- 01

AN ORDINANCE OF THE COUNTY COUNCIL OF DUBOIS  
COUNTY AUTHORIZING THE DUBOIS COUNTY RECORDER  
TO PAY EXPENSES FROM THE PERPETUATION FUND

WHEREAS, The Recorder of Dubois County has submitted to this County Council her sworn statement asserting that her office maintains a perpetuation fund pursuant to I.C. 36-2-7-10 for the purpose of preserving records held in her office and providing her office with records keeping system and equipment, and further asserting that such purposes are being satisfied using such fund; and,

WHEREAS, I.C. 36-2-7-10.2 provides that revenue held in such fund which is in excess of that required for such purposes may be used to pay for other expenses of the Recorder's office if authorized by Ordinance adopted by this Council; and,

BASED upon the sworn statement of the County Recorder that said purposes have been satisfied and that excess revenue remains within such perpetuation fund.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF DUBOIS COUNTY, INDIANA, THAT:

1. This Council does hereby approve the request of the Recorder of Dubois County that any revenue held in the Recorder perpetuation fund remaining during 2017 after paying or providing for the cost of those purposes for which said fund was established may be used for payment during 2017 of other expenses of such Recorder's office.

2. This Ordinance shall be effective only for and during calendar year 2017.

Adopted this 15th day of August, 2016.

COUNTY COUNCIL OF DUBOIS  
COUNTY, INDIANA

Jerry Humphreys  
JEB

Martha A. Wehr

Charmian R. Klen

Anthony A. Rudall

ATTEST:

Kathleen M. Hays  
AUDITOR OF DUBOIS COUNTY

BOARD OF COMMISSIONERS  
OF  
DUBOIS COUNTY, INDIANA

ORDINANCE NO. 2016-02

AN ORDINANCE REQUIRED BY I.C. 5-11-1-27 TO ESTABLISH A SYSTEM OF INTERNAL CONTROL TO PROMOTE GOVERNMENT ACCOUNTABILITY AND TRANSPARENCY, AND TO DEFINE THE MINIMUM LEVEL OF CONTROL STANDARDS.

WHEREAS, Each political subdivision in the State of Indiana is required by I.C. 5-11-1-27 to adopt and comply with the minimum internal control standards as developed by the State Board of Accounts, to inform its employees regarding such standards, and to develop a policy as to materiality of variances, losses, shortages or thefts of funds or property which must be reported to the Board of Commissioners and to the State Board of Accounts.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA, THAT:

Section 1. All employees, officials, consultants, vendors, contractors and other parties maintaining a business relationship with Dubois County, Indiana, shall act with due diligence in duties involving the County's fiscal resources.

Section 2. Pursuant to I.C. 5-11-1-27, the Dubois County Board of Commissioners adopts the Uniform Internal Control Standards for Indiana Political Subdivisions in order to aid in the prevention and detection of fraud, financial impropriety, or irregularity.

Section 3. Any public official, department head or employee with actual knowledge or reasonable cause to believe that there has been a misappropriation of public funds is to immediately send written notice of the misappropriation to the State Board of Accounts and the Auditor of Dubois County, Indiana.

Section 4. The materiality threshold at which point the County shall report incidents of material variances, losses, shortages, to the State Board of Accounts shall be a one-time cash loss of at least \$500.00 or a value of \$500.00 for a one-time loss of assets.

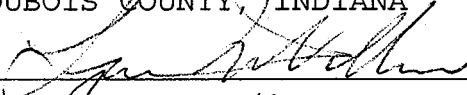
Section 5. The County Auditor shall be responsible to implement the internal control standards designed to prevent and detect fraud, financial impropriety, or fiscal irregularities within the Dubois County government unit and to recommend to this Board any policies or procedures required to carry out the standards.

Section 6. Training shall be provided on the internal control standards and procedures to all County employees and newly hired employees whose duties include receiving, processing, depositing, disbursing, or having access to County funds. Such training should be given periodically to these employees whenever the standards have been changed or updated, including new County Employee policies and procedures relating to the internal control standards and training to refresh the employees on the standards requirements.

Section 7. This Ordinance shall be effective upon passage.

All of which is ordained this 16 day of May, 2016.

BOARD OF COMMISSIONERS OF  
DUBOIS COUNTY, INDIANA

  
Donald S. Fleck  
Elmer Branner

ATTEST:

  
AUDITOR OF DUBOIS COUNTY, IN



**AN ORDINANCE OF THE DUBOIS COUNTY BOARD OF COMMISSIONERS  
CONCERNING THE DUBOIS COUNTY EMERGENCY MANAGEMENT AGENCY  
AND OTHER RELATED MATTERS CONCERNING THE EXERCISE OF  
EMERGENCY POWERS.**

WHEREAS, on April 5, 1971, the Board of Commissioners of Dubois County adopted the EMERGENCY MANAGEMENT AND CIVIL DEFENSE COUNTY ORDINANCE;

AND WHEREAS said ORDINANCE was adopted pursuant to Indiana Code 10-4-1, and this statute was repealed in 2003 and replaced with Indiana Code 10-14-3;

AND WHEREAS said ORDINANCE references CIVIL DEFENSE, a term not pursuant to Indiana Code 10-14-3 which referenced EMERGENCY MANAGEMENT in its stead;

AND WHEREAS to comply with said changes to the provisions of Indiana Code, the Board wishes to repeal said EMERGENCY MANAGEMENT AND CIVIL DEFENSE COUNTY ORDINANCE and adopt this ordinance in its stead.

BE IT ORDAINED THAT the Ordinance on attached Exhibit A, Chapters 1 through 3, is now adopted.

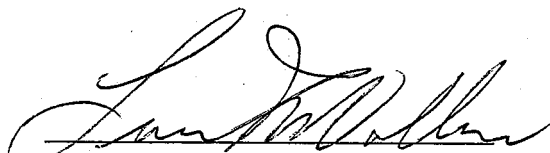
BE IT FURTHER ORDAINED THAT EMERGENCY MANAGEMENT AND CIVIL DEFENSE COUNTY ORDINANCE adopted April 5, 1971, is repealed, as are any other ordinances, or parts of ordinances, that are in conflict with the provisions of this Ordinance.

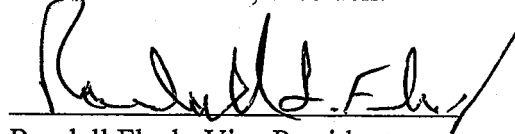
BE IT FURTHER ORDAINED THAT this ordinance is intended to fully comply with Indiana Code 10-14-3, Indiana's Emergency Management Law.


Should any Chapter, Section, clause, or phrase of this Ordinance be declared unconstitutional or invalid the remainder of said Ordinance shall continue in full force in effect.

Adopted by the Board of Commissioners of the County of Dubois State of Indiana on the

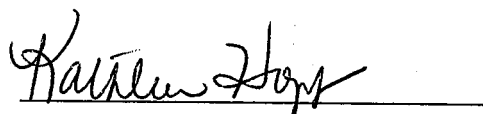
6th day of September, 2016.

  
Lawrence Vollmer, President

  
Randall Fleck, Vice President

  
Elmer Brames, Member

Attest:

  
Kathleen Hopf  
County Auditor

**FILED**  
AUDITOR DUBOIS COUNTY

SEP 06 2016



Exhibit A

Dubois County  
Emergency Management  
Ordinance

# DUBOIS COUNTY EMERGENCY MANAGEMENT ORDINANCE

ORDINANCE NO. 2016- 03

## Section 1: Applicability of Chapter

The provisions of this chapter, unless otherwise indicated, also apply to, govern, and refer to matters contained in Chapters 2, 3, and 4 of this ordinance.

## Section 2: Definitions

As used in this ordinance, the following words and terms have the meanings indicated:

- a. "Principle Executive Officer" of the County, as referred to in IC 10-14-3 for purposes of declaring a local disaster emergency, and as referred to hereinafter, shall mean the presiding officer of the Board of Commissioners of the County of Dubois. The presiding officer shall be the regularly designated President of the Board; provided, however, if he is absent or incapacitated and the Board has a regularly designated President Pro Tempore, then the Vice President of the Board shall be the Principal Executive Officer. If both the President and the Vice President are absent or incapacitated, then the remaining Commissioner shall be the presiding officer.
- b. "Commissioners" shall mean those elected public officials who serve on the Board of Commissioners of the County of Dubois.
- c. "Advisory Council" shall mean the Dubois County Emergency Management Advisory Council as established under Chapter 2, Section 1 of this ordinance.
- d. "County" shall mean the County of Dubois, State of Indiana
- e. "Director" shall mean the County Director of Emergency Management as established and appointed pursuant to Chapter 2, Section 3 of this ordinance.
- f. "Emergency" shall mean a condition resulting from enemy attack, or other hostile action, or from natural disaster, manmade or technological disasters, which cannot be handled by normal operating personnel or facilities.
- g. "Emergency Management" shall mean the preparation for and the execution of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage, or other hostile action or by natural and manmade disasters.
- h. "Emergency Management Volunteer" shall mean any person who serves without compensation in the Department of Emergency Management including persons and private agencies or governmental units offering services to the County during emergency situations or mutual aid to other emergency agencies who request assistance.
- i. "Natural Disaster" shall mean any condition affecting or threatening public health, welfare, or security as a result of flood, drought, tornado, snow, or other natural cause.
- j. "Technological Disaster" shall mean incidents such as severe fire, explosions, hazardous material spills, radiological exposure or other technological problems which are beyond the control of regular forces.
- k. "Man-made Disasters" shall mean any condition manmade such as riots, strikes, insurrections, or other civil disturbances.
- l. "Participating emergency service" shall means:

1. any County department or agency designated by the Board of Commissioners of the County of Dubois to participate in emergency activities pursuant to Chapter 2, Section 2(d); and
  2. any department or agency of the state, another County, a municipality or other municipal corporation, or a volunteer organization designated to participate in the County's emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to IC 10-14-3-16 and Chapter 2, Section 4(e) of this ordinance.
- m. "Personnel" means County officers and employees and emergency management volunteers, unless otherwise indicated.

### **Section 3: Liberal Construction of Powers**

The general intent of this ordinance is to provide for all necessary and dispensable powers and procedures reasonably needed to prevent, cope with, or make more tolerable emergency conditions. All powers, both ministerial and discretionary, as conferred herein shall be liberally construed as intending to supplement and augment, and not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to County officers, employees, departments, and agencies.

### **Section 4: Nonsupersession of Powers of Sheriff**

Nothing in this ordinance is intended to supersede or limit any statutory powers of the County Sheriff to determine, respond to and provide for the control of public disasters and other emergency situations under the provisions of IC 10-16-7-9 and -10, as amended.

### **Section 5: Nonsupersession of Other Powers**

Nothing in this ordinance is intended to supersede or delimit the powers of any political subdivision under IC 10-14-3 to adopt and implement emergency plans, and promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting political subdivision. However, pursuant to IC 10-14-3-22 such regulations and procedures as promulgated by the political subdivision may not be inconsistent with the Dubois County Emergency regulations and procedures.

## **Chapter 2 EMERGENCY MANAGEMENT ORGANIZATION AND ADMINISTRATION**

### **Section 1: Emergency Management Advisory Council**

- a. In accordance with IC 10-14-3-17, there is established and confirmed a Dubois County Emergency Management Advisory Council which shall consist of the following individuals or their designees as appointed by the Board of Commissioners for 2 year terms as follows:
- 1) The President of the Board of Commissioners of the County of Dubois;
  - 2) The President of the Dubois County Council;
  - 3) The Mayor of each city located in Dubois County;
  - 4) An Individual representing the legislative bodies of each town in Dubois County who shall be appointed by the Commissioners after receiving recommendations from such legislative bodies;
  - 5) Representatives of such private and public agencies or organizations such as the Dubois County Sheriff which can be of assistance to emergency management as the Commissioners

consider appropriate or as may be added later by the Advisory Council;

- 6) The Commander of the local civil air patrol unit in Dubois County, if existing, as appointed by the Commissioners, or the Commander's designee.

Members of the Advisory Council shall serve at the pleasure of the appointing authority. Individuals who are members of the Advisory Council at the time this Ordinance takes effect may remain as members and may continue to serve on the Advisory Council until their present terms expire. The Advisory Council shall exercise general supervision over the Emergency Management program in the County.

- b. The Advisory Council shall select or cause to be selected, with the approval of the Board of County Commissioners, a County Emergency Management Director who shall have direct responsibility for the organization, administration, and operation of the Emergency Management program in the County; and who shall be responsible to the of the Emergency Management Advisory Council;
- c. The Advisory County shall meet at least once quarterly.

## **Section 2: Organization of the Emergency Management Department**

There is hereby established and confirmed a Department of Emergency Management within the executive branch of the County government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing County departments and agencies to prepare for and meet any emergency as defined in Chapter 1, Section 2 of this Ordinance. The Director of Emergency Management shall be responsible for its organization, administration and operation. The Department shall consist of the following:

- a) an executive head of the Department of Emergency Management, who shall be known as the Director of Emergency Management appointed in accordance with Section 3;
- b) a Deputy Director who shall be appointed by the Director with the approval of the Advisory Council;
- c) Emergency Management Volunteers, as deemed necessary and appointed by the Director in accordance with Section 7;
- d) the employees, equipment, and facilities of all County departments and agencies suitable for, or adaptable to, emergency management and designated by the County Commissioners to participate in the emergency management activity;
- e) staff officers with responsibility for emergency support functions as established in the County Comprehensive Emergency Management Plan including Warning, Communications, Radiological, Health, Emergency Care, Police, Fire, and Light Rescue, Public Education, and Transportation, who may be appointed by the Director but which positions shall be, so far as possible, additional duty assignments to existing personnel; and
- f) such assistants, clerical help, and other employees as deemed necessary to the proper functioning of the Department, who may be appointed by the Director.

However, notwithstanding any other provision of this section, no compensated position may be established within the Department of Emergency Management nor any person appointed to such position, without the authorization of the Dubois County Commissioners and County Council pursuant to IC 36-2-5-3(a) and the making of sufficient appropriations to pay such compensation. This provision does not give the Dubois County Council any power of approval over particular candidates for any

positions, but refers only to their general statutory powers to determine the number of officers, deputies, and employees of County departments, classify positions, and adopt schedules of compensation. In addition, it is also the intent of this section that emergency management and disaster assignments shall be as nearly consistent with normal duty assignments as possible.

### **Section 3: Director of Emergency Management**

The Director of Emergency Management shall be appointed by the Advisory Council subject to the approval of the Board of County Commissioners. Qualifications for Director will be determined by the Advisory Council subject to approval from the Dubois County Commissioners. In the event the individual selected by the Advisory Council is not approved by the Commissioners, the Advisory Council shall select another individual to serve as the Director and the same process will be repeated until the approval of the Director is obtained from the Commissioners. The appointment of the Director shall be permanent, HOWEVER the commissioners may dismiss the Director for cause upon determining the Director to be inadequate to fulfill his/her responsibilities, which shall include but not limited to dereliction of duties, malfeasance in office, incompetence, insubordination, or deliberate disregard of the directives of the superior County authorities, or physical or mental incapacity to perform his/hers duties.

### **Section 4: General Powers and Duties of the Director**

The Director, subject to the supervision, direction and control of the Advisory Council, shall be executive head of the Department of Emergency Management and shall have responsibility for the organization, administration, and operation including the following specific powers and duties:

- a) The Director shall be responsible for public relations, information, and education regarding all phases of emergency management.
- b) The Director shall be responsible for the development of a County Comprehensive Emergency Management Plan, and upon adoption, shall be responsible for such implementation, and revision of the plan as to maintain it on a current state of readiness at all times. This Plan shall include all major cities within the County.
- c) The Director shall coordinate, with Dubois County political subdivision, all activities for emergency management and shall maintain liaison and coordinate with all other affected agencies, public and private.
- d) The Director shall coordinate the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the County for emergency management purposes.
- e) The Director may seek, negotiate, and enter into, with the approval of the Commissioners and to the extent consistent with the Indiana Department of Homeland Security Comprehensive Emergency Management Plan, mutual aid arrangements with other public and private agencies for emergency management purposes, and take all steps in accordance with such arrangements to comply with or take advantage thereof in the event of an actual emergency affecting the parties.
- f) The Director may, when such offer has been approved by the Governor and the Commissioners, accept any offer for the Federal Government to provide for the use of the County any services, equipment, supplies, materials, of funds for emergency management purposes by way of gift, grant or loan.
- g) The Director may with the approval of the Commissioners, seek and accept from any person, firm or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds, or licenses, or privileges to use real estate or other premises, to the County for emergency management purposes.

- h) The Director may issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management.

The Director, in addition to the powers and duties expressly provided above, shall be construed to have all powers and duties of a local Emergency Management director as provided under IC 10-14-3.

#### **Section 5: Deputy Director**

If a Deputy Director has been appointed pursuant to Section 2(b) of this Chapter, he/she shall during normal times, assist the Director in the performance of his/her duties.

During an emergency, the Deputy Director shall assist the Director and fulfill the duties of the Director in the absence or inability of the Director to serve.

#### **Section 6: Powers and Duties of Commissioners**

The powers and duties of the County Commissioners pertaining to emergency management in the time of normal County operations are to:

- a) maintain general supervision and knowledge of the planning and administration for the Department of Emergency Management;
- b) adopt the Comprehensive Emergency Management Plan for the County; and
- c) coordinate the emergency management activities and make assignments of emergency management duties to County forces in order to meet situations not covered in the normal duties and powers of such agencies. In addition the County Commissioners may take all necessary action to conduct tests of the emergency management plans. Emergency management tests may be conducted at any time with or without prior notification. All emergency tests conducted within the boundaries of Dubois County shall be coordinated with the Department of Emergency Management and the Dubois County Sheriff's Department.
- d) Perform all other powers and duties reserved or assigned to them under this Ordinance and under IC 10-14-3

#### **Section 7: Emergency Management Volunteers**

The Director shall determine that all Emergency Management volunteer personnel meet the following qualifications before he/she is sworn in as a member:

- a) be at least 18 years of age;
- b) not convicted of a felony; and
- c) complete and have on file an application form.

Upon satisfaction of the requirements and approval by the Director the applicant is officially a member of the Dubois County Department of Emergency Management.

#### **Section 8: Personnel**

In general, any paid employees of the Department of Emergency Management shall have the same employment status and shall be governed by the same personnel policies, rules, and procedures that apply to other County employees.

#### **Section 9: Budget and Finance**

The Advisory Council shall advise the Director in the preparation of the budget. The County Council shall appropriate such funds as it may deem necessary for the purpose of emergency management. All funds appropriated or otherwise available to the Department of Emergency Management shall be administered by the Director, subject to the approval of the County Commissioners, in the same manner as provided by law or

ordinance for other County funds, except as otherwise provided under Chapter 3, Section 6, subsection (i) through (k) of this ordinance.

#### **Section 10: Comprehensive Emergency Management Plan**

Consistent with the requirements of federal preparedness assistance, the County does hereby adopt and establish the national Incident Management System (NIMS) as developed and administered by the Secretary of the Department of Homeland Security standard for incident management. The County by doing so will seek a coordinated effort from all agencies to effectively and efficiently provide the highest level of incident management. Furthermore, the County recognizes the need to utilize standardized terminology, organizational structures; interoperable communications, consolidated action plans, unified command structures, uniform personnel qualifications, uniform standards for planning, training and exercising, comprehensive resource management and designated incident facilities during emergencies or disasters. In a manner consistent with NIMS, a County Comprehensive Emergency Management Plan shall be developed by the Director and the Advisory Council and submitted to the Commissioners for consideration and approval.

The Plan shall be developed so as to be in compliance and consistent with the requirements of applicable state and federal law and regulations. In the preparation of this Plan, as it pertains to County organizations, it is the intent that the services, equipment, facilities, and personnel of all existing departments and agencies shall be utilized to the fullest extent possible. In addition, all participating emergency service agencies that develop internal plans shall coordinate those plans with the Emergency Management Agency in order to include such plans with the County Comprehensive Emergency Management Plan. When approved, the County departments and agencies shall perform the functions and duties assigned by the plan and maintain their portion of the plan in a current state of readiness at all times.

#### **Section 11: Countywide Emergency Management**

Except as provided by Chapter 1, Sections 4 and 5 of this ordinance, the jurisdiction of the County Department of Emergency Management, the jurisdiction and applicability of the County's Comprehensive Emergency Management Plan as adopted pursuant to Section 10, and the exercise of any powers of the Principal Executive Officer of the County and the County Commissioners under this ordinance, shall be comprehensive and inclusive Countywide and effective in both the incorporated and unincorporated areas of the County.

### **Chapter 3**

#### **EMERGENCY POWERS, REGULATIONS, AND PROCEDURES**

##### **Section 1: Applicability of Chapter**

This chapter applies whenever:

- a) a disaster emergency affecting all or part of the County has been declared by the Governor pursuant to IC 10-14-3-12 or IC 10-14-3-13;
- b) disaster emergency affecting all or part of the County has been declared by the Principal Executive Officer of the County pursuant to IC 10-14-3-29;
- c) a presumptive state of emergency is deemed to exist affecting all or part of the County causing the Director to invoke and implement emergency plans and procedures in accordance with Section 8 of this Chapter; or



- d) when the Board of Commissioners has implemented a test of the County's emergency plans and procedures in accordance with Chapter 2, Section 6 of this ordinance;

## **Section 2: Pre-disaster Responsibilities**

The Department of Emergency Management's primary pre-disaster responsibility shall be the planning function as prescribed in the County Comprehensive Emergency Management Plan as prescribed for the entire County, including all cities and towns.

## **Section 3: Special Emergency Powers and Duties of Principal Executive Officer;**

In the event of actual or threatened disaster affecting the County, the Principal Executive Officer of the County may declare a local disaster emergency pursuant to IC 10-14-3-29 for any period not to exceed 7 days. The declaration shall be in writing and indicate the nature of the disaster and the conditions which have brought it about, and the area or areas threatened and to which the state of emergency applies (which may include the entire County or only designated parts thereof). The declaration shall be filed in the offices of the County Clerk, and the Clerk of any incorporated municipality included in the declaration. The declaration is neither invalidated nor ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances. Such a declaration is not necessary if the Governor, pursuant to IC 10-14-3-12 and -13, has already proclaimed a statewide or area wide state of emergency including the County.

## **Section 4: Emergency Meeting of Commissioners**

As soon as possible after a disaster emergency affecting the County is declared either by the Governor or by the Principal Executive Officer of the County, the Principal Executive Officer of the County shall convene a meeting of the County Commissioners to perform their legislative and administrative functions as the situation may demand. If the Principal Executive Officer fails or is unable to perform the above duty, the meeting shall be convened by some other member of the Board of Commissioners, or by the Auditor or the successively empowered County officers, in accordance with IC 36-2-2-8(a). Any such meeting of the Commissioners shall automatically be deemed an emergency meeting subject only to such procedural provisions of law as govern emergency meetings of County Commissioners, including relaxation of any applicable notice requirements pursuant to IC 5-14-1.5-5(d), and may be held in any convenient and available space. The meeting shall continue without adjournment for the duration of the disaster emergency, but may be recessed for reasonable periods of time as necessary and permitted by the circumstances.

## **Section 5: Special Emergency Powers in Absence of Board Quorum**

In the event that a quorum of the Board of Commissioners cannot be assembled for purposes of the meeting required under Section 4 of this chapter, the Principal Executive Officer of the County shall have all powers and may take all actions of the full Board under Section 6, subsection (b) through (m) of this chapter until the assemblage of a quorum is possible.

## **Section 6: Special Emergency Powers and Duties of Commissioners**

At the meeting convened under Section 4, the Commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith. In addition, however, they may also exercise any of the following special and extraordinary powers:

- a) The Commissioners may extend the period of a state of emergency declared by the Principal Executive Officer pursuant to Section 3 to last more than 7 days if necessary.

- b) The Commissioners may terminate the state of emergency, except for a state of emergency proclaimed by the Governor.
- c) The Commissioners may order the activation and implementation of the County's Comprehensive Emergency Management Plan that has been adopted pursuant to Chapter 2, Section 10, of this ordinance, or such several component parts thereof as may be relevant to the emergency.
- d) The Commissioners may assemble and utilize emergency management forces, including personnel of the Department of Emergency Management, participating emergency service agencies, and any other forces at the disposal of the Commissioners hereunder for emergency management purposes.
- e) The Commissioners may order volunteer forces to the aid of the County, state, or political subdivisions thereof as soon as practicable. Such volunteer forces will be under the direction of the Department of Emergency Management.
- f) The Commissioners may, to the extent permitted by IC 10-14-3-31 and subject to its provisions, command services from and/or requisition the use of equipment, facilities, supplies, or other property belonging to other organizations, corporations, or private persons as necessary to control the emergency and protect and provide for the public safety and welfare. Pursuant to I.C. 10-14-3-31, compensation for property shall be paid only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the Governor or a member of the disaster emergency forces of the state. Any person claiming compensation for the use, damage, loss, or destruction of such property shall make a claim for it. This claim shall be filed and adjudicated as proved in I.C. 32-24
- g) The Commissioners may order the evacuation of all or part of the population from stricken areas of the County, and prescribe routes, modes of transportation, and destinations for such evacuation.
- h) The Commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, etc., which would govern the use and locations of premises for housing purposes during normal times.
- i) The Commissioners may suspend, for the duration of the state of emergency (or for a lesser period as they determine), any provisions of or procedures prescribed by ordinances of the County if they would be impractical during the emergency, would interfere with the implementation and carrying out of emergency plans, or would be inimical to actions necessary to protect the public safety and welfare; provided, however, that except in accordance with subsection (j) hereinafter the Commissioners may not suspend any provisions of ordinances or procedures which are mandated by statute.
- j) When the state of emergency has been proclaimed by the Governor, the Commissioners may waive any procedures or requirement of statute, or of County ordinances reflecting statutory requirements and mandates, in accordance with IC 10-14-3.
- k) The Commissioners may assign special emergency duties and functions to any County offices, departments, and agencies irrespective of their usual duties and functions, and any unexpected and unencumbered monies budgeted and appropriated (major object classification), may be utilized and expended for the purpose of carrying out such special emergency duties and functions.
- l) The Commissioners may make and promulgate such emergency regulations as may be deemed necessary to protect life and property, preserve order, conserve critical resources, or implement and carry out the provisions of the County's or State's

disaster plans, including but not limited to the power to order the roads closed, establish curfews, close business, or any action that they deem necessary to save lives and recover from a declared emergency. This power also includes the power to supplement, modify, or suspend any general contingency regulations which may have been incorporated as part of the County's previously adopted Comprehensive Emergency Management Plan. Any emergency regulations adopted under this subsection shall not be effective until promulgated, which promulgation shall be by written filing in the offices of the County Clerk as required by IC 10-14-3-22; provided however, that should such filing be impossible because of the emergency situation, such regulations shall have the full force of law and shall be enforceable by any police officer in accordance with 10-14-3.

- m) The Commissioners may request the State or the United States or their agencies and political subdivisions to send aid (including financial assistance).

All actions and regulations under this section may be by executive order, and need not be made or adopted by ordinance or resolution, but shall be consistent with and subordinate to any actions, orders, or regulations made by the Governor or a state agency implementing the Indiana Department of Homeland Security Comprehensive Emergency Management Plan.

#### **Section 7: Special Emergency Powers and Duties of Director**

- (a) It shall be the duty of the Director to make recommendations and advise the Board of Commissioners or the Principal Executive Officer on any actions which it would be necessary or desirable to take under Section 6 of this chapter in the event of an emergency.
- (b) In the event that an emergency clearly exists or is imminent within the County, and a state of emergency has not been declared by the Governor nor is any person having the powers of the Principal Executive Officer of the County present to declare such an emergency pursuant to Section 3 of this chapter, the Director may temporarily presume the existence of a state of emergency even though not officially declared and may, as his own judgment dictates, invoke, implement, and carry out such provisions of the County's adopted Comprehensive Emergency Management Plan as are necessary to cope with the emergency and protect the public safety and welfare, and shall be construed to have all powers necessary and dispensable to doing so to the extent not specifically limited by statute or specifically limited herein, until such time as a Principal Executive Officer becomes available. This section also applies to the Deputy Director to the extent that the Deputy Director is required to assume the duties of the Director, as provided by Chapter 2, Section 5 of this ordinance, in the latter's absence or incapacitation during the emergency. Assistance from the Department of Emergency Management may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.

#### **Section 8: Designation of Local Travel Advisory**

If the Principal Executive Officer of the County issues a local travel advisory as part of an emergency declaration under this ordinance the Principal Executive Officer shall designate the travel advisory in accordance with IC 10-14-3-29.5

#### **Section 9: Duties of County Officers and Employees During Emergency**

All officers and employees of the County shall cooperate with and give active support to the County Commissioners and to the County Emergency Management Director in all emergency management operations, and shall comply with all orders of the Commissioners and County Emergency Management Director issued pursuant to this Chapter.

## **Section 10: Limitation of Liability**

During an emergency management test or declared disaster emergency, the County, the County's assigned personnel, participating emergency services, and rostered emergency management volunteers shall be immune from liability to the full extent provided by IC 10-14-3 and any other applicable law.

## **Section 11: Priority of Emergency Orders, Rules, and Regulations**

At all times when the orders, rules, and regulations made and promulgated pursuant to this Chapter shall be in effect, they supersede all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

## **Section 12: Penalties and Enforcement**

Whenever this Chapter applies as provided in Section 1, it shall be unlawful and a penal ordinance violation for any person to:

- a) willfully obstruct, hinder, or delay the Commissioners, the Director of Emergency Management, participating emergency service agencies, authorized emergency management volunteers, or other authorities from implementing, carrying out, and enforcing emergency plans and procedures;
- b) fail to observe, abide by, and comply with any emergency management duties, orders, regulations, and procedures as made applicable to such person by the appropriate authorities; or
- c) falsely wear or carry identification as a member of the County Department of Emergency Management, or to otherwise falsely identify or purport himself to be a County emergency management authority.

Any regular or reserve police officer of the State of Indiana or any of its political subdivisions, or any member of the County Department of Emergency Management or a participating emergency service agency, is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above. Any person who commits an offense as described above shall be liable to a fine of \$2,500; such fine to be subject, however, to the discretion of the court of jurisdiction. A person who knowingly, intentionally, or recklessly violates IC 10-14-3 commits a class B misdemeanor pursuant to IC 10-14-3-34

## **Chapter 4 Construction of Ordinance and Effect on Prior Ordinances**

### **Section 1: Construction of Ordinance**

This ordinance is not intended to limit or restrict the rights and powers of County government with respect to Emergency Management. The Commissioners, Emergency Management Director, Emergency Management Advisory Council, and Department of Emergency Management shall have all rights and powers as provided in IC 10-14-3. Each provision of this Ordinance shall be construed as separate to the end that if any part shall be held invalid for any reason, the remainder shall continue in full force and effect. This Ordinance shall be effective upon date of adoption and compliance with applicable legal requirements.