

**FILED**

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Starke County Disaster Emergency Declaration Ordinance  
Ordinance #2011- 9

*Katherine Cruffin*  
AUDITOR, STARKE COUNTY

Starke County Board of Commissioners: ORDINANCE NO. 2011- 9, An Ordinance addressing Local Disaster Emergency Declarations and Travel Advisories.

**WHEREAS**, The Board of Commissioners of Starke County ("Board") previously adopted Ordinance No. \_\_\_\_\_ which was adopted for the purpose of declaring weather related emergencies in Starke 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 Starke County, Indiana and shall apply to all roads, highways or right-of-ways 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 Advisory Council
- b. The County Sheriff
- c. The Emergency Management/Homeland Security Director, and;
- d. 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 Starke 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.

Pursuant to IC 10-14-3-29.5 a "warning" level 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 Starke County, Indiana informed of the weather and 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 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 management 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 Starke 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 utilities, and fuel hauling vehicles, and employees 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 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 person violating any provisions of this ordinance or the vehicle 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 the 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 \_\_\_\_\_ is hereby repealed as of the effective date of this ordinance.

Signed and approved on this 21 Day of Nov. ~~2010~~, 2011 by a majority vote upon first reading.

Board of Commissioners of Starke County

Signed: Daniel Brundage

Signed: Jason J. ...

Signed: Janifer Davis

Attest: Katherine Cuffins, Auditor

Starke County  
Disaster Emergency Declaration  
For Travel Restriction

Starke County, Indiana  
\_\_\_\_\_, 2011

**Authority**

Whereas, Starke County, Indiana has been impacted by or is immediately threatened by the following emergency conditions:

(Give date, time, situation assessment and duration of hazard) and;

Now, therefore, we, the Starke County board of Commissioners, declare that a local disaster emergency exists for the next seven 970 days\*in the county and that we hereby invoke those portions of the Indiana Code which are applicable to the conditions and have caused the issuance of this declaration to be in full force and effect in the county for the exercise of all necessary emergency measures necessary for protection of lives and property and the prompt restoration of local government services.

The effect of this declaration is to:

- (1) Activate the response and recovery aspects of all applicable county disaster emergency plans.
- (2) Authorize the furnishing of aid and assistance under the plans.
- (3) Declare a Travel Warning, during which travel shall be restricted to emergency personnel only (**Further and more specific restrictions upon travel and parking may be included here**). During a Travel Warning, all citizens are called upon and directed to refrain from all travel, to comply with necessary emergency measures, to cooperative with public officials and disaster services forces in executing emergency operations plans, and to obey and comply with the lawful directions of properly identified officers.

All public officers and employees of Starke County are directed to limit their travel to what is essential to the discharge their public safety and essential service duties...Such employees are also hereby directed to exercise the utmost diligence in he discharge of duties required of them for the duration of the emergency and in execution of emergency laws, regulation, and directives, state and local.

In accordance with IC 10-14-3-29, (d). this Declaration does not prohibit individuals engaged in employment necessary to maintain a safe rail system, restore a public safety utility or provide any other emergency public service from traveling within County during this local disaster emergency.

All operating forces will direct their communications and requests for assistance and operations directly to the Starke County Emergency Operating Center.

Reference is hereby made to all appropriate laws, statutes, ordinances, and resolutions, and particularly to section 10-14-3-29 of the Indiana Code.

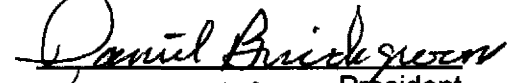
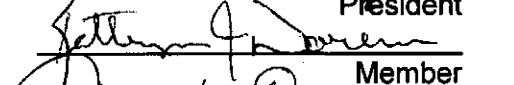
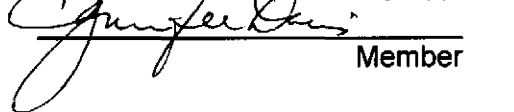
These are the four travel advisory levels.

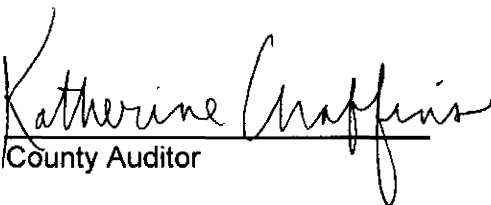
- (1) A travel advisory status of "CAUTION" means that a condition may develop that limits or hinders travel in isolated areas. Under "CAUTION", no travel restrictions have been placed in effect by county officials but citizens should be alert to changing conditions. The county's travel advisory status begins at a starting level of "CAUTION," and will remain at that level unless and until it is changed by the EMA office.
- (2) A travel advisory status of "ADVISORY" means that routine travel or activity may be restricted in areas 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) A travel advisory status of "WATCH" means that conditions are threatening to the safety of the public. Only essential travel is recommended (i.e. to and from work, emergency situations, etc.) Emergency action plans have been or should now be implemented by businesses, school, government agencies and other organizations.
- (4) A travel advisory status of "WARNING" means that travel may be restricted to emergency personnel only. During a Travel Warning, all citizens are called upon and directed to refrain from travel, to comply with necessary emergency measures, to cooperate with public officials and disaster services forces in executing emergency plans, and to obey and comply with the lawful directions of properly identified officers. Further and more specific restrictions may be included.

This Declaration shall be given prompt and general publicity and shall be filed promptly in the office of the Clerk.

In witness, whereof, we have hereunto set our hand this \_\_\_\_\_ day of \_\_\_\_\_ 2011

Starke County Board of Commissioners

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
Member  
  
\_\_\_\_\_  
Member

Attest:   
Starke County Auditor

\*IC 10-14-3-29 states that a local disaster emergency declaration may not be continued or renewed for more than seven (7) days except by or with the consent of the governing body of the political subdivision.