

ORDINANCE 94-02-CM
AMENDING ORDINANCE NO. 92-10-CM AND ORDINANCE NO. 93-03-CM
TIPPECANOE COUNTY CIVIL DEFENSE
AND EMERGENCY MANAGEMENT ORDINANCE
(PREVIOUSLY AMENDED ORDINANCE)

Chapter 1: County Civil Defense and Emergency Management Program:
General Provisions and Definitions

Chapter 2: County Civil Defense and Emergency Management Program:
Organization and Administration

Chapter 3: County Civil Defense and Emergency Management Program:
Emergency Powers, Regulations, and Procedures

CHAPTER 1

COUNTY CIVIL DEFENSE AND EMERGENCY MANAGEMENT PROGRAM: GENERAL
PROVISIONS AND DEFINITIONS

Section 1: Applicability of Chapter

Section 2: Definitions

Section 3: General Scope and Intent; Liberal Construction of
Powers

Section 4: Limitations: nonsupersession of Emergency Powers of
incorporated Municipalities; Conformance of Municipal Regulations
with County Regulations

APPLICABILITY OF CHAPTER

Sec. 1: The provisions of this chapter, unless otherwise
indicated, also apply to, govern, and refer to matters contained
in Chapters 2 and 3 of this article.

a) The usage of the names Tippecanoe County Civil Defense,
Tippecanoe County Civil Defense and Emergency Management, and
Tippecanoe County Emergency Management Agency are in fact one in
the same. The Tippecanoe County Civil Defense, Tippecanoe County
Civil Defense and Emergency Management, and Tippecanoe County
Emergency Management Agency names may be used interchangeably and
are one in the same.

DEFINITIONS

Sec. 2: As used in this chapter and in Chapters 2 and 3
hereinafter, the following words and terms have the meanings
indicated:

a) "Chief Executive Officer" of the county, as referred to in
IC 10-4-1-23(a) for purposes of declaring a local disaster
emergency, and as referred to hereinafter, means the presiding
officer of the Board of Commissioners. The presiding officer
shall be considered as the regularly designated President of the
Board, except if he is absent or incapacitated, and the Board has
a regularly designated President Pro Tem., then the President Pro
Tem. shall be considered as the chief executive officer. If the
President is absent or incapacitated and there is no designated
President Pro Tem., then the remaining two Commissioners shall
select among themselves one to be presiding officer in the same
manner as when an ordinary business meeting needs to be conducted
in the absence of the President. If both the President and
another Commissioner are absent or incapacitated, then the
remaining Commissioner shall be considered the presiding officer.

b) "Council", unless clearly referring to the County Council,
means the Tippecanoe County Civil Defense and Emergency
Management Advisory Council as established under Chapter 2,
Section 1 of this article.

- c) "Director" refers to the county Director of Emergency Management as established and appointed pursuant to Chapter 2, Section 3 of this article.
- d) "Emergency" shall mean a condition resulting from enemy attack, or other hostile from enemy attack, or other hostile action, or from natural disaster, or from manmade disasters, which cannot be handled by normal operating personnel or facilities.
- e) "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 disaster.
- f) "Emergency management volunteer" shall mean any person who serves without compensation in the Department of Civil Defense and Emergency Management including persons and private agencies or government units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance.
- g) "Natural Disaster" shall mean any condition affecting or threatening public health, welfare, or security as a result of flood, tornado, blizzard, or other natural cause.
- h) "Techological Disaster" shall mean incidents such as severe fire, explosions, hazardous material spills, radiological problems which are beyond the control of regular forces.
- i) "Man-made Disaster" shall mean any condition such as riots, strikes, insurrections or other civil disturbances.
- j) "Participating emergency service" means:
- 1) any county department or agency designated by the Commissioner 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 10-4-1-9 and Chapter 2, Section 4(e) of this article.
- k) "Personnel" means county officers and employees and emergency management volunteer, unless otherwise indicated.

GENERAL SCOPE AND INTENT LIBERAL CONSTRUCTION OF POWERS

Sec. 3: The general intent of Chapter 1 through 3 is to provide for all necessary and dispensable powers and procedure reasonably needed to prevent, cope with, or make more tolerable emergency conditions. For this and, all powers, both ministerial and discretionary, as conferred herein shall be liberally construed and shall be 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, department, and agencies.

LIMITATIONS: NONSUPERSESSION OF EMERGENCY POWERS OF COUNTY SHERIFF

Sec. 4: Nothing in Chapters 1 through 3 of this article is intended to supersede or delimit 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 provision of IC 10-2-4-6 and 7.

LIMITATIONS; NONSUPERSESSION OF EMERGENCY POWERS OF INCORPORATED MUNICIPALITIES; CONFORMANCE OF MUNICIPAL REGULATIONS WITH COUNTY REGULATIONS

Sec. 5: Nothing in Chapters 1 through 3 of this article is intended to supersede or delimit the powers of any incorporated municipality under IC 10-4-1-10 to adopt and implement emergency plans, and promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting such municipality. However, pursuant to I.C. 10-4-1-15, such regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the Tippecanoe County Emergency regulations and procedures.

CHAPTER 2

COUNTY CIVIL DEFENSE AND EMERGENCY MANAGEMENT PROGRAM; ORGANIZATIONS AND ADMINISTRATION OF DEPARTMENT OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT

Sec. 1: Tippecanoe County Civil Defense and Emergency Management Advisory Council Established; Appointment and Terms of Members; Election of Officers

Sec. 2: Department of Civil Defense and Emergency Management Established; Organization and Constituency of the Department

Sec. 3: Director of Civil Defense and Emergency Management; Appointment Qualifications and Tenure

Sec. 4: Director of Civil Defense and Emergency Management; General Powers and Duties

Sec. 5: Deputy Director; General Powers and Duties

Sec. 6: Board of Commissioners; General Administrative Powers and Duties; Tests of Emergency Plans

Sec. 7: Qualifications and Appointment of Emergency Management Volunteers

Sec. 8: Departmental Personnel Administration; Status of Paid Employees; Establishment of Merit System if Federal Funding is Used

Sec. 9: Departmental Budgeting and Finance

Sec. 10: Emergency Operating Plan; Formulation Content and Adoption of Plan

Sec. 11: Countywide Department of Civil Defense and Emergency Management; Emergency Operating Plan and Related Official Powers

COUNTY CIVIL DEFENSE AND EMERGENCY MANAGEMENT ADVISORY COUNCIL ESTABLISHED; APPOINTMENT AND TERMS OF MEMBERS; ELECTION OF OFFICERS

Sec. 1: In accordance with IC 10-4-1-10(b), there is established a Tippecanoe County Civil Defense and Emergency Management Advisory Council which shall consist of a Maximum of 10 members, each of which shall be appointed by the Board of County Commissioners for 2-year terms, as follows:

- a) One member shall be a member of the Tippecanoe County Council;
- b) One member shall be a member of the Tippecanoe County Board of Commissioners;
- c) One member shall be a member of the Tippecanoe County Chamber of Commerce;

- d) One member shall be an appointee of the City of Lafayette as recommended by the Mayor of Lafayette;
- e) One member shall be an appointee of the City of West Lafayette as recommended by the Mayor of West Lafayette;
- f) One member shall be appointed representing each of northeast, southeast, southwest, and northwest quadrants of the county, such quadrants being determined by using the Tippecanoe County Courthouse as the center of the county as appointed by the Board of Commissioners. Each member appointed for each respective quadrant may be recommended by the various town boards located within that respective quadrant, if applicable.

The Advisory Council shall have a Chairman, Vice-Chairman, Recording Secretary, and Vice-Recording Secretary. Elections to be held in November of each year.

DUTIES OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT ADVISORY COUNCIL. IC 10-4-1-10(b)

The County Civil Defense and Emergency Management Advisory Council shall exercise general supervision and control over the Civil Defense and Emergency Management and disaster program of the County and shall select or cause to be selected, a county Civil Defense and Emergency Management Director, who shall have direct responsibility for the organization, administration, and operation of the Civil Defense and Emergency Management program in the county; shall be responsible to the chairman of the Civil Defense and Emergency Management Advisory Council; and shall not hold any other local state government office.

- a) The Advisory Council shall meet at least once quarterly.
- b) Emergency meetings - When the Chairman, or in his absence the Vice-Chairman, is advised or determines an emergency exists, he may call an emergency meeting of the Advisory Council to evaluate what recommendations should be made to the County Commissioners. This emergency meeting may be called without public notice and need not be held in a public place, however, proper notice that such meeting took place must be made and the minutes of this meeting must be made public. A quorum at this meeting shall be those members present. In the event the nature of the emergency prevents travel to a meeting place, the Chairman, or in his absence the Vice-Chairman, may poll members by telephone. Proper notification that such telephone polling took place and a synopsis of discussions must be made public.

DEPARTMENT OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT ESTABLISHED; ORGANIZATION AND CONSTITUENCY OF THE DEPARTMENT

Sec. 2: There is hereby established a Department of Civil Defense and 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 an emergency as defined in Chapter 1, Section 2 of this article. The County Commissioners and Director of Civil Defense and 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 Civil Defense and Emergency Management, who shall be known as the Director of Civil Defense and 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 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 Civil Defense and Emergency Management nor any person appointed to such position, without the authorization of the 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 County Council any power of approval over particular candidates for any positions, but refers only to their general statutory powers to determine the numbers of offices, 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.

DIRECTOR OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT; APPOINTMENT; QUALIFICATIONS AND TENURE

Sec. 3: The Board of Commissioners shall be responsible for the appointment of the Director. Said appointment shall be made after the candidates for Director have been interviewed by the County Civil Defense and Emergency Management Advisory Council and said County Civil Defense and Emergency Management Advisory Council and said County Civil Defense and Emergency Management Advisory Council has made its recommendations to the Board of Commissioners.

Qualifications for the Director will be determined by the Board of Commissioners with input from the Advisory Council, provided that pursuant to I.C. 10-4-1-10(d), the Director may hold no other local state, or federal office. The appointment of the Director shall be on an annual basis unless the Commissioners determine the Director to be incapable to fulfill his responsibilities, which shall include dereliction of duties (including failure to provide the State Civil Defense and Emergency Management Director required annual reports and documentation), malfeasance in office, incompetence, insubordination or deliberate disregard of the directives of superior county or state authorities, or physical or mental incapacity to perform his duties. In the event the Board of Commissioners fail to make its annual appointment, the then serving Director shall remain until such annual appointment is made.

DIRECTOR OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT; GENERAL POWERS AND DUTIES

Sec. 4: The Director, subject to the direction and control of the Advisory Council and/or County Commissioners, shall be executive head of the Department of Civil Defense and Emergency Management and shall have responsibility for the organization, administration, and operation of the emergency management organization, 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 Emergency Operating 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, within Tippecanoe County, 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, with prior approval of the Advisory Council Chairman, seek, negotiate, and enter into (with the approval of the Advisory Council and then the approval or ratification of the Commissioners and to the extent consistent with the State Emergency Operations Plan and program) 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, with the approval of the Advisory Council and then the approval of the Commissioners, when such offer has been approved by the Governor, accept any offer of the Federal Government to provide for the use of the county any services, equipment, supplies, materials, or funds for emergency management purposes by way or gift, grant or loan.
- g) The Director, with the approval of the Advisory Council and then the approval of the Commissioners, may 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 civil defense and emergency management director as provided under IC 10-4-1. In particular, but not any limitation, the Director, through the Department of Civil Defense and Emergency Management, may perform or cause to be performed with respect to the county, any function parallel or analogous to those performed on a statewide basis by the Indiana Department of Civil Defense and Emergency Management under IC 10-4-1-4(1) of 5(j).

DEPUTY DIRECTOR; GENERAL POWERS AND DUTIES

Sec. 5: If a Deputy Director has been appointed pursuant to Section 2(b) of this chapter, he shall during normal times, assist the Director in the performance of his 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.

BOARD OF COMMISSIONERS; GENERAL ADMINISTRATIVE POWERS AND DUTIES; TESTS OF EMERGENCY OPERATIONS PLANS

Sec. 6: The powers and duties of the County Commissioners pertaining to emergency management in time of normal county operation are to:

- a) maintain general supervision over the planning and administration for the Department of Civil Defense and Emergency Management;
- b) adopt the emergency management and disaster plans; and
- c) coordinate the emergency management activities and make assignments of emergency management activities 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 Tippecanoe County shall be coordinated with the Department of Civil Defense and Emergency Management and the Tippecanoe County Sheriff's Department.

QUALIFICATIONS AND APPOINTMENT OF EMERGENCY MANAGEMENT VOLUNTEERS

Sec. 7: The Director shall make sure that all 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 above requirements, the applicant is officially a member of the Tippecanoe County Department of Civil Defense and Emergency Management.

DEPARTMENTAL PERSONNEL ADMINISTRATION; STATUS OF PAID EMPLOYEES; ESTABLISHMENT OF MERIT SYSTEM IF FEDERAL FUNDING IS USED

Sec. 8: In general, any paid employees of the Department of Civil Defense and Emergency Management shall have the same employment status and shall be governed by the same uniform personnel policies, rules, and procedures that apply to other county employees. However, in the event that and during such times as the county emergency management program may hereafter be directly supported by federal funding, the Board of Commissioners shall adopt and implement a merit system applicable only to paid employees of the Department other than the Director. Such merit system shall conform to the standards and comply with other requirements as set forth in CPG 1-3: Federal Assistance Handbook: Emergency Management Direction and Control Programs (January, 1984) or subsequent editions thereof as may be in effect at the time.

DEPARTMENTAL BUDGETING AND FINANCE

Sec. 9: 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 Civil Defense and 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, subsections (I) through (K) of this article.

CIVIL DEFENSE AND EMERGENCY MANAGEMENT EMERGENCY OPERATIONS PLAN; FORMULATION, CONTENT, AND ADOPTION OF PLAN

Sec. 10: A Tippecanoe County Emergency Operations Plan shall be adopted by resolution of the Tippecanoe County Commissioners. In the preparation of this plan, as it pertains to county organization, 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. The following content shall be adopted:

- a) Basic Plan - to include:
 - 1. Purpose
 - 2. Situation/Assumption
 - 3. Concept of Operations
 - 4. Assignment of Responsibilities
 - 5. Direction and Control
 - 6. Continuity and Control
 - 7. Administration and Logistics
 - 8. Execution

The following annexes will be required:

- A) Direction and Control (Warning and Communications)
- B) Radiological Protection
- C) Law Enforcement
- D) Fire and Rescue
- E) Health and Medical
- F) Welfare
- G) Shelter
- H) Evacuation
- I) Public Works
- J) Resource and Supply

In addition, all participating emergency services who develop internal plans shall coordinate those plans with the Department of Civil Defense and Emergency Management in order to include such plans within the county comprehensive plan. When approved it shall be the duty of all county departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.

COUNTYWIDE JURISDICTION OF DEPARTMENT OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT, COUNTY EMERGENCY OPERATIONS PLAN, AND RELATED OFFICIAL POWERS

Sec. 11: Except as provided by Chapter 1, Sections 4 and 5 of this article, the jurisdiction of the county Department of Civil Defense and Emergency Management, and the jurisdiction and applicability of the county's comprehensive emergency management and disaster plan as adopted pursuant to Section 10, and the exercise of any powers of the chief executive officer of the county and the County Commissioners under Chapter 3 of this article, shall be comprehensive and inclusive countywide and effective in both the incorporated and unincorporated areas of the county.

CHAPTER 3

COUNTY CIVIL DEFENSE AND EMERGENCY MANAGEMENT PROGRAM: EMERGENCY POWERS, REGULATIONS, AND PROCEDURES

- Section 1: Applicability of Chapter
- Section 2: Pre-disaster Responsibilities of Department of Civil Defense and Emergency Management
- Section 3: Special Emergency Powers and Duties of Chief Executive Officer; Declaration of Local Disaster Emergency
- Section 4: Special Emergency Powers and Duties of Chief Executive Officer; Convention of Emergency Meeting of Board of Commissioners; Special Meeting Procedures
- Section 5: Special Emergency Powers and Duties of Chief Executive Officer; Plenipotentiary Powers in Absence of Board Quorum
- Section 6: Special Emergency Powers and Duties of Board of Commissioners
- Section 7: Special Emergency Powers and Duties of Director of Emergency Management; Recommendations to Commissioners on Special Emergency Actions
- Section 8: Special Emergency Powers and Duties of Director of Emergency Management; Power to Implement Emergency Plans During Presumptive State of Emergency; Rendering of Assistance by Department of Civil Defense and Emergency Management
- Section 9: General Duties of County Officers and Employees During Emergency State
- Section 10: Priority of Emergency Orders, Rules, and Regulations
- Section 11: Noncompliance with Emergency Orders, Rules, and Regulations; Obstruction or Impersonation of Emergency Management Authorities; Penalties and Enforcement
- Section 12: Limitation of Liability during State of Emergency of Emergency Management Tests or Exercises
- Section 13: Reimbursement for Use of Property Commandeered during Emergency

APPLICABILITY OF CHAPTER

Sec. 1: This chapter applies whenever:

- a) a state of emergency affecting all or part of the county has been declared by the Governor pursuant to IC 10-4-1-7;
- b) a state of emergency affecting all or part of the county has been declared by the chief executive officer of the county pursuant to IC 10-4-1-23(a) and Section 2 of this chapter;
- 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 article, to the extent necessary or dispensable to such test.

PRE-DISASTER RESPONSIBILITIES OF DEPARTMENT OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT

Sec. 2: The Department of Civil Defense's primary pre-disaster responsibility shall be the warning function as prescribed in the warning plan, and emergency communications as prescribed in the communications plan for the entire county, including all cities and towns.

SPECIAL EMERGENCY POWERS AND DUTIES OF CHIEF EXECUTIVE OFFICER;
DECLARATION OF LOCAL DISASTER EMERGENCY

Sec. 3: In the event of actual or threatened enemy attack or disaster affecting the county, the chief executive officer of the county may declare a local disaster emergency pursuant to IC 10-4-1-23(a) 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, the County Auditor, and the clerk of any incorporated municipality included in the declared disaster area and shall be announced or disseminated to the general public by the best means available. However, the declaration is not 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 10-4-1-7, has already proclaimed a statewide or areas state of emergency including the county.

SPECIAL EMERGENCY POWERS AND DUTIES OF CHIEF EXECUTIVE POWERS AND
DUTIES OF CHIEF EXECUTIVE OFFICER; CONVENTION OF EMERGENCY
MEETING OF BOARD OF COMMISSIONERS; SPECIAL MEETING PROCEDURES

Sec. 4: As soon as possible after a disaster emergency affecting the county is declared either by the Governor or by the chief executive officer of the county, the chief 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 chief 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 place. 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.

SPECIAL EMERGENCY POWERS AND DUTIES OF CHIEF EXECUTIVE OFFICER;
PLENIPOTENTIARY POWERS IN ABSENCE OF BOARD QUORUM

Sec. 5: 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 chief executive officer of the county shall be considered a plenipotentiary representative of the Board and shall have all powers and may take all actions of the full Board under Section 6, subsections (b) through (m) of this chapter until the assemblage of a quorum is possible.

SPECIAL EMERGENCY POWERS AND DUTIES OF BOARD OF COMMISSIONERS

Sec. 6: 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 state of emergency declared by the chief 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 and disaster control plan that has been adopted pursuant to Chapter 2, Section 10, of this article, 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 Civil Defense and Emergency Management, participating emergency services, 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. Those volunteer forces will be under the direction of the Department of Civil Defense and Emergency Management.
- F) The Commissioners may, to the extent permitted by IC 10-4-1-25 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.
- G) The Commissioners may order the evacuation of all or part of the population from stricken areas of the county, and prescribed 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 location 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 detrimental to actions which are 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) In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the Commissioners may also in accordance with IC 10-4-1-10(j) (5) waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates, and pertaining to the appropriation and expenditure of public funds, the incurrence of obligations, the performance of public works, the entering into contracts, the employment of permanent or temporary workers or utilization of volunteer workers, the rental of equipment, or the purchase and distribution of supplies, materials and facilities.
- K) The Commissioners may assign special emergency duties and functions to any county officers, departments, and agencies irrespective of their usual duties and functions, and any unexpended and unencumbered monies budgeted and appropriated for the operation of such offices, departments, and agencies and not dedicated by law to different and specified purposes may, within the scope of each major budget and appropriation category (major object classification), 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 Emergency Operations 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 and County Auditor as required by IC 10-4-1-15(b), provided however, that should such filing be impossible because of the emergency situation, such regulations shall be effective and enforceable notwithstanding. Such regulation shall have the full force of law and shall be enforceable by any police officer in accordance with IC 10-4-1-17.

M) The Commissioners may request the state or the United States or their agencies and political subdivisions to send aid (including financial assistance) if the situation is beyond the control of the regular and emergency county forces and resources.

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 the subordinate to any actions, orders, or regulations made by the Governor or a state agency implementing state Emergency Operations Plans.

SPECIAL EMERGENCY POWERS AND DUTIES OF DIRECTOR OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT; RECOMMENDATIONS TO COMMISSIONERS ON SPECIAL EMERGENCY ACTIONS

Sec. 7: It shall be the duty of the Director to make recommendations and advise the Board of Commissioners or the chief executive officer on any actions which would be necessary or desirable to take under Section 6 of this chapter in the event of an emergency.

SPECIAL EMERGENCY POWERS AND DUTIES OF DIRECTOR OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT; POWER TO IMPLEMENT EMERGENCY OPERATIONS PLANS DURING PRESUMPTIVE STATE OF EMERGENCY; RENDERING OF ASSISTANCE BY DEPARTMENT OF CIVIL DEFENSE AND EMERGENCY MANAGEMENT

Sec. 8: 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 chief 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 and disaster control 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 chief 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 article, in the latter's absence or incapacitation during the emergency. Assistance from the Department of Civil Defense and Emergency Management may be rendered without a declaration of an emergency in order to assist local emergency services in time of need.

GENERAL DUTIES OF COUNTY OFFICERS AND EMPLOYEES DURING EMERGENCY

Sec. 9: All officers and employees of the county shall cooperate with and give active support to the County Commissioners and the County Civil Defense and Emergency Management Director in all emergency management operations, and shall comply with all orders of the County Commissioners and (sic) County Civil Defense and Emergency Management Director issued pursuant to this chapter.

PRIORITY OF EMERGENCY ORDERS, RULES, AND REGULATIONS

Sec. 10: 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.

NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES, AND REGULATIONS:
OBSTRUCTION OR IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITIES;
PENALTIES AND ENFORCEMENT

Sec. 11: 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 Civil Defense and Emergency Management, participating emergency services, 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 Civil Defense and 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 Civil Defense and Emergency Management or a participating emergency service, 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 \$2,500.00; such fine to be subject, however, to the discretion of the court of jurisdiction.

LIMITATION OF LIABILITY DURING STATE OF EMERGENCY OR EMERGENCY MANAGEMENT TESTS

Sec. 12: The county, its assigned personnel, and participating emergency services, shall be held blameless and without responsibility for the loss of life or injury to persons or the destruction of any property during an emergency management test or emergency as performed under the direction of the Civil Defense and Emergency Management Director.

(Complier's Note: For the statutory basis of the above section, see IC 10-4-1-8(a). IC 10-4-1-18(c) also limits the tort liability of private persons who volunteer the use of their property for emergency management purposes or tests.)

REIMBURSEMENT FOR USE OF PROPERTY COMMANDEERED DURING EMERGENCY

Sec. 13: Owners of property commandeered for the use in any emergency by any county official shall be reimbursed for it's (sic) use by the county in a manner approved by the County Council.

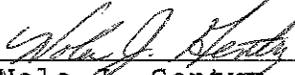
(Statutory Reference: See Generally IC 10-4-1).

Passed and Adopted this 17th day of January, 1994.

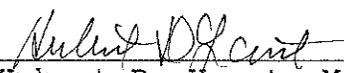
THE BOARD OF COMMISSIONERS
OF THE COUNTY OF TIPPECANOE



William D. Haan, President

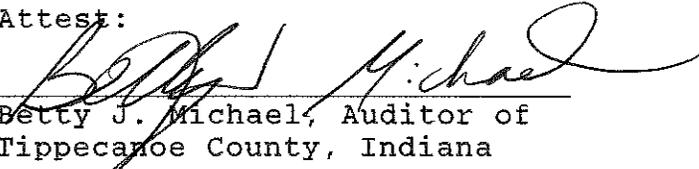


Nola J. Gentry, Vice President



Hubert D. Yount, Member

Attest:



Betty J. Michael, Auditor of
Tippecanoe County, Indiana