

FLOYD COUNTY ORDINANCE 2003-XXVII

AN ORDINANCE IMPOSING PENALTIES FOR  
NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES, AND  
REGULATIONS AND THE OBSTRUCTION OR IMPERSONATION OF  
EMERGENCY MANAGEMENT AUTHORITIES

WHEREAS, the Board of Commissioners of the County of Floyd (Board) did, on the 15th day of April, 2003, by Floyd County Ordinance 2003-13, confirm the creation of the Floyd County Emergency Management Agency (Department) and the Floyd County Emergency Management Advisory Council (Council); and

WHEREAS, the Floyd County Director of Emergency Management, as selected by the Council and confirmed by the Board, heretofore tendered to the Board a proposed Code pertaining to the operation and management of the Department, the authority of the Council, and the exercise of extraordinary powers in the event of a declared disaster or emergency; and,

WHEREAS, the Board did, on the 5th day of August, 2003, enact said Code, as amended, by and through the adoption of Floyd County Ordinance 2003-XVI, and is desirous by this ordinance of approving and establishing certain prohibited acts associated with said Code and prescribing penalties for the commission of those acts.

NOW THEREFORE:

BE IT ORDAINED:

1. It shall be unlawful and a penal ordinance violation for any person, during a disaster or state of emergency declared pursuant to IC 10-4-1, et seq., and involving Floyd County, Indiana, to:
  - a. willfully obstruct, hinder, or delay the Board of Commissioners of the County of Floyd, the Floyd County Emergency Management Director, 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 Floyd County Department of Emergency Management or to otherwise falsely identify or purport to be a county emergency management authority.
2. Any person who commits an offense as set forth in Section 1, hereof, shall be liable to a fine of \$2500.00; such fine to be subject, however, to the discretion of the court of jurisdiction.
3. Any regular or reserve police officer of the state of Indiana or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense set forth in Section 1, hereof.

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect upon its passage and publication as required by law.

SO ORDAINED THIS 19<sup>th</sup> day of August, 2003.

BOARD OF COMMISSIONERS  
OF THE COUNTY OF FLOYD

John C. Bessier

Mike Mills

Charles A. Leuberg

ATTEST:

Teresa A. Plais  
FLOYD COUNTY AUDITOR