

GENERAL ORDINANCE No. IV

ad. Aug 15-72

AN ORDINANCE TO ESTABLISH A DEPARTMENT
OF CIVIL DEFENSE AND TO PROVIDE FOR
THE EXERCISE OF NECESSARY POWERS
DURING EMERGENCIES

BE IT ORDAINED by the Board of
Commissioners of Wabash County,
State of Indiana, as follows:

SECTION I - SHORT TITLE:

This ordinance shall be known and may be cited and referred to as the (Civil Defense Ordinance of This County of Wabash, Indiana.)

SECTION II - INTENT AND PURPOSE:

It is the intent and purpose of this Ordinance to establish an office, the function of which is to utilize to the fullest extent the personnel and facilities of existing County Departments and Agencies to prepare for, and meet any natural disaster or emergency occurring within Wabash County, Indiana.

The Wabash County Office of Civil Defense will be the coordinating agency for all activity in connection with Civil Defense; it will be the instrument through which the Board of County Commissioners may exercise the authority and discharge their responsibilities required of it in times of emergency or natural disaster.

This Ordinance shall not relieve any County Department of the moral responsibilities or authority given to it by any local ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

SECTION III - DEFINITIONS:

(1) The following Definitions shall apply in the interpretation of this Ordinance:

a. (Civil Defense) shall mean the preparation for and the execution of all appropriate functions involved in maintaining the public peace, health and safety during an emergency. This shall include plans and preparations for protection from, and relief, recovery and rehabilitation from, the effects of hostile enemy action and natural disaster. It shall not, however, include any activity that is the primary responsibility of the military forces.

b. (Disaster) shall include, but is not limited to, extraordinary fire, flood, storms, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.

c. (Civil Defense Forces) shall mean the employees, equipment and facilities of all County Departments; Boards, Institutions and Commissions; and, in addition, it shall include all volunteer personnel equipment and facilities contributed by or obtained from volunteer persons for agencies.

d. (Civil Defense Volunteer) shall mean any person who serves without compensation in the Civil Defense Organization.

e. (Emergency) shall mean a condition resulting from enemy attack, or other hostile action, or from disaster, which cannot be handled by normal operating personnel or facilities.

SECTION IV - CIVIL DEFENSE:

A Department of Civil Defense is hereby created 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 herein above.

The organization shall consist of the following:

a. Director of Civil Defense: There shall be an executive head of the Department of Civil Defense appointed by the Board of County Commissioners, who shall be known as the Director of Civil Defense. The term of office of the Director shall be two years.

b. County Resources: The employees, equipment and facilities of all County Departments and Agencies which are suitable for, or adaptable to Civil Defense requirements, may be utilized for Civil Defense purposes.

c. Civil Defense Volunteers: The organization shall include all qualified persons and private agencies for governmental units offering services to the organization.

SECTION V - POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS:

a. The powers and duties of the County Commissioners pertaining to civil defense in time of normal county operation are to maintain general supervision over the planning and administration for the civil defense organization and the execution of the civil defense and disaster plans. They shall coordinate the civil defense activities and make emergency assignments of civil defense duties and vital defense forces in order to meet situations not covered in the normal duties of such powers.

b. The County Commissioners may take all necessary action to conduct tests of the civil defense and natural disaster plans.

c. In the event of actual or threatened enemy attack or natural disaster, the Commissioners, as conservator of the peace, may:

1. Declare a state of emergency within the county, thereby placing in effect the civil defense and disaster control plans required by this ordinance.
2. Convene to perform its legislative and administrative functions as the situation may demand.

The Commissioners shall have the power to terminate the state of emergency.

3. When a state of emergency has been declared, the County Commissioners shall assemble and utilize civil defense forces, and prescribe the manner and conditions of their use.
4. Request the State of Indiana, it's agencies or political subdivisions to send aid if the situation is beyond the control of the regular, and emergency county forces.
5. Have the power to command services and the use of equipment and facilities for such work and duties as the county may require to aid the regular and volunteer county forces in time of emergency.
6. Promulgate such emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and such regulations may be invoked when necessary for tests of civil defense and disaster plans.

d. The County Commissioners shall have the power to order civil defense forces to the aid of the county, state or political subdivisions when deemed desirable, and practicable.

SECTION VI - POWERS AND DUTIES OF THE DIRECTOR:

a. The Director shall be the executive head of the Department of Civil Defense, and shall have responsibility for the organization, administration, and operation of the civil defense organization, subject to the direction of the Board of County Commissioners.

b. The Director shall be responsible for public relations, information, and education regarding all phases of civil defense.

c. The Director shall be responsible for the development of a civil defense and disaster control 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.

d. The Director shall coordinate all activities for civil defense, and disaster control, and shall maintain liaison, and cooperate with all other interested and affected agencies, public and private.

e. The Director shall coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the County for civil defense purposes.

f. The Director may issue proper insignia and papers to civil defense workers and other persons directly concerned with civil defense operations.

g. During a period when disaster threatens or when the County has been struck by disaster, within the definition of this ordinance, the Board of County Commissioners may cause the Director of Civil Defense to promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of civil defense forces, or to facilitate the mass movement of persons from critical areas.
2. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.

3. Such other regulations necessary to preserve public peace, health, and safety.
4. Regulations promulgated in accordance with the authority above will be given wide spread circulation by proclamations published and uttered by newspaper and radio.

h. The Director of Civil Defense may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the County for the fair value thereof.

SECTION VII - CIVIL DEFENSE AND DISASTER CONTROL PLAN:

A comprehensive civil defense and disaster control plan shall be developed by the local civil defense organization. In the preparation of this plan, as it pertains to county organization, it is the intent of this ordinance that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible. When the plan is 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. All officers and employees of the County shall cooperate with, and give active support to, the Board of County Commissioners and to the Director of Civil Defense in all civil defense operations.

SECTION VIII - FUNDS AND APPROPRIATIONS

a. The County Council shall appropriate such funds as it may deem necessary for the purpose of civil defense and disaster control.

b. Such funds shall be administered by the Director, subject to the approval of the County Council.

SECTION IX - LIABILITY

a. All functions herein and all other activities relating to civil defense are hereby declared to be governmental functions. Wabash County, except in cases of wilful misconduct, shall not be liable for the death of or injury to persons, or for damage to property, as a result of any civil defense activity.

b. Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized civil defense worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during a civil defense emergency.

SECTION X - ENFORCEMENT

The law enforcing authorities of the County and the political subdivisions thereof shall enforce the orders, rules, and regulations issued pursuant to this act.

SECTION XI - POLITICAL ACTIVITIES PROHIBITED

No organization for civil defense established under the authority of this ordinance shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

SECTION XII - SEPARABILITY

Should any portion of this ordinance be declared invalid, such invalidity shall not affect the remaining provisions hereof.

SECTION XIII - VIOLATIONS - PENALTY

Any person violating any provision of this act or any rule, order, or regulation made pursuant to this act shall, upon conviction thereof, be punishable by a fine not exceeding one hundred dollars (\$100) or imprisonment in the county jail for any period not to exceed ninety (90) days or both.

THIS ORDINANCE SHALL BE IN FORCE AND IN EFFECT AS OF THE DATE OF ITS PASSAGE.

Passed by the Board of Commissioners of Wabash County, Indiana, this 4th day of August, 1975.

BOARD OF COMMISSIONERS
OF WABASH COUNTY:

Eugene Schenk
Clarence Bourman
Glen A. Beery

ATTEST:

Eldon L. Landis
AUDITOR