



WELLS COUNTY COMMISSIONERS
ORDINANCE NO. 2021-02

A Ordinance Authorizing the President of the Wells County Board of Commissioners, or in the President's Absence, Any Other Commissioner, to Sign County Disaster Emergency Declarations For Travel Restriction

WHEREAS, Section 10-14-3-29 of the Indiana Code provides that a local disaster emergency (1) may be declared only by the principal executive officer of a political subdivision; and (2) may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision:

IC 10-14-3-29 Local disaster emergency

Sec. 29. (a) A local disaster emergency:

- (1) may be declared only by the principal executive officer of a political subdivision; and
- (2) may not be continued or renewed for more than seven (7) days except by or with the consent of the governing board of the political subdivision.

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.

(b) The effect of a declaration of a local disaster emergency is to:

- (1) activate the response and recovery aspects of all applicable local or interjurisdictional disaster emergency plans; and
- (2) authorize the furnishing of aid and assistance under the plans.

(c) An interjurisdictional agency or official may not declare a local disaster emergency unless expressly authorized by the agreement under which the agency functions.

However, an interjurisdictional disaster agency shall provide aid and services according to the agreement.

(d) If a local disaster emergency is declared under this section, the political subdivision may not prohibit individuals engaged in employment necessary to:

- (1) maintain a safe rail system;
- (2) restore utility service; or
- (3) provide any other emergency public service;

from traveling on the highways within the political subdivision during the local disaster

emergency.

(e) If a local disaster emergency is declared under this section, the political subdivision may not prohibit individuals trained and certified as first response broadcasters, as set forth in section 22.5 of this chapter, from traveling on the highways within the political subdivision during the local disaster emergency.

(f) If a local emergency is declared under this section, the political subdivision may not prohibit individuals trained and certified as first response communications service providers, as set forth in section 22.6 of this chapter, from traveling on the highways within the political subdivision during the local disaster emergency.

[Pre-2003 Recodification Citation: 10-4-1-23.]

As added by P.L.2-2003, SEC.5. Amended by P.L.172-2014, SEC.7.

And, WHEREAS, Section 10-14-3-29.5 of the Indiana Code provides that if the principal executive officer of a political subdivision issues a local travel advisory as part of an emergency declaration under Section 10-14-3-29, the principal executive officer shall designate the travel advisory as falling into one (1) of three following categories: "Advisory", "Watch", or "Warning":

IC 10-14-3-29.5 Designation of a local travel advisory

Sec. 29.5. (a) If the principal executive officer of a political subdivision issues a local travel advisory as part of an emergency declaration under section 29 of this chapter, the principal executive officer shall designate the travel advisory as falling into one (1) of the following categories:

(1) "Advisory", the lowest level of local travel advisory, means that routine travel or activities may be restricted in areas because of a hazardous situation, and individuals should use caution or avoid those areas.

(2) "Watch" means that conditions are threatening to the safety of the public. During a "watch" local travel advisory, only essential travel, such as to and from work or in emergency situations, is recommended, and emergency action plans should be implemented by businesses, schools, government agencies, and other organizations.

(3) "Warning", the highest level of local travel advisory, means that travel may be restricted to emergency management workers only. During a "warning" local travel advisory, individuals are directed to:

(A) refrain from all travel;

(B) comply with necessary emergency measures;

(C) cooperate with public officials and disaster services forces in executing emergency operations plans; and

(D) obey and comply with the lawful directions of properly identified officers.

Further and more specific restrictions, including parking restrictions, may be included in a "warning" local travel advisory.

(b) If the emergency management agency director or the principal executive officer of a political subdivision determines that conditions within the political subdivision have created

the need for travel advisory restrictions without a local disaster emergency declaration under section 29 of this chapter, the emergency management agency director or the principal executive officer may issue an "advisory" or a "watch" level travel advisory.
(c) A "warning" level travel advisory may be issued only after a local disaster emergency is declared under section 29 of this chapter.

As added by P.L.40-2011, SEC.2.

And, WHEREAS, the Commissioners agree that it is appropriate to adopt a Ordinance authorizing the President of the Wells County Board of Commissioners, or in the President's absence, any other Commissioner, to issue a local travel advisory as part of an emergency declaration under Section 10-14-3-29. If no Commissioner is available, the County Auditor is authorized to issue a local travel advisory that shall remain in effect for the shorter of seven (7) days, until revoked by the County Auditor, or until revoked by a Commissioner. Any restriction on private travel shall be void after twenty-four (24) hours unless such restriction is authorized by at least two (2) Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE WELLS COUNTY BOARD OF COMMISSIONERS, as follows:

1. The Commissioners hereby authorize the President of the Wells County Board of Commissioners, or in the President's absence, any other Commissioner, to issue a local travel advisory as part of an emergency declaration under Section 10-14-3-29. If no Commissioner is available, the County Auditor is authorized to issue a local travel advisory that shall remain in effect for the shorter of seven (7) days, until revoked by the County Auditor, or until revoked by a Commissioner. Any restriction on private travel shall be void after twenty-four (24) hours unless such restriction is authorized by at least two (2) Commissioners.

Adopted: March 1, 2021

WELLS COUNTY COMMISSIONERS:

Aye

Nay




Blake Gerber, President

✓

Aye

Nay

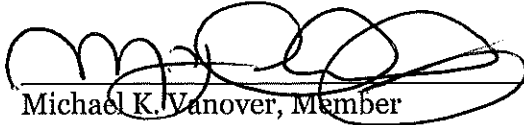


Kevin Woodward, Vice-President

✓

Aye

Nay



Michael K. Vanover, Member

ATTEST:



Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Roy R. Johnson, Attorney No. 4937-90, 116 South Main St., Bluffton, IN 46714. *I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Lisa McCormick*