

ALLEN COUNTY CODE TITLE 8 PUBLIC SAFETY

ARTICLE 7 EMERGENCY POWERS OF THE SHERIFF OF ALLEN COUNTY

8-7-1 Chapter 1: Definitions

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

8-7-1-1 Civil Emergency

A riot or unlawful assembly characterized by the use of actual force or violence, or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law.

8-7-1-2 Curfew

A prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, sidewalk, public property, or vacant premises within the unincorporated limits of the County, except officers or persons designated as not subject to such curfew.

8-7-2 Chapter 2: Proclamation

When, in the judgement of the Sheriff of Allen County, a civil emergency, as defined herein, is deemed to exist, he shall forthwith proclaim, with the approval of the Board of Commissioners, in writing, the existence of same.

8-7-2-1 Declaration of Crew

After proclamation of a civil emergency by the Sheriff of Allen County, with the approval of the Board of Commissioners he may order a general curfew applicable to such unincorporated geographical areas of Allen County, or to Allen County as a whole, with the exception of the incorporated areas, as he deems advisable and applicable during such hours of the day or night as he deems necessary, in the interest of the public safety and welfare.

8-7-3 Chapter 3: Orders of the Sheriff

After proclamation of a civil emergency, the Sheriff, with the approval of the Board of Commissioners, may also, in the interest of public safety and welfare, make any or all of the following orders:

8-7-3-1

Order the closing of all liquor stores;

8-7-3-2

Order the closing of all beer taverns;

8-7-3-3

Order the closing of all private clubs or portions thereof wherein the consumption of intoxicating liquor or beer is permitted;

8-7-3-4

Order the discontinuance of the sale of all alcoholic beverages;

8-7-3-5

Order the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

8-7-3-6

Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid flammable or combustible products;

8-7-3-7

Order the discontinuance of the sale, distribution and dispensing or giving away of any fire arms or ammunition of any character whatsoever;

8-7-3-8

Order the closing of any or all establishments, or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of fire arms or ammunition;

8-7-3-9

Issue such other orders as are eminently necessary for the protection of life and property.

8-7-4 Chapter 4: Rescission of Curfew

The curfew authorized in this ordinance, or the orders authorized in Section Three, shall remain in effect until rescinded by the Sheriff of Allen County, but for a period not to exceed 72 hours from the time they became effective, unless approved by the Board of Commissioners.

8-7-5 Chapter 5: Penalties

Any person who violates this ordinance shall be fined a sum of not less than Five and No/100 (\$5.00), nor more than \$100.00, or be imprisoned for not more than 30 days, or both such fine and imprisonment.

8-7-6 Chapter 6: Application

This ordinance shall not apply to any of the incorporated cities and towns of Allen County.

8-7-7 Chapter 7: Effective Date

This ordinance shall be in full force and effect from and after its passage.