

**ALLEN COUNTY CODE TITLE 8
PUBLIC SAFETY**

**ARTICLE 8
COUNTY EMERGENCY MANAGEMENT AGENCY (EMA)**

8-8-1 Chapter 1: Title

This Ordinance shall be known and may be cited and referred to as the “Emergency Management and Homeland Security Ordinance of Allen County.”

{Amended 5/26/04 by Ordinance #05-26-04-14}

8-8-2 Chapter 2: Intent and Purpose

8-8-2-1 Establish Emergency Management Agency (EMA).

It is the intent and purpose of this ordinance to establish an EMA that will insure all of the county’s facilities are efficiently utilized for disaster preparedness and coordination of response, and that will serve by the emergency management department of another political subdivision of the State of Indiana.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-2-2 Responsibilities of Council and Director

The Allen County Emergency Management Advisory Council and the Allen County Director of Emergency Management will be responsible for all activities in connection with the EMA and disaster programs for the county, and will be the instruments through which the county’s Board of Commissioners exercise the authority and discharge the responsibilities vested in them by this Ordinance and by Article 14 of Title 10 of the Indiana Code, as amended from time to time.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-2-3 Responsibilities of Other Departments

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

8-8-3 Chapter 3: Definitions

The following definitions shall apply in the interpretation of this Ordinance:

8-8-3-1 Emergency Management

This is a broad term meaning to carry out the basic governmental functions of providing for the common defense, protecting the public peace, health and safety, and preserving the lives and property of the people. Emergency Management oversees the planning for and mitigation, response and recovery from, any natural, man-made, technological or war related disaster. It shall not, however, include any activity that is the primary responsibility of the military forces of the United States. It does include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, warning services, communications, chemical, biological, radiological and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation plant protection, temporary restoration of public utility services, continuance of constituted government, and other services related to civilian protection, together with all other activities necessary or incidental to the preparation for and coordination of the foregoing services.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-3-2 Attack

This means a direct or indirect assault by the armed forces or other agents of a hostile nation or other domestic or foreign group against the United States or against the government or environs of the County of Allen, including but not limited to the bombing, chemical, biological or radiological warfare, sabotage, violence, and civil disorder.

8-8-3-3 Disaster

This means occurrence of imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, other water contamination requiring emergency action to avert danger or damage, air contamination, drought, explosion, riot, or “attack” as defined in this Ordinance.

8-8-3-4 Director

This means the Allen County Director of Emergency Management, as established under this ordinance.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-3-5 Emergency Management Forces

This means 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 or agencies.

8-8-3-6 Volunteer

This means contributing a service, equipment or facilities to the Emergency Management Agency without remuneration.

8-8-3-7 Emergency Management Agency Volunteer

This means any person duly registered, identified and appointed by the Director of Emergency Management and assigned to participate in the Emergency Management Agency activity.

8-8-3-8 Regulations

This means plans, programs and other emergency procedures deemed essential to emergency management.

8-8-4 Chapter 4: Advisory Council

There is hereby established the Office of the Allen County Director of Emergency Management Advisory Council which shall exercise general supervision and control over planning the county's emergency management and disaster program.

8-8-4-1 Membership

From time to time, the Board of Commissioners shall appoint to the Council private citizens and representatives of those volunteer organizations and other municipalities county offices and departments deemed appropriate for effective emergency management and disaster planning.

8-8-4-2 Tenure

All appointments shall be for one year, unless otherwise provided in this Ordinance, or unless otherwise provided by the Board of Commissioners.

8-8-4-3 Responsibilities

The President of the Board of Commissioners of the County of Allen or other designated Commissioner shall be the President of the Advisory Council. The Council shall elect all

remaining officers, shall meet as often as necessary to effectively plan the county's emergency management and disaster program, and shall keep minutes of its proceedings.

8-8-5 Chapter 5: Director

There is hereby established the Office of the Allen County Director of Emergency Management who shall have direct responsibility to the Advisory Council and Board of Commissioners for the organization, administration and operation of the county's emergency management and disaster program.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-5-1 Position Requirements

The Director shall not hold any other local or state government office. The Director shall be a permanent member of the Advisory Council.

8-8-5-2 Responsibilities

The director shall coordinate the county's emergency management forces and the volunteer persons and agencies that offer acceptable service to the county. The employees, equipment and facilities of all county departments, boards, institutions and commissions shall participate in emergency management and disaster activities, and their assigned duties shall be the same as or similar to their normal duties. With Board of Commissioner approval, the Director may obtain vital supplies, equipment and other properties found lacking and necessary for adequate emergency management, and bind the county for the fair value thereof.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-6 Chapter 6: Emergency Declaration

The Board of Commissioners may declare a local disaster emergency, which shall be given prompt and general publicity and shall be filed promptly in the Office of the Clerk of Allen Circuit Court. The effects of such a declaration are to activate all necessary aspects of the county's emergency management and disaster plans and to authorize the furnishing of aid and assistance under them.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-7 Chapter 7: Emergency Powers

After declaring a local disaster emergency, the Board of Commissioners may make, amend, and rescind such regulations as may be necessary in the county's efficient response to the disaster, which such regulations shall have the full force affect of law when filed in the Office of the Clerk of Allen Circuit Court. Such regulations may include, but shall not be limited to, the following:

8-8-7-1 Movement Restrictions

Restricting or prohibiting the movement of vehicles and/or pedestrians in order to facilitate the work of emergency management forces.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-7-2 Mass Evacuations

Authorizing and directing the mass movement of persons from areas within or without the county deemed critical, hazardous or vulnerable to disaster.

8-8-8 Chapter 8: Emergency Management and Emergency Operations Plan

A comprehensive Emergency Management and Emergency Operations plan shall be adopted and maintained by resolution of the Allen County Emergency management Advisory Council. The Plan shall be considered supplementary to this Ordinance and shall have the force and effect of law whenever a “disaster” as defined in this Ordinance has been declared.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-8-1 Utilization of Services

In the preparation of this Plan as it pertains to countywide organization, it is the intent of this Ordinance that the services, equipment, facilities and personnel of all existing county departments and agencies shall be utilized to the fullest extent.

8-8-8-2 Duties of Other Agencies

When approved, it shall be the duty of all county departments and agencies to perform the functions assigned by the Plan and to maintain their portion of the Plan in a current state of readiness at all times.

8-8-8-3 Outside Assistance

When required competency or skill is not available within the county government, the Plan shall authorize the coordination of assistance from persons outside of government before, during and after a disaster. Such assistance from persons outside of government may be accepted by the county on a volunteer basis. Such citizens shall be enrolled as emergency management volunteers in cooperation with the heads of county departments assisted.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-9 Chapter 9: Annexes

Each service chief and department head assigned responsibilities in the Plan shall be responsible for carrying out all duties and functions assigned therein.

8-8-9-1 Duties

Duties will include the organization and training of assigned county employees and volunteers.

8-8-9-2 Planning responsibilities

Each chief and head shall formulate the operational plan for his service or department which, when approved, shall be an Emergency Service function or, Annex to and a part of the Plan. *(Amended 5/26/04/14 by Ordinance # 5-26-04-14)*

8-8-9-3 Line of Succession

The Annex shall include in the line of succession to the chief's or head's position. Each service chief and department head shall designate and keep on file with the Director a current three-deep list of names of his successors.

8-8-10 Chapter 10: Amendments

Proposed Amendments to the Plan and Annexes shall be submitted to the advisory Council through the Director who shall take action thereon at its next regular meeting or at any special meeting called for that purpose. In the event a proposed Amendment is pending at the time a disaster is declared under this Ordinance, said Amendment shall be considered as having been approved and shall be and remain in effect unless specifically disapproved by the Advisory Council.

8-8-11 Chapter 11: Liability

8-8-11-1 County Liability This Ordinance is an exercise by the county of its governmental functions for the protection of the public peace, health and safety, and neither the county nor agents and representatives of said county or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof, in good faith carrying out, complying with or attempting to comply with this Ordinance or with any regulation promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said compliance or attempted compliance.

8-8-11-2 Private Liability

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate, and/or use the whole or any part or parts thereof for the purpose of sheltering persons during any actual, impending or practice attack or disaster shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

8-8-12 Chapter 12: Violations and Penalties

8-8-12-1 Violations

It shall be unlawful for any person to violate any of the provisions of this Ordinance or of the regulations or Plan issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the county's Emergency Management Agency herein described in the enforcement of the provisions of this Ordinance or any regulation or Plan issued hereunder.

(Amended 5/26/04/14 by Ordinance # 5-26-04-14)

8-8-12-2 Penalties

Any person, firm or corporation violating any provision of this Ordinance, or any regulation or Plan promulgated hereunder, upon conviction thereof, shall be punished by a fine of not more than \$100.00 and costs of prosecution.

8-8-13 Chapter 13: Severability

If any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this Ordinance as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

8-8-14 Chapter 14: Conflicting Law Superseded

At all times when the regulations made and promulgated pursuant to this Ordinance shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the later may be inconsistent therewith.

8-8-15 Chapter 15: Merit System

There is hereby established a merit system of personnel administration for all employees of the civil defense agency of Allen County, State of Indiana, to be serviced by the State Personnel Division. The Allen County Director of Emergency Management is hereby authorized and

directed to enter into such arrangements and agreements with the State Emergency Management Agency and the State Personnel Division as may be necessary to provide for a continuing merit program of personnel administration for all county emergency management employees. Such merit program shall be serviced by the State Personnel Division pursuant to the authority granted by Indiana Code 1C 4-15-2-36, Page 37 of the State Personnel Act as amended by the Acts of 1971, and shall meet Federal Merit System Standards of the U.S. Department of Defense, including the exemption of any positions from the merit program as is recognized in these same Federal Standards. For the purposes of administering the merit program for all employees of the emergency management agency, the Allen County Director of Emergency Management is hereby considered and designated as the appointing officer.