

ORDINANCE NO. 2023-R- 16

DEKALB COUNTY CODE SECTION 4-1-10

DEKALB COUNTY COMMISSIONERS

**AN ORDINANCE PROVIDING FOR PROCEDURE FOR COUNTY OFFICE
TO BE ABLE TO ISSUE A NO TRESPASS ORDER**

WHEREAS, an Ordinance is desirable to provide a process for a County Office or Department to be able to issue a No Trespass Order; and

WHEREAS, the DeKalb County Board of Commissioners has determined that there exists a need to have a process in place for No Trespass Orders for County property in order to be able to provide for the safety of its employees.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE DEKALB COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA, THAT:

SECTION I

1. This Ordinance applies to No Trespass Notice for property owned by DeKalb County.
2. That the initial determination of whether a No Trespass Notice is an appropriate course of action, in a given situation, is to be made by the Department Head or Elected Official in charge of an office or Department which is located on DeKalb County owned property.
3. That a No Trespass Notice may be considered if there is an immediate or on-going situation in which an employee of the County feels that there is a threat to their safety.
4. The Department Head/Elected Official would need to determine when a No Trespass Notice is appropriate to be considered.
5. If there is an active situation happening and an immediate notice is needed, then the Department Head/Elected Official would have the ability to issue an immediate temporary notice which would be in effect until the DeKalb County Commissioners, as the "property owner" can make a final decision.
6. Said temporary notice should be done in writing. The Sheriff's Department Form may be used.
7. When an immediate No Trespass Notice is issued the Department Head / Elected Official shall immediately give a copy of said Notice to the Auditor's office so that the matter can be placed on the DeKalb County Commissioners' calendar and also give a copy to the Sheriff's staff that is working the building's security at that time.



8. That the DeKalb County Commissioners, as the representatives of the County, would be considered as the "property owner" and would then need to approve or disapprove the No Trespass Notice.
9. When an immediate temporary No Trespass Notice is issued then the matter will be added to the DeKalb County Commissioners' agenda for the next DeKalb County Commissioners' meeting for the DeKalb County Commissioners to approve or disapprove the No Trespass Notice.
10. If the person subject to the No Trespass Notice was given the No Trespass Notice and the Commissioners approve of it continuing then no additional notice needs to be sent.
11. That if the Commissioners disapprove of the No Trespass Notice then the person subject to the notice will be mailed a copy of the Commissioners' decision.
12. If there is not an immediate situation but there is an ongoing issue then the Department Head/Elected Official in charge of the Department or Office can request that the matter be put on the agenda to be considered in a Monday DeKalb County Commissioners' meeting.
13. In the event that the DeKalb County Commissioners decide to issue a No Trespass Notice when the person subject to the No Trespass Notice has not already been given the No Trespass Notice then the No Trespass Notice will be served on said individual by the DeKalb County Sheriff's Department.
14. That if possible the No Trespass Notice would be for specific departments or offices only. However, based on the circumstances of the situation the DeKalb County Commissioners can extend a no trespass notice to be for an entire County building.
15. Any No Trespass Notice approved by the DeKalb County Commissioners shall be considered to be active and in place for one year.
16. Any No Trespass Notice shall give the person subject to the notice the process in which the person subject to the notice is able to call ahead and arrange for a sheriff deputy escort them to whatever public office the person would need to transact business with in a county building. This can be done by a memo attached to the No Trespass Notice and instruct them to call 925-3365 to make arrangements.
17. The DeKalb County Judges have control over their courtrooms and have the final decision as to who can and cannot be there.
18. Any person subject to a No Trespass Order that involves the DeKalb County Courthouse who is to be present at one of the Courtrooms should proceed directly to the third floor of the Courthouse upon arrival and exit promptly when finished and arrange to have a sheriff deputy escort them to and from the Courtroom.

SECTION II

The express or implied repeal or amendment by this Ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this Ordinance had not been adopted.

SECTION III

No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

This DeKalb County Ordinance Number 2023-R-16 is passed and adopted on all three readings and shall be codified in the DeKalb County Code as Section 4-1-10, and appropriately indexed in the Code.

READ AND PASSED ON FIRST READING: Monday, September 18, 2023.

READ AND PASSED ON SECOND READING: Monday, September 25, 2023.

READ AND PASSED ON THIRD READING: Monday, September 25, 2023.

DEKALB COUNTY COMMISSIONERS:

BY: William L. Hartman
William L. Hartman, President

BY: Todd R. Sanderson
Todd R. Sanderson, Vice President

BY: Michael V. Watson
Michael V. Watson, Vice President

Attested By:

Susan Sleeper
Susan Sleeper, Auditor of DeKalb County