

**COPY**

**ORDINANCE NO. 2015-R-4**  
**DEKALB COUNTY CODE SECTION 10-1-2**  
**DEKALB COUNTY COMMISSIONERS**

**TITLE 10**  
**CIVIL DEFENSE**  
**ARTICLE 1**

**WEATHER EMERGENCY AND TRAFFIC CONTROL**  
**AMENDED**

10-1-2

**WHEREAS**, the Board of Commissioners of DeKalb County ("Commissioners") previously adopted Ordinance Number 82-2, which has been codified as Title 10, Article 1 of the DeKalb County Code, and desires to amend and replace the same with this Ordinance:

**WHEREAS**, it is the intent of this Ordinance to keep residents of DeKalb County informed of the weather and county road conditions, and to assist the Homeland Security Director, DeKalb County Sheriff, and the County Highway Department in clearing the county roadways by eliminating stranded vehicles;

**WHEREAS**, it is the duty of public officials to preserve the public safety and welfare of the residents of DeKalb County, Indiana.

NOW, THEREFORE, be it ordained by the Commissioners that:

SECTION 1. This Ordinance shall be known as the Weather Emergency and Traffic Control Ordinance of DeKalb County, Indiana, and shall apply to all roads, highways, or rights of way maintained by the DeKalb County Highway Department ("roads").

SECTION 2. The President of the Commissioners shall have the sole and exclusive authority by executive order to make a determination and proclamation of a weather emergency, following consultation with those of the following available officials: the Vice President of the Commissioners, the other Member of the Commissioners, the Department of Homeland Security Director, the DeKalb County Highway Superintendent, and the DeKalb County Sheriff; and if any are unavailable and has designated a respective representative to consult in his or her absence, the President of the Commissioners shall also include that designated person in making the decision. The sole criteria for the President of the County Commissioners is that such executive order be in the best interests of the public safety and welfare of the residents of DeKalb County, Indiana, and the decision of said President shall be final.

SECTION 3. In the event the President of the Commissioners is unavailable, the Vice President shall determine and proclaim such weather emergency under the same guidelines that the President of the Commissioners would exercise as set forth above, if he or she were available.

In the additional event of the unavailability of the Vice President of the Commissioners, the other Member of the Commissioners shall have said authority, under the same circumstances that the President would have the authority if available.

SECTION 4. A proclamation of a weather emergency shall be designated as a CODE RED WARNING (Highest Level of local travel advisory); a CODE ORANGE WATCH (Second Highest Level); or a CODE YELLOW ADVISORY (Lowest Level) based on the criteria set forth in Section 5 below.

SECTION 5. An emergency declaration or proclamation pursuant to this Ordinance shall consist of three levels in order to keep residents of DeKalb County, Indiana, informed of the weather and county road conditions, and to assist the County Highway Department in the clearing of the county roads by eliminating stranded vehicles, which would also assist the Homeland Security Director and the DeKalb County Sheriff:

- 5.1 CODE RED 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.
- 5.2 CODE ORANGE 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.
- 5.3 CODE YELLOW 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.

SECTION 6. Publication and broadcast of a CODE RED WARNING, CODE ORANGE WATCH, or CODE YELLOW ADVISORY declaration shall be made or caused to be made by the Commissioner making the proclamation or by his designee using a press release to all law enforcement agencies, fire departments, hospitals, and news media. Designees of the Commissioner making the proclamation shall include but not be limited to any of the Commissioners, the Director of the Department of Homeland Security, the DeKalb County Highway Superintendent, and/or the DeKalb County Sheriff; and third persons dealing with any of

those individuals may rely upon the representation of that individual that he has the authority to issue such press release. The declaration or press release shall be filed with the DeKalb County Department of Homeland Security, the State Department of Homeland Security, the DeKalb County Clerk, the DeKalb County Highway Department, and the DeKalb County Sheriff.

SECTION 7. Vehicles exempt from this Ordinance are those driven by emergency personnel for the emergency purposes, including medical assistance, law enforcement, fire department, Homeland Security and Emergency Management, public utility, and fuel hauling vehicles, including employees of the above exempt services if they are either operating said vehicles or are en route to or from the facility to reach said vehicles.

SECTION 8. Any other vehicle violating this Ordinance is subject to removal by towing or other means at the expense of the owner of the vehicle when such towing and/or removal is deemed reasonably necessary by any one or more of the following: the DeKalb County Highway Department, the DeKalb County Sheriff's Department, the State Conservation Officer, the Indiana State Police, or the Director of the Department of Homeland Security. Prior to towing and/or removal of any such vehicle, an officer having ticket writing authority shall ticket the driver and/or owner of the unlawfully parked or operated vehicle and the owner and/or operator thereof shall be fined for his or her violation of this Ordinance. Such vehicle shall be impounded and retained at such location as the official exercising authority under this section shall determine, and until the towing and storage expenses for said vehicle shall be paid to the individual or company performing the towing service.

SECTION 9. Any person violating the provisions of this Ordinance shall be guilty of the commission of an infraction and may be fined in any sum not to exceed \$100.00 and such shall be enforceable in any court of law, duly authorized by Indiana State Law; and in addition to such fine, the Court shall be authorized to direct the violator to repay DeKalb County any monetary losses or expenses incurred in the incident together with making certain all towing and storage charges are properly paid to the individual or company which has performed the towing service or stored the vehicle.

Dated this 30 day of March, 2015.

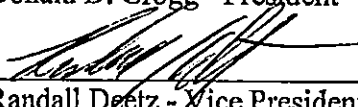
READ AND PASSED ON FIRST READING: MONDAY, MARCH 14, 2015.

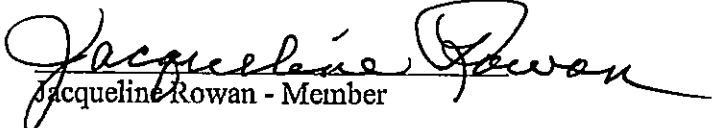
READ AND PASSED ON SECOND READING: MONDAY, MARCH 16, 2015.

READ AND PASSED ON THIRD READING: MONDAY, MARCH 30, 2015.

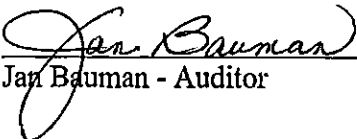
**COMMISSIONERS**

ABSENT  
Donald D. Grogg - President

  
Randall Deetz - Vice President

  
Jacqueline Rowan - Member

Attest By:

  
Jan Bauman - Auditor