

# ORDINANCE NO. (2008-01)

## SNOW EMERGENCY ORDINANCE FOR WHITLEY COUNTY, INDIANA

WHEREAS, The Board of Commissioners of Whitley County (“Board”) previously adopted Ordinance No 99-20 and Ordinance No. 2001-15, which has been codified as Section 8-20-8-1 of the Whitley County Code, and desires to amend and replace the same with this Ordinance;

WHEREAS, it is the intent of this Ordinance to keep the residents of Whitley County informed of the weather and county road conditions, and assist the county highway department in clearing the county roadways by eliminating stranded vehicles, and

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

BE IT THEREFORE ORDAINED BY THE Board that:

**Section 1.** This ordinance shall be known as the Snow Emergency Ordinance of Whitley County, Indiana and shall apply to all roads, highways or right-of-way maintained by the Whitley County highway Department (“Roads”).

**Section 2.** The Board, after consultation with the Whitley County Sheriff, the Emergency Management/Department Homeland Security Director, and the Whitley County Highway Director, if available, or the respective representative designated by each as the person to consult in his/her absence for the purpose of recommending a snow emergency declaration, may declare a snow emergency by executive order when, in the Board’s judgment, such order would be in the best interest of the public safety and welfare of the residents of Whitley County, Indiana. If only one member of the Board is available, he/she can declare a snow emergency if at least two of said officials (or the respective designated representatives of each) also recommend a declaration. If no members of the Board are available to declare a snow emergency, then all three of said officials (or the respective designated representatives of each) may declare a snow emergency. The above mentioned Board members and/or officials or their respective designees who declare a snow emergency shall designate whether it is a Level 1 (declared) Snow Emergency or a Level 2 (Warning) Snow Emergency or a Level 3 (Watch) Snow Emergency based on the criteria set forth in section 3 below. A Level 4 (Caution) may be activated and transmitted to the public by one of the following and does not need a declaration from the Commissioners: Whitley County Sheriff, Director of the Highway Department or the Emergency Management/Department of Homeland Security Director. Such emergency shall continue in effect until the above mentioned Board members and/or Officials or their respective designees who declared the emergency thereafter determine an emergency no longer exists and terminate the emergency order.

**Section 3.** A snow emergency declaration pursuant to this Ordinance shall consist of 4 levels in order to keep the residents of Whitley County, Indiana informed of the weather and county road conditions, and to assist County Highway Department in the clearing of the county roadways by eliminating stranded vehicles:

3.1 A Level 1 (Red) Snow Emergency may be declared when Roads have become impassable and the County Highway Department is not able to keep the Roadways cleared due to severe snow fall and high winds producing high drifts and blizzard like conditions are present. Travel may be restricted to emergency personnel ONLY and essential emergency travel by members of the public (i.e. to and from work, emergency situations, etc). Further restrictions that the Board deems necessary maybe enacted at this time.

3.2 A Level 2 (Orange) Warning Snow Emergency may be declared when conditions threatening to the safety of the public. Only essential travel is recommended (i.e. to and from

work, emergency situations, etc.). Emergency action plans have been or should be implemented by businesses, schools, government agencies and other organizations.

3.3 A Level 3 (Yellow) Watch Snow Emergency may be declared when routine travel or activities may be restricted in areas of the county because of a hazardous situation; citizens should use caution or avoid these areas. Schools and businesses may begin to implement their emergency action plans.

3.4 A Level 4 (White) Caution Snow Level may be activated when conditions may develop that limits or hinders travel or activities in isolated areas. No travel restrictions have been reported but citizens should be alert to changing road and weather conditions. (This is not a declared emergency, but an activation of the ordinance to alert the public of possible hazardous conditions).

**Section 4.** Publication and broadcast of a Level 1, 2, 3, or 4 Snow Emergency declaration order shall be made or caused to be made by the Board or other officials designating the level of the snow emergency using a press release to all Law Enforcement agencies, Fire Departments, Hospitals and News Media. The declaration shall be filed with the Whitley County Emergency Management/Department of Homeland Security, State Department of Homeland Security, Whitley County Clerk and Whitley County Auditor.

**Section 5.** Those vehicles exempt from this Ordinance shall include medical assistance, law enforcement, fire department, emergency management, public utility, and fuel hauling vehicles, and employees of any of the above exempt services, if engaged in performing their respective duties. Any other vehicles violating this Ordinance are 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 necessary by any one or more of the following: the County Highway Department, the County Sheriff's Department, the State Conservation Officer, or the Indiana State Police.

**Section 6.** Any persons violating any provisions of this ordinance shall be guilty of the commission of an infraction and may be fined 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 the County of Whitley any monetary losses or expenses incurred in the incident.

Dated this \_\_7th\_\_ day of January, 2008.

Board of Commissioners of Whitley County, Indiana

\_\_\_\_ On File \_\_\_\_\_  
James Pettigrew, President

\_\_\_\_ On File \_\_\_\_\_  
Michael Schrader, Commissioner

\_\_\_\_ On File \_\_\_\_\_  
Thomas Rethlake, Commissioner

Attest:

\_\_\_\_ On File \_\_\_\_\_  
Linda Gerig, Auditor

Board Members:

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Catherine Broxon-Ball, Director Emergency Management

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Brian VanEmon, Highway Dept Supervisor

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Mark Hodges, Sheriff