

ORDINANCE NO. 2009-12
An Ordinance Addressing Weather Related emergencies
SNOW EMERGENCY ORDINANCE FOR TOWN OF ALBION, NOBLE COUNTY, INDIANA

WHEREAS, The Albion Town Council is aware of Ordinance #2008-03 adopted by the Board of Commissioners of Noble County which addresses weather related emergencies in Noble County, Indiana and desire to adopt an identical ordinance for the Town of Albion;

WHEREAS, it is the intent of this Ordinance to keep the residents in the Town of Albion informed of the weather related municipal road conditions, and assist the Albion Street department in clearing the town roadways by eliminating stranded vehicles, and

WHEREAS, it is the duty of public officials to preserve the public safety and welfare of the residents in the Town of Albion, Indiana.

BE IT THEREFORE ORDAINED BY THE COUNCIL THAT:

Section 1. Title

This ordinance shall be known as the Snow Emergency Ordinance for the Town of Albion, Noble County, Indiana and shall apply to all streets, alleys or right-of-ways maintained by the Albion Street Department ("Streets").

Section 2. Procedure

The Albion Town Council President, after consultation with:

The Albion Town Council members;

The Albion Town Manager,

The Albion Town Marshal, and;

The Albion Street Superintendent

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 President's judgment, such order would be in the best interest of the public safety and welfare of the residents in the Town of Albion, Noble County, Indiana.

If the Council President is not available, any council member may declare a snow emergency if at least two of said officials (or the respective designated representatives of Town Manager, Town Marshal or Street Superintendent) also recommend a declaration.

If no council members 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 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.

Such emergency shall continue in effect until the above mentioned officials or their respective designees who declared the emergency thereafter determine an emergency no longer exists and terminate the emergency order.

Section 3. Levels Defined

A snow emergency declaration pursuant to this Ordinance shall consist of three (3)-levels in order to keep the residents in the Town of Albion, Noble County, Indiana informed of the weather and town street conditions, and to assist Albion Street Department in the clearing of municipal streets by eliminating stranded vehicles:

3.1 Level I (Red) Snow Emergency

This level may be declared when Streets have become impassable and the Albion Street Department personnel are not able to keep the streets 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. Further restrictions that the Council deems necessary maybe enacted at this time.

3.2 Level 2 (Orange) Warning Snow Emergency

This level may be declared when conditions are 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 Level 3 (Yellow) Watch Snow Emergency

This level may be declared when routine travel or activities may be restricted in areas of the town because of a hazardous situation; citizens should use caution or avoid these areas. Schools and businesses may begin to implement their emergency action plans.

Section 4. Publication

Publication and broadcast of a Level 1, 2, or 3 Snow Emergency declaration order shall be made or caused to be made by the Council or other officials designating the level of the snow emergency by contacting local Law Enforcement agencies, Fire Departments, E911 Dispatch office, News Media, the Noble County Emergency Management Office and posting said notice on the Albion website at albion-in.org.

Section 5. Exemptions

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 Albion Street Department, the Albion Police Department, the Noble County Sheriff's Department, a State Conservation Officer, or the Indiana State Police.

Section 6. Penalties

Persons violating any provisions of this ordinance shall be guilty of committing an infraction and may be fined the sum of \$25.00 for the first offense and an amount not to exceed \$100.00 for all other offenses 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 Town of Albion any monetary losses or expenses incurred in the incident.

Approved upon first reading this 22nd day of September, 2009. Signed and approved on second and final reading this 13th day of October, 2009.