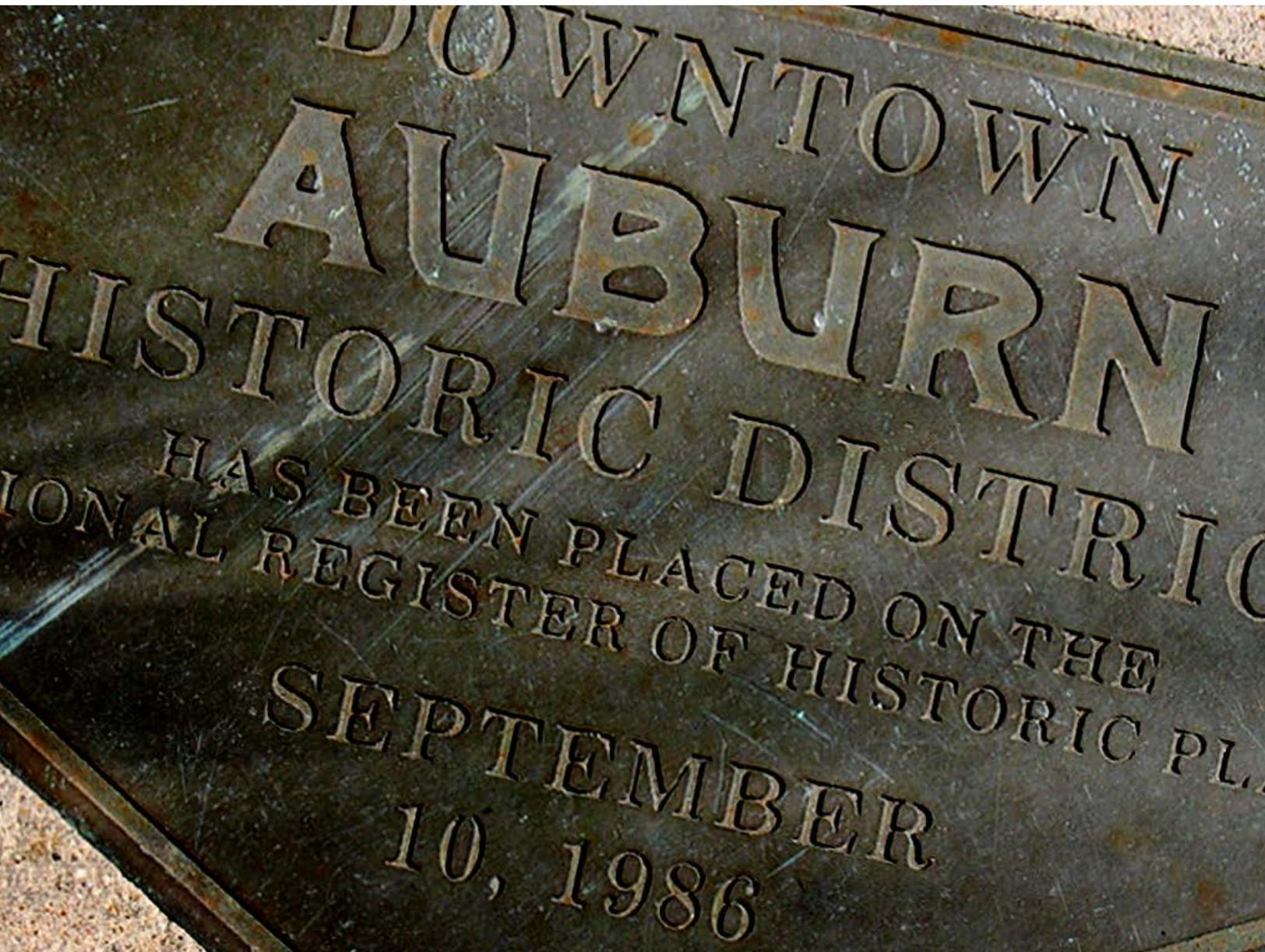




**Code of Ordinances**  
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CITY OF AUBURN

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Public Service and Safety

CHAPTER  
**33**

**AUBURN**



# Table of Contents

## GENERAL PROVISIONS

- 31.01 [RESERVED]
- 33.02 RESPONDING TO FIRE CALLS
- 33.03 CHARGES FOR PERSONS BENEFITTED BY USE OF FIRE EQUIPMENT
- 33.04 DUTIES OF CHIEF OF POLICE
- 33.05 [RESERVED.]
- 33.06 SPRINKLER SYSTEM AND FIRE DRILLS
- 33.07 POLICE RESERVES
- 33.08 CHARGE FOR FILLING AIR TANKS
- 33.09 INOCULATION AGAINST HEPATITIS B
- 33.10 RESTRICTION ON PART-TIME JOBS FOR OFF-DUTY POLICE OFFICERS
- 33.11 CLOTHING ALLOWANCE FOR FIRE AND POLICE DEPARTMENTS
- 33.12 PARTIALLY PAID FIREFIGHTERS ORGANIZATION MEMBERSHIP LIMITED

## EMERGENCY SERVICES

- 33.30 DEFINITIONS
- 33.31 COST ACCOUNTING, ALLOCATIONS, AND ASSIGNMENT
- 33.32 PAYMENT OF ASSIGNED COSTS
- 33.33 MONIES COLLECTED
- 33.34 TRAINING BY FIRE DEPARTMENT

## EMERGENCY MANAGEMENT AND DISASTER PLAN

- 33.50 INTENT AND PURPOSE
- 33.51 DEFINITIONS
- 33.52 EMERGENCY OPERATIONS BOARD
- 33.53 EMERGENCY DECLARATION
- 33.54 SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER;  
DECLARATION OF LOCAL DISASTER EMERGENCY
- 33.55 SPECIAL EMERGENCY POWERS AND DUTIES OF THE MAYOR; CONVENTION OF EMERGENCY  
MEETING OF EMERGENCY OPERATIONS BOARD; SPECIAL MEETING PROCEDURES
- 33.56 SPECIAL EMERGENCY POWERS AND DUTIES OF THE EMERGENCY OPERATIONS BOARD
- 33.57 SPECIAL EMERGENCY POWERS OF THE EMERGENCY OPERATIONS DIRECTOR
- 33.58 GENERAL DUTIES OF OFFICERS AND EMPLOYEES OF THE CITY
- 33.59 PRIORITY OF EMERGENCY ORDERS, RULES, AND REGULATIONS
- 33.60 NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES, AND REGULATIONS; OBSTRUCTION OR  
IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITY
- 33.61 ANNEXES; AMENDMENTS
- 33.62 WEATHER EMERGENCY RESPONSE PLAN



**33.99 PENALTY**



**GENERAL PROVISIONS**

**31.01 [RESERVED]**

**33.02 RESPONDING TO FIRE CALLS**

- A. The Fire Department shall answer all calls coming from residents of property within the city limits. The Department may answer calls coming from residents of the rural districts outside the city limits, but shall be under no obligation so to do, and the Department assumes no liability for not answering such calls. The matter of responding to such calls shall be delegated to the discretion of the Fire Department subject to the rules and regulations which the Committee may prescribe and as approved by the Board of Public Works and Safety. Notwithstanding any language to the contrary, the Fire Department shall answer all calls from residents of property outside the city limits to the extent that the city has a contract to provide fire protection with the township in which the property is located.
- B. The City Fire Department may respond, upon request, to emergencies requiring special equipment and expertise both inside and outside the jurisdiction of the city.
- C. Costs for requested emergency response will be assessed to the causative entity requiring the use of special equipment, Fire Department personnel, and/or city expertise. Said costs shall be assessed pursuant to the following terms and conditions:
  - 1. There shall be an hourly assessment against the recipient of the emergency services, as established by a Board of Public Works and Safety Resolution duly passed, which may from time to time be amended for the following personnel:
    - a. Chief of the Fire Department;
    - b. Captain of the Fire Department;
    - c. Marshal of the Fire Department;
    - d. Combat Division Captain;
    - e. Fire Fighters;
    - f. Probation Fire Fighters;
    - g. Volunteers.
  - 2. There shall be an hourly assessment against the recipient of the emergency services, as established by a Board of Public Works and safety resolution duly passed, which shall from time to time be amended for the following units:
    - a. Hazardous Materials Unit;
    - b. Pumpers;
    - c. Tankers;
    - d. Aerial devices;
    - e. Brush unit;
    - f. Boat;
    - g. Medical units;
    - h. Command units;
    - i. Support units.



- 3. In no event shall more than one-half of the fire-fighting apparatus of the city, nor more than one-half of the regular firemen leave the corporate limits of the city in responding to fire calls outside the corporate limits.
- 4. No hourly assessment shall be made against the recipient of the emergency service if the occurrence is accidental, is not a knowing or intentional violation of federal, state, or local law, occurs within the city or any township that contracts with the city for fire protection, and the recipient resides or its business is located within said city or township.
- 5. Notwithstanding any language to the contrary, the city shall collect from any recipient the replacement cost for any material, supply, or equipment made non-reusable because of a hazardous waste occurrence.
- 6. Notwithstanding any language to the contrary, the city shall collect from any recipient for any bill or claim made against the city or its departments from other emergency agencies.

**33.03 CHARGES FOR PERSONS BENEFITTED BY USE OF FIRE EQUIPMENT**

- A. The charge to be assessed against the person, firm, corporation, or township benefitted by the use of firemen and by the fire-fighting equipment of the city outside the corporate limits of the city shall be as fixed by Council. Time shall be reckoned from the time of leaving the fire station until the time of return thereto. The Chief of the Fire Department shall report such charges to the Clerk-Treasurer, who shall collect the amount due from the person benefitted.
- B. No charge shall at any time be made for reciprocal services of the Fire Department of the city rendered to neighboring cities and towns.

**33.04 DUTIES OF CHIEF OF POLICE**

- A. The Chief of Police shall have the duties and powers conferred upon him by the law and shall execute all orders of the City Council. He shall see that all of the city ordinances are faithfully enforced and give notice of any nuisance made or allowed in the city. If any person who allows or occasions any nuisance on his premises does not on notice remove it immediately, the Chief of Police shall remove it or cause it to be removed or abated, and shall be entitled to receive on behalf of and for the use of the city from such person double the cost of removing or abating the nuisance. This cost shall be recoverable by action in the name of the city against such persons as in cases of fines or forfeiture.
- B. He shall be industrious and vigilant in preventing any infraction of the ordinances of the city and bringing offenders to justice; in causing the prevention or punishment of offenses against the penal laws of the state committed within the city; and in sup-pressing disturbances, riots, affrays, and other breaches of the peace therein.
- C. The Chief of Police shall attend all meetings of the Common Council, at which he shall serve in the capacity of sergeant at arms for the maintenance of good order and to receive the instructions of the Council.
- D. He shall keep an accurate account of all money received by him on account of the city and pay it to the Clerk-Treasurer taking his receipt therefore. He shall make a detailed statement of the money whenever required by the Council, and at least annually, showing the amount of money received, of whom received, on what account, and how it is disposed of.
- E. It shall be the duty of the Chief of Police and the Street Commissioner to have concurrent supervision of sidewalks and streets and to report to the proper committee any dangerous or defective conditions in either which may come to his knowledge. They or the Building Commissioner shall at once notify all owners, occupants, or persons liable to remedy the defect, to



repair it, and in case of their failure so to do shall report this failure at once to the Common Council. In case of the absence of or non-appointment of the Street Commissioner the duties of that office shall be performed by the Chief of Police.

**33.05 [RESERVED.]**

**33.06 SPRINKLER SYSTEM AND FIRE DRILLS**

- A. The Common Council of the city provides that any owners, or the lessee if the property is leased, or their respective employees or agents, shall notify the City Fire Department ten days prior to the time that sprinkling protection in any building or any part of a building is to be shut off by the owner or the lessee for any reason including but not limited to maintenance, remodeling, or change of occupancy. If the reason for the shutoff is an emergency, the City Fire Department shall be immediately notified.
- B. The Common Council of the city provides that any owners, or the lessee if the property is leased, or their respective employees or agents, shall notify the City Fire Department at the time that the sprinkling protection in any building or any part of a building is turned on for the use of any building or any part of a building.
- C. The Common Council of the city requires the owner, or the lessee if the premises is leased, to notify the City Fire Department ten days in advance of any tests of the sprinkler protection devices on any premises for any fire drills to be conducted on the premises of any property within the city.

**33.07 POLICE RESERVES**

- A. Pursuant to IC 36-8-3-20 a city Police Reserve unit is hereby established for the city, the unit to be named the Auburn Police Reserves and to have no more than 25 members.
- B. That the police reserves shall be appointed from time to time by the Chief of Police of the city in accordance with all pertinent local, state, and federal laws and regulations.
- C. The rules governing the Police Reserves and any subsequent amendments thereto shall be submitted to the Board of Public Works and Safety by the Police Chief for the Board's approval, disapproval, or amendment.

**33.08 CHARGE FOR FILLING AIR TANKS**

- A. The city Fire Department shall make a charge for filling air tanks. This charge will be set by the Board of Public Works and Safety, which will bill the customers. The schedule of fees will be reviewed from time to time by the Board of Public Works and Safety.
- B. There will be no charge for tanks filled for a governmental agency, including but not limited to fire departments from other communities.
- C. The proceeds collected from the filling of air tanks will be set aside for use of the city Fire Department for the maintenance of the living quarters of the firefighters. Items purchased can be either disposable or tangible and may include, but not be limited to, condiments, spices, sauces, potatoes, and paper products.
- D. The proceeds collected from the filling of air tanks shall be non-appropriated funds.

**33.09 INOCULATION AGAINST HEPATITIS B**



- A. The city, through and by its Board of Public Works and Safety, hereby finds that members of the Fire Department, Police Department and Water Pollution Control Department are subject to contracting the Hepatitis B Virus.
- B. Each employee, other than office personnel of the Fire Department, Police Department and Water Pollution Control Department may receive inoculation at the expense of the city, subject to prior written authority from the department head as to who may receive the inoculation and where the vaccine will be administered.

**33.10 RESTRICTION ON PART-TIME JOBS FOR OFF-DUTY POLICE OFFICERS**

The Board of Public Works and Safety hereby establishes a policy that off-duty police officers may not also be employed part-time by employers who sell, distribute or otherwise furnish alcohol, except when in uniform to keep the peace, that is, A-C-D Museum, Elks Tent during A-C-D Festival, and wedding receptions, and after receiving written approval from the Chief of Police.

**33.11 CLOTHING ALLOWANCE FOR FIRE AND POLICE DEPARTMENTS**

- A. The establishment of this section governing clothing allowances for the Fire and Police Departments is required because amounts permitted by the city differ from the statutory amounts.
- B. The following schedule shall be used for clothing allowances for the Fire and Police Departments:

Fire and Police Chiefs	\$1,000
Firefighters and Police Officers	\$450
Volunteer Firefighters	\$150
Reserve Police Officers	\$250
Police dispatchers and Parking Enforcement Officers	\$300

(Ord. 2000-15, passed 10-17-00)

**33.12 PARTIALLY PAID FIREFIGHTERS ORGANIZATION MEMBERSHIP LIMITED**

All partially paid firefighters shall not also be a member of another public safety organization which could necessitate the partially paid firefighter being unavailable to fight fires for the city because this is interpreted as being unable to fulfill the obligation to the city.

**EMERGENCY SERVICES**

**33.30 DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- BOARD OF PUBLIC WORKS AND SAFETY (BOARD)  
That statutorily created body of the city.
- COSTS



Those necessary expenditures of monies, time and materials required to alleviate control or contain an emergency, including any costs required to collect those costs expended.

- DEPARTMENT

Within the meaning of this subchapter is one or more of the following:

1. City Attorney;
2. City Engineer;
3. Electric;
4. Fire;
5. Hazardous material;
6. Police;
7. Sewage;
8. Street; and
9. Water.

- EMERGENCY

That situation which arises unexpectedly requiring some quick response by a department of the city.

- EXTRA-JURISDICTIONAL

Those areas outside the city and townships not under contract with the city for emergency response.

- HAZARDOUS MATERIAL

A material or waste that has been determined to be hazardous or potentially hazardous to human health, to property or to the environment by:

1. The United States Environmental Protection Agency, Nuclear Regulatory Commission, Department of Transportation, or Occupational Safety and Health Administration; or
2. The solid waste management board.

### 33.31 COST ACCOUNTING, ALLOCATIONS, AND ASSIGNMENT

- A. Whenever a department responds by request or mandate to an emergency, the department head or his/her designee shall maintain a log of the costs incurred.
- B. When a final tabulation of the costs is completed the department head or his/her designee shall present the same to the Clerk-Treasurer who in turn shall deliver a statement to the recipient of the emergency services provided.

### 33.32 PAYMENT OF ASSIGNED COSTS

- A. Payment of assigned costs shall be made to the Clerk-Treasurer by cash, money order, or certified check.
- B. Should the billed recipient not make payment to the Clerk-Treasurer within 30 days of the actual mailing of the statement, the Clerk-Treasurer is hereby authorized to deliver the delinquent account to the City Attorney for collection.
- C. Upon delivery of the delinquent account(s) to the City Attorney's office, every attempt shall be made to collect the delinquent account(s) including but not limited to filing suit. All expenses incurred in enforcing this chapter, including, but not limited to, reasonable attorneys' fees may be added to said delinquent account(s) and collected from the recipient.

### 33.33 MONIES COLLECTED



- A. All monies collected from department heads or designees shall be retained by the Clerk-Treasurer in a non-appropriated fund for budgetary purposes. This fund shall be reimbursable as expenses occur. This fund shall be known as the "Emergency Clean-up Fund."
- B. Any money expended by departments in response to a request or mandate to an emergency shall be reimbursed from the non-appropriated "Emergency Clean-up Fund."
- C. If the city is reimbursed for labor expenses through an insurance company because of emergency services provided, then those reimbursed expenses for labor shall be deposited by the Clerk-Treasurer directly to the department's line item budget for the payment of said labor.

**33.34 TRAINING BY FIRE DEPARTMENT**

- A. The Auburn Fire Department shall be allowed to conduct training courses for City of Auburn employees as well as others.
- B. The training courses shall be at no cost to full- and part-time employees of the city. Students other than City of Auburn employees shall pay the actual cost of providing each course to that student, or \$10.00 per course whichever is more.
- C. Funds collected pursuant to this section shall be collected by the Auburn Fire Department, turned over to the Clerk-Treasurer and deposited into the training facility fund.
- D. Unless such course is required by his/her employment with the city, no student shall be enrolled in a training course without executing a waiver of liability clearly acknowledging that such training may be inherently dangerous. This is not intended to change current practices concerning Auburn Firefighters.

**EMERGENCY MANAGEMENT AND DISASTER PLAN**

**33.50 INTENT AND PURPOSE**

- A. The intent and purpose of this subchapter is to establish a disaster plan that will insure all of the city's facilities are efficiently utilized for disaster preparedness and coordination of response, and that will serve all geographic areas of the city.
- B. The city, under this plan, will be responsible for all activities in connection with disaster programs in the city.

**33.51 DEFINITIONS**

- ATTACK  
A direct or indirect assault on armed forces of the United States or against the government or environs of the city, including but not limited to, bombing, chemical or radiological warfare, sabotage, violence, and any other action referred to under "Man-Made Disaster" as set forth below.
- COUNCIL  
The Common Council of the City of Auburn, Indiana.
- DISASTER  
The occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or technological disaster, including but not limited to fire, flood, earthquake, wind, storm, oil spill, water contamination, or any other incident requiring emergency action to avert danger, damage, or hazardous materials.



- DISASTER PLANNING  
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 lives and property of the people. 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 service, emergency transportation, plant protection, temporary restoration of public utility services, continuance of constituted government, and other services related to civilian protection, together with all of their activities necessary or incidental to the preparation for and coordination of the foregoing services.
- EMERGENCY OPERATIONS BOARD  
The various department heads and representatives of various utilities serving the city.
- EMERGENCY OPERATIONS DIRECTOR  
The individual who will be charged with coordinating the efforts under this subchapter.
- MAN-MADE DISASTER  
Any incidents including, but not limited to, riots, insurrection, terrorist act, threats to national security or other man-made incidents causing imminent danger.
- MAYOR  
The Mayor of the City of Auburn, Indiana.
- NATURAL DISASTER  
Any incidents affecting or threatening public health, welfare, and safety.
- PERSONNEL  
Employees of the City of Auburn, Indiana and volunteers under the guise of the city.
- PRESIDENT  
The President for the Common Council of the city.
- PUBLIC INFORMATION OFFICER  
The individual assigned by the Mayor or his designee to deal with media outlets.
- REGULATION  
Plans, programs, and other emergency procedures deemed essential.
- VOLUNTEER  
Contributing a service, equipment, or facilities to the city without remuneration.

**33.52 EMERGENCY OPERATIONS BOARD**

In accordance with IC 10-4-1-10(c), there is established the City of Auburn Emergency Operations Board which consists of the following persons or their designees.

- A. The Mayor of Auburn
- B. The Clerk/Treasurer
- C. The City Attorney
- D. A Public Information Officer appointed by the Mayor



- E. The Purchasing Agent for the city
- F. The Chief of the Fire Department
- G. The Police Chief
- H. The Director of the E.M.S. of DeKalb County
- I. The Electric Department Head
- J. The Building Department Head
- K. The Street Commissioner
- L. The Water Department Head
- M. The Water Pollution Control Head
- N. The Gas Company Head
- O. The Telephone Company Head
- P. The City Engineer
- Q. The Superintendent of the Parks Department
- R. The DeKalb County Civil Defense Director
- S. City of Auburn MIS/GIS Manager

**33.53 EMERGENCY DECLARATION**

The Mayor of Auburn or his/her substitute or designee as delineated may declare a local disaster emergency, which shall be given prompt and general publicity and shall be filed promptly with the Office of the Clerk of the City of Auburn, The DeKalb County Director of Emergency Management or Civil Defense, the Auburn City Clerk and the DeKalb County Clerk. The effects of such a declaration are to activate all necessary aspects of the city's disaster plans and to authorize the furnishing of aid and assistance thereto.

**33.54 SPECIAL EMERGENCY POWERS AND DUTIES OF PRINCIPAL EXECUTIVE OFFICER; DECLARATION OF LOCAL DISASTER EMERGENCY**

- A. In the event of actual or threatened enemy attack, disaster or emergency affecting the city, the Mayor, or the President of the Common Council if the Mayor is unavailable, or the Clerk/Treasurer if the President of the Council is unavailable, or the At-Large City Council Member if the Clerk-Treasurer is not available, acting as the Principal Executive Officers of the City of Auburn may declare a local disaster emergency, pursuant to IC 10-4-1-23(a), for any period, not to exceed seven days.
- B. The declaration shall:
  - 1. be in writing; indicate the nature of the disaster;
  - 2. indicate the conditions which have brought the disaster, about;
  - 3. indicate the area or areas threatened;
  - 4. indicate the area or areas to which the state of emergency applies; and
  - 5. be announced or disseminated to the general public by the best means available through the designated public information officer.
- C. The declaration shall be filed in the offices of:
  - 1. the County Clerk;
  - 2. the DeKalb County Director of Emergency Management or Civil Defense; and
  - 3. the Clerk of the city



- D. The declaration shall not be invalidated nor ineffective if any of the filing and dissemination requirements cannot be complied with due to the prevailing adverse circumstances.
- E. Upon declaration, the city's comprehensive emergency management and disaster control plan shall be activated and implemented.
- F. Such a declaration shall not be necessary if the Governor, pursuant to IC 10-4-1-7, and/or its successor, has already proclaimed a statewide or area wide state of emergency including DeKalb County.

**33.55 SPECIAL EMERGENCY POWERS AND DUTIES OF THE MAYOR; CONVENTION OF EMERGENCY MEETING OF EMERGENCY OPERATIONS BOARD; SPECIAL MEETING PROCEDURES**

- A. As soon as possible after a disaster emergency affecting the city is declared, the Emergency Operations Director shall convene a meeting of the City Emergency Operations Board to perform their legislative and administrative functions as the situation may demand.
- B. Any such meeting of the Board shall:
  - 1. be deemed an emergency meeting;
  - 2. be subject only to such procedural provisions of law as governed by the State of Indiana;
  - 3. include relaxation of any applicable notice requirements pursuant to IC 5-14-1.5-5(d);
  - 4. be held in the City Council Chambers or any other convenient place;
  - 5. continue without adjournment for the duration of the disaster emergency; and
  - 6. be recessed for reasonable periods of time as necessary and permitted by the circumstances.

**33.56 SPECIAL EMERGENCY POWERS AND DUTIES OF THE EMERGENCY OPERATIONS BOARD**

- A. The Emergency Board may make, and following approval of the Common Council as provided below, promulgate such emergency regulations as may be deemed necessary to implement and carry out the provisions of city and state disaster laws and plans.
- B. In accordance with the plan, the city may request the state or the United States or their agencies and political subdivisions to send aid if the situation is beyond the control of regular city emergency forces and resources.
- C. All regulations under this section shall be:
  - 1. adopted by ordinance by the common council;
  - 2. consistent with, and subordinate to, any actions, orders, or regulations made by the Governor or a state agency implementing the State Emergency Operations Plan.

**33.57 SPECIAL EMERGENCY POWERS OF THE EMERGENCY OPERATIONS DIRECTOR**

- A. The Emergency Operations Director shall be appointed by the Mayor or an agent of the Mayor as described in 33.54 for the purpose of coordinating disaster relief efforts.
- B. The Emergency Operations Director shall take any actions which he/she deems necessary or desirable to take in the event of an emergency.
- C. In the event that an emergency clearly exists or is imminent within the city, and a state of emergency has not been declared by the Governor or any other person having executive power, the Mayor or the Emergency Operations Director may temporarily presume the existence of a state of emergency.
- D. When the Emergency Operations Director temporarily presumes; the existence of state of emergency, that individual shall:



1. put into effect those portions of the Emergency Management and Disaster Plan, as necessary to cope with the emergency; and
2. protect the public safety and welfare.

**33.58 GENERAL DUTIES OF OFFICERS AND EMPLOYEES OF THE CITY**

During a declared emergency, all officers and employees of the city shall cooperate and give support to the federal, state, county, and local emergency agencies.

**33.59 PRIORITY OF EMERGENCY ORDERS, RULES, AND REGULATIONS**

At all times when the orders, rules, and regulations made and promulgated pursuant to this subchapter shall be in effect, they shall supersede all inconsistent local ordinances, rules and regulations but shall be superseded by all federal and state laws, rules and regulations which are inconsistent.

**33.60 NONCOMPLIANCE WITH EMERGENCY ORDERS, RULES, AND REGULATIONS; OBSTRUCTION OR IMPERSONATION OF EMERGENCY MANAGEMENT AUTHORITY**

- A. Wherever this chapter applies it shall be unlawful and a penal ordinance violation for any person to:
1. Willfully obstruct, hinder, or delay the City of Auburn and its authorized agents from participating in emergency services and or carrying out and enforcing emergency plans and procedures;
  2. Fail to observe, abide by, and comply with any emergency management duties, orders, regulations, and procedures as made applicable to such person by the appropriate authorities; or
  3. Falsely wear or carry identification as a member of the City of Auburn Emergency Operations Board or to otherwise falsely identify or purport to have authority from the city.

**33.61 ANNEXES; AMENDMENTS**

A. City of Auburn Emergency Operations Plan

A comprehensive Emergency Operations Plan shall be adopted and maintained by resolution of the Common Council. In the preparation of this plan as it pertains to citywide organization, it is the intent of this subchapter that the services, equipment, facilities, and personnel of all existing city departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all city 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. The plan shall be considered supplementary to this subchapter and shall have the force and effect of law whenever a "disaster" as defined in this subchapter has been declared. When a required competency or skill is not available within the city, the plan shall authorize the coordination of assistance from persons outside of the government prior to, during, and after a disaster. Such assistance from persons outside of government may be accepted by the city on a volunteer basis. Such citizens shall be enrolled as volunteers in cooperation with the heads of the city departments.

B. Annexes

Each department head assigned responsibilities in the plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and volunteers. Each department head shall formulate and be in charge for each department's section of the operational plan, and when approved, shall be an annex to and a part of the plan. Each department head shall designate and keep on file with the Mayor a current three-deep list of names of his or her successors.

C. Amendments



Proposed amendments to the plan and annexes shall be submitted to the Common Council which shall give its own recommendation thereon.

**33.62 WEATHER EMERGENCY RESPONSE PLAN**

- A. A weather emergency shall commence by executive order, determination and proclamation of the Mayor of the City of Auburn, Indiana or in his/her absence by the President of the City Council, or in his/her absence the Clerk-Treasurer, or in his/her absence the At-Large City Council Member.
- B. The Mayor or his/her substitute, shall determine and proclaim a weather emergency when, in his/her sound judgment and discretion, the circumstances warrant the determination of such an emergency for the public safety and the welfare of the residents of the City of Auburn. Such weather emergency shall continue in effect until he/she or such substitute determines that an emergency no longer exists and terminates the emergency order, or until the City Council in session makes such a determination.
- C. Emergency routes shall be as designated in the emergency order, and such order can include the closing of some or all City roadways to the public and such order shall exempt all emergency travel for medical assistance, police, fire and civil defense activities, fuel haulers, public utility employees, and other entities or individuals so designated by the Mayor or his/her substitute.
- D. After a weather emergency has been declared and during its existence:
  - 1. No vehicle shall travel or be parked on an emergency route;
  - 2. Any person whose vehicle is stalled or incapable of moving under its own power or a person who leaves such vehicle unattended shall be in violation of this section. The vehicle shall be towed away at the owner's expense including towing and storage charges.
- E. Publication and broadcast of the proclamation of a weather emergency shall be made through the office of the Mayor or his/her substitute through all area news media.
- F. Any Auburn Police Officer, Indiana State Police Officer/Trooper or DeKalb County Sheriff or Deputy Sheriff, upon discovering any vehicle unlawfully traveling, or parked, or stopped in violation of this section, may impound and remove such vehicle or cause the same to be impounded and removed to any City owned property, or to a private garage or place where so authorized. Prior to removal, said officer shall ticket the driver or owner of the unlawfully parked or operated vehicle and the owner or operator thereof shall be fined for his or her violation of this section. Such vehicle shall be impounded and retained at such location as the police officer shall determine until the towing and storage expenses for said vehicle shall be paid to the individual or company performing the towing service.

**33.99 PENALTY**

- A. Violation of 33.06 of this Code shall be punishable by a fine not exceeding \$500.
- B. Any person violating the provisions of 33.05 shall be guilty of the commission of an infraction and may be fined a sum not to exceed \$100.00. 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 accused to repay the municipality any monetary losses of the expenses incurred in the incident.
- C. Any person who commits an offense as described in 33.60 shall be liable to a fine of \$2,000.00; such fine shall be subject, however, to the discretion of the court of applicable jurisdiction.