

Title 2 ADMINISTRATION AND PERSONNEL

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Chapter 2.04 COUNTY FISCAL BODY DISTRICTS

Sections:

[2.04.010 Districts established.](#)

2.04.010 Districts established.

The following four county fiscal body districts are established:

District I: All precincts located in Jackson, Liberty, Pine and Westchester Townships as well as Precincts 21, 22 and 27 in Portage Township and Precinct [18](#) in Center Township.

District II: Precincts [2](#), [3](#), [5](#), [6](#), [7](#), 8, [9](#), 10, [11](#), [12](#), [13](#), [14](#), [17](#), [18](#), 20, 23, 24, 25, 26, 29, 30, 32, 35, 36, 37 and 38 in the city of Portage and Precincts [1](#), 4, 19, 28, 33 and 34 in Portage Township.

District III: All precincts located in the city of Valparaiso and Center Township except Precincts [18](#) and 31 in Center Township.

District IV: All precincts located in Boone, Morgan, Pleasant, Porter, Washington and Union Townships, as well as Precincts [15](#), [16](#) and 31 in Portage Township and Precinct 31 in Center Township.

(Ord. 01-18: Ord. 96-18: Ord. 91-29)

Chapter 2.08 DRAINAGE BOARD

Sections:

[2.08.010 Established.](#)

[2.08.020 Composition—Appointment—Terms.](#)

2.08.010 Established.

The board of commissioners establishes a civilian county drainage board for Porter County, Indiana, in accordance with the following sections.

The board established in this chapter shall act in and be known by the name of the Porter County drainage board.

(Ord. 84-31 (part), § 1)

2.08.020 Composition—Appointment—Terms.

The Porter County drainage board shall consist of five voting members and the Porter County surveyor who shall serve on the board as an ex-officio non-voting member.

- A. The five voting members of the Porter County drainage board shall consist of the following:
 1. One board member shall be a member of the board of commissioners. Said member shall be appointed to the Porter County drainage board by a majority vote of the board of commissioners.
 2. The remaining four members shall consist of resident free-holders of Porter County who are knowledgeable in drainage matters. Said board members shall be appointed by the board of commissioners. The board of commissioners shall provide geographical balance to the board by appointing one resident free-holder from each county commissioner district to the board and by appointing one resident free-holder on an at-large basis.
- B. The term of those persons appointed to the Porter County drainage board shall be for three years with the initial appointments made so as to provide for the staggering of terms on an annual basis.

(Ord. 84-31 §§ 2—4)

Chapter 2.12 RESERVE POLICEMEN

Sections:

[2.12.010 Appointment authority.](#)

2.12.010 Appointment authority.

The sheriff of Porter County is authorized to appoint up to one hundred fifty (150) reserve policemen to assist the sheriff in the performance of law enforcement duties in Porter County, Indiana.

(Ord. 81-4)

Chapter 2.16 COUNTY JAIL INMATES

Sections:

[2.16.010 Copayment for services.](#)

[2.16.020 Exceptions.](#)

2.16.010 Copayment for services.

Except as hereinafter provided, a person confined to the Porter County jail may be required to make a copayment in an amount of not more than ten dollars (\$10.00) for each provision of any of the following services:

- A. Medical care;
- B. Dental care;
- C. Eye care; and
- D. Any other health care related service.

The source of payment for the above-mentioned services shall be the commissary account or trust account, if any, containing funds held for the benefit of a prisoner for whom the above-mentioned health care services have or will be rendered.

(Ord. 94-33 § 1)

2.16.020 Exceptions.

This chapter shall not apply to a prisoner confined to the Porter County jail who:

- A. Maintains a policy of insurance from a private company, covering medical care, dental care, eye care or any other health care related service which is applicable to the health care which has been or will be rendered to the prisoner while incarcerated in the Porter County jail;
- B. Is willing to pay for his or her own medical care;
- C. Is committed to the Department of Corrections for the state of Indiana;

- D. Does not have funds in his or her commissary account or trust account at the time the services are provided;
- E. Does not have funds in his or her commissary account or trust account within thirty (30) days after the services are provided;
- F. Is provided with such health care services in an emergency situation;
- G. Is provided such health care services as a result of an injury received while incarcerated in the Porter County jail;
- H. Is provided with such health care service at the request of the sheriff or jail administrator.

(Ord. 94-33 § 2)

Chapter 2.20 DISPOSAL OF UNCLAIMED PERSONAL PROPERTY

Sections:

[2.20.010 Storage time limit—Claim by owner.](#)

[2.20.020 Public sale allowed when.](#)

[2.20.030 Inventory to be submitted to auditor.](#)

2.20.010 Storage time limit—Claim by owner.

Unclaimed, stolen, unidentified or confiscated personal property shall be stored by the sheriff's department for a minimum of six months. During this time, owners of the property may present a claim for its return; and if satisfied of the validity of the claim, the sheriff's department shall return the claimed property to its owner.

(Ord. 96-19 § 1: Ord. 79-18 § 1)

2.20.020 Public sale allowed when.

After expiration of the six-month period above mentioned, all lost, unclaimed, stolen, unidentified or confiscated personal property held by the sheriff's department shall be offered for public sale on the first Tuesday after the first Monday of April and October annually. At least five days prior to the holding of the sale, notice of the pending sale shall be published one time per week for two consecutive weeks in a newspaper published daily within Porter County, Indiana.

(Ord. 96-19 § 2: Ord. 79-18 § 2)

2.20.030 Inventory to be submitted to auditor.

Prior to the conducting of a sale, the sheriff shall make an inventory of all property offered for sale. An accounting of proceeds received for each item sold shall be submitted to the auditor of Porter County along with all proceeds received from the sale, which proceeds shall become a part of the general fund.

(Ord. 96-19 § 3: Ord. 79-18 § 3)

Chapter 2.24 PERSONNEL POLICIES AND REGULATIONS

Sections:

[2.24.010 Employee Personnel Policy Manual.](#)

[2.24.020 Health self-insurance program.](#)

[2.24.030 Worker's compensation.](#)

2.24.010 Employee Personnel Policy Manual.

The Porter County Employee Personnel Policy Manual, adopted July 17, 1995, including amendments is incorporated herein by reference as if set forth in this chapter in full.

(Added during 1997 codification)

2.24.020 Health self-insurance program.

Pursuant to IC 36-1-3-2 (Home Rule), the board of commissioners is authorized to enter into contracts and agreements, and execute documents necessary to effectuate such contracts and agreements for the implementation of a self-insurance plan to protect the health care needs of the employees of Porter County.

All claims and checks prepared under the plan, as benefits to the employees of Porter County, shall be delivered by the administrator of the plan to the auditor of Porter County in triplicate for approval. After approval, the checks shall be executed by the auditor and/or treasurer in the same fashion as all other claims and processed through the respective offices of the auditor and treasurer. A separate bank account for the handling of funds utilized in the payment of claims for health care of the employees of Porter County shall be established and all canceled checks in reference to health care claims under such insurance programs shall be returned to the treasurer of Porter County and retained in the treasurer's office.

(Ord. 85-11)

2.24.030 Worker's compensation.

Emergency management workers and police reserves, as they are defined in Indiana Code §§ 10-4-1-8 and 36-8-3-20, shall be provided worker's compensation benefits at such time as moneys appropriated for these purposes are available.

(Ord. 92-17)

Chapter 2.32 HAZARDOUS MATERIALS COUNCIL

Sections:

[2.32.010 Created—Composition.](#)

[2.32.020 Purpose.](#)

2.32.010 Created—Composition.

There is created a Porter County hazardous materials council. The Porter County health officer shall be the permanent chairman of the hazardous materials council. The health officer or his designee shall call and chair all meetings of the council, and the staff of the Porter County health department shall

provide support and assistance to the council. The council shall have a maximum of forty (40) members who will serve upon the appointment and at the pleasure of the Porter County health officer. Members of the council shall receive no compensation for service on the council. In making appointments to the hazardous materials council, the Porter County health officer shall balance its membership both geographically and demographically. In making appointments to the hazardous materials council, the Porter County health officer shall also balance its membership between representatives of local units of government and private industry in Porter County. The health officer's appointments to the hazardous materials council shall also be individuals who have shown an interest and knowledge in hazardous materials and substance handling.

(Res. 87-3 § 1)

2.32.020 Purpose.

The mission and purpose of the Porter County hazardous materials council shall be to advise the Porter County health officer on hazardous materials and substance handling issues. The council shall also assist the health officer and the board of county commissioners in establishing overall guidelines and policies with regard to the transportation and handling of hazardous materials and substances in Porter County. (Res. 87-3 [§ 2](#))

Chapter 2.36 HAZARDOUS MATERIALS RESPONSE TEAM

Sections:

[2.36.010 Established—Composition.](#)

[2.36.020 Purpose.](#)

[2.36.030 Compensation.](#)

[2.36.040 Chapter provisions not exclusive.](#)

2.36.010 Established—Composition.

There is established the Porter County hazardous materials response team. The response team shall consist of a minimum of twelve (12) individuals who have volunteered for membership on the response team. Membership on the response team shall be by appointment (from those who have volunteered) by the Porter County health officer after seeking the recommendation and advice of the Porter County hazardous materials council. The Porter County health officer or his designee shall be responsible for supervision and management of the response team activities. The response team members shall show themselves to have expertise, knowledge and interest in responding to problems created by hazardous materials and substance handling and transportation in Porter County. Members of the response team shall serve at the pleasure of the Porter County health officer.

(Res. 87-3 § 4)

2.36.020 Purpose.

The mission and purpose of the hazardous materials response team shall be to respond to hazardous materials and substance handling and transportation problems. The team shall be "called out" by the Porter County health officer or his designee as need may arise. At the scene of any incident, the Porter County health officer or his designee shall be responsible for the activities of the team and shall direct and otherwise supervise its members.

(Res. 87-3 § 5)

2.36.030 Compensation.

Although the hazardous materials response team shall receive no compensation from Porter County, during such time as the team is responding to hazardous materials incidents, the team members shall be considered employees of Porter County for purposes of the availability of insurance coverage through Porter County.

(Res. 87-3 § 6)

2.36.040 Chapter provisions not exclusive.

It is further contemplated that the hazardous materials response team activities shall fall within the immunity provisions of I.C. 34-4-12.2-2.

(Res. 87-3 § 7)

Chapter 2.40 WILDLIFE MANAGEMENT ADVISORY BOARD

Sections:

[2.40.010 Established—Purpose.](#)

[2.40.020 Composition.](#)

[2.40.030 Duties.](#)

[2.40.040 To serve at the pleasure of the board of commissioners.](#)

2.40.010 Established—Purpose.

A Porter County wildlife management advisory board is established to serve the board of commissioners of Porter County in an advisory capacity.

The Porter County wildlife management advisory board will be an advisory board created for the sole purpose of providing the Porter County board of commissioners with an advisory opinion on matters that have been specifically referred to them by the Porter County board of commissioners regarding wildlife management in Porter County, Indiana.

The Porter County wildlife management advisory board will be an advisory board to provide the Porter County board of commissioners with advisory opinions on matters that relate to the Paul C. Zona, Sr. Wildlife Sanctuary. The sanctuary is titled to the Porter County board of commissioners and located in Porter County, Indiana.

(Ord. 06-07 § 2: Ord. 06-06 § 2)

2.40.020 Composition.

The Porter County wildlife management advisory board will consist of six members, who will be appointed annually by the board of commissioners as follows:

A. At least one member of the Paul C. Zona family;

- B. One licensed veterinarian established in practicing veterinary medicine in Porter County, Indiana;
- C. Four residents of Porter County at large.

(Ord. 06-07 § 3: Ord. 06-06 § 3)

2.40.030 Duties.

The Porter County wildlife advisory management board shall be officially established for the sole function and purpose of advising the Porter County board of commissioners on those matters specifically referred to the Porter County wildlife management advisory board by the Porter County board of commissioners, and which may include but not be limited to:

- A. To advise on the management of the Paul C. Zona, Sr. Wildlife Sanctuary located in Porter County, Indiana;
- B. To perform volunteer work and fundraising to raise money for the care and benefit of the Paul C. Zona, Sr. Wildlife Sanctuary;
- C. To secure any federal or state grants or funds available in the area of wildlife management;
- D. To use available funds to organize and implement training and education for local law enforcement officers;
- E. To use available funds to purchase any necessary equipment to safely handle wildlife;
- F. To use available funds to organize and implement training and education of law enforcement officers for the proper handling of trapped, dislocated, injured and diseased wildlife;
- G. To use available funds to transport wildlife to a facility where medical treatment can be rendered;
- H. To use available funds to organize and implement training to educate local law enforcement officers to relocate wildlife to a safe and natural environment;
- I. To perform volunteer work and fundraising to raise money for the care and benefit of the Paul C. Zona, Sr. Wildlife Sanctuary; and
- J. Any other matters which are referred to the advisory board by the Porter County board of commissioners regarding the effective operation of wildlife management in Porter County, Indiana.

The Porter County wildlife management advisory board shall attend a commissioner meeting once every four months to advise the commissioners of pending business and to give an update as to the care and management of the Paul C. Zona, Sr. Wildlife Sanctuary.

(Ord. 06-07 § 4: Ord. 06-06 § 4)

2.40.040 To serve at the pleasure of the board of commissioners.

The Porter County wildlife management advisory board will serve at the pleasure of the Porter County board of commissioners for the sole purpose of making recommendations to the Porter County board of commissioners as to the functions and duties enumerated in this chapter, and the advisory board may be dissolved at any time by the Porter County board of commissioners.

(Ord. 06-07 § 5: Ord. 06-06 § 5)

Chapter 2.44 HISTORICAL AND CULTURAL ADVISORY BOARD

Sections:

[2.44.010 Established—Purpose.](#)

[2.44.020 Composition.](#)

[2.44.030 Duties.](#)

[2.44.040 To serve at the pleasure of board of commissioners.](#)

2.44.010 Established—Purpose.

A Porter County historical and cultural center advisory board is established to serve the board of commissioners of Porter County in an advisory capacity.

The Porter County historical and cultural center advisory board will be an advisory board created for the sole purpose of providing the Porter County board of commissioners with advisory opinions on matters that have been specifically referred to them by the Porter County board of commissioners regarding the comprehensive plan for future development and use of the Memorial Opera House, Old Jail House and related buildings.

(Ord. 97-11 §§ 1, 2)

2.44.020 Composition.

The Porter County historical and cultural center advisory board will consist of members who will be appointed by the board of commissioners as follows:

- A. One member from the Porter County board of commissioners;
- B. One member from the Porter County council;
- C. One member from the Porter County convention, recreation and visitor commission board, specifically the president;
- D. One member from the Memorial Opera House foundation board, specifically the president;
- E. One member from the board of the Memorial Opera House Theater Guild, specifically the president;
- F. One member from the board of any other performance company which is designated by the board of commissioners to be a resident company of the Memorial Opera House, specifically the president;
- G. One member from the Porter County historical society board, specifically the president;
- H. Three citizen members from the county at large, one to be appointed by the commissioner from each respective district.
- I. If any organization can establish that appointment of its president will cause undue hardship, the Porter County board of commissioners may appoint the duly elected vice president to serve for purposes of this chapter.

(Ord. 97-21; Ord. 97-11 § 3)

2.44.030 Duties.

The Porter County historical and cultural center advisory board shall be officially established for the sole function and purpose of advising the Porter County board of commissioners on only those matters specifically referred to the advisory board by the Porter County board of commissioners which may

include but is not limited to:

- A. Recommending to the board of commissioners comprehensive plans that provide for the preservation, maintenance and use of the Memorial Opera House, Old Jail House and related buildings and services thereto;
- B. Any other matters which are referred to the advisory board by the Porter County board of commissioners regarding the effective operation of the Memorial Opera House and Old Jail House.

(Ord. 97-11 § 4)

2.44.040 To serve at the pleasure of board of commissioners.

The Porter County historical and cultural center advisory board will serve at the pleasure of the Porter County board of commissioners for the sole purpose of making recommendations to the board of county commissioners as to the functions and duties in this chapter and the board may be dissolved at any time by the Porter County board of commissioners.

(Ord. 97-11 § 5)

Chapter 2.48 ORDINANCE VIOLATIONS BUREAU

Sections:

[2.48.010 Created—Provisions adopted by reference.](#)

[2.48.020 Powers and duties.](#)

[2.48.030 Schedule of penalties.](#)

[2.48.040 Payment of civil penalties.](#)

[2.48.050 Assessment of penalty.](#)

[2.48.060 Administration authority.](#)

[2.48.070 Use of funds.](#)

[2.48.080 Penalties for specific violations.](#)

2.48.010 Created—Provisions adopted by reference.

There shall be created an ordinance violations bureau pursuant to I.C. 33-6-3-1 et seq., as it may be amended from time to time, for the county. All provisions of I.C. 33-6-3 Sections 1 through 5 as they exist now and may be amended in the future are adopted as part of this chapter as if the same were reprinted here in its entirety.

- B. The clerk of the circuit court is appointed and shall serve as the violations clerk and shall administer the bureau.

(Ord. 97-14 §§ A, B)

2.48.020 Powers and duties.

The ordinance violations bureau shall have all power and duties authorized by state law.

(Ord. 97-14 § C)

2.48.030 Schedule of penalties.

The attached schedule of ordinances and the Porter County Code provisions are subject to admission of violation before the violations clerk and includes the amount of the civil penalty to be assessed a violator who elects to admit a violation.

This schedule shall establish civil penalties to be assessed a violator who elects to admit to an ordinance or code violation, but shall in no way impair the ability of the county to bring suit to seek the imposition of a fine greater than that provided for by the schedule that is otherwise allowed by this code of the county and/or any state law.

(Ord. 97-14 §§ D, E)

2.48.040 Payment of civil penalties.

Civil penalties shall be paid to, receipted and accounted for by the violations clerk under procedures provided by the State Board of Accounts.

Payment of civil penalties may be made in person or by mail to the violations clerk.

(Ord. 97-14 §§ F, G)

2.48.050 Assessment of penalty.

Upon a person waiving the right to trial and entering an admission of a violation with the violations clerk, the clerk shall assess and receive from the violator the amount prescribed by the schedule set forth in the attached exhibit.

(Ord. 97-14 § H)

2.48.060 Administration authority.

The provisions of I.C. Section 33-6-3-1 through 33-6-3-5, as they may be amended from time to time, shall govern the operations of the violations bureau and the collection of all civil penalties.

(Ord. 97-14 § I)

2.48.070 Use of funds.

Proceeds from the ordinance violations bureau shall be placed into the county general fund, unless otherwise designated with a specific ordinance subject to this chapter and passed by the Porter County board of commissioners.

(Ord. 97-14 § J)

2.48.080 Penalties for specific violations.

Municipal Code	Type of Violation	Penalty
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Chapter		
3.76 .010 (Or d. 98- 7)	Vid eo tap e dup licat ion fee	\$50 .00
3.9 6.0 10 (Or d. 00- 4)	Inve stig ativ e Pho togr aph Dup licat ion Fee	50. 00
6.04 (Or d. 96- 31)	Ani mal con trol	50. 00
8.20 (Or d. 97- 2)	Bar king dog /ani mal nois e	50. 00
9.04 (Or d.	Fire arm s	50. 00

79-32)	disc har ge (cer tain are a)	
9.04 (Or d. 93- 16)	Fire arm s disc har ge (Lo ng Lak e)	50. 00
9.04 (Or d. 97- 8)	Fire arm s disc har ge (sch ool)	50. 00
9.08 (Or d. 81- 13)	Loit erin g/B urli ngt on Bea ch	50. 00
9.12 (Or d. 96-	Litt erin g	50. 00

32)		
10.04.070 (Ord. 98-1)	No-pas sing zone	50.00
10.08 (Ord. 93-5)	Alcohol beverages in vehicle	50.00
10.12 (Ord. 96-29)	Snowmobiles	50.00
10.16 (Ord. 96-12)	Skateboards	50.00
10.20 (Ord. 96-30)	Parading after snowfall	50.00

10.2 6.01 0 (Or d. 98- 21)		
10.2 6.01 0 (Or d. 98- 21)	Reg ulat ion of par king of cert ain vehi cles	50. 00
12.1 2 (Or d. 96- 51)	Driv ewa y entr anc e culv erts	50. 00
15.0 4 (Or d. 88- 7)	Buil ding req uire me nts	50. 00
15.1 2 (Or d. 89-	Buil ding nu mb ers	50. 00

1)		
(Ord. 97- 26)	Alar m ordi nan ce	50. 00
(Ord. 97- 23)	Exc avat ion ordi nan ce	50. 00
15.1 6 (Or d. 97- 12)	Buil ding per mits	50. 00
16. 04 (Or d. 95- 10)	Gen eral pro visi ons	50. 00
16. 08 (Or d. 95- 10)	Defi niti ons	50. 00
16. 12 (Or d. 95-	Prel imi nar y req	50. 00

10)	uire me nts	
16. 16 (Or d. 95- 10)	Pri mar y sub divi sion s	50. 00
16. 20 (Or d. 95- 10)	Sec ond ary sub divi sion s	50. 00
16. 24 (Or d. 95- 10)	Sub divi sion repl at and revi ew pro ced ure	50. 00
16. 28 (Or d. 95- 10)	Min or sub divi sion s	50. 00
16. 32	Imp rov	50. 00

(Or d. 95- 10)	em ents	
16. 36 (Or d. 95- 10)	Offi cial thor oug hfar e plan	50. 00
16. 40 (Or d. 95- 10)	Ad min istr atio n and enf orc em ent	50. 00
17. 04 (Or d. 83- 12)	Gen eral pro visi ons	50. 00
17. 08 (Or d. 83- 12)	Defi niti ons	50. 00
17. 12 (Or	Zoni ng dist	50. 00

d. 83- 12)	ri ct s e s t a b l i s h e d	
17. 16 (Or d. 83- 12)	Aut h o r i z e d u s e s	50. 00
17. 20 (Or d. 83- 12)	Resi d e n t i a l u s e s a n d r e q u i r e m e n t s	50. 00
17. 24 (Or d. 83- 12)	Plan n e d u n i t d e v e l o p m e n t s	50. 00
17. 28 (Or d. 83- 12)	Busi n e s u s e s a n d r e q u i r e m e n t s	50. 00

17. 32 (Or d. 83- 12)	Sho ppi ng cen ter dist rict	50. 00
17. 36 (Or d. 83- 12)	Ind ustr ial use s and req uire me nts	50. 00
17. 40 (Or d. 83- 12)	Gre enb elt buff er zon e	50. 00
17. 44 (Or d. 83- 12)	Airp ort con trol zon e reg ulat ions	50. 00
17. 48 (Or d.	Par king spa ces	50. 00

83-12)	and loading berths	
17.52 (Or d. 83-12)	Signs	50.00
17.56 (Or d. 83-12)	Residential mobile home district	50.00
17.60 (Or d. 83-12)	Special exceptions	50.00
17.64 (Or d. 83-12)	Non conforming uses	50.00
17.68 (Or	Improvements	50.00

d. 83- 12)	ent loca tion per mits	
17. 72 (Or d. 83- 12)	Ad min istr atio n and enf orc em ent	50. 00
17. 76 (Or d. 83- 12)	Plan com mis sion fees and buil ding fees	50. 00
17. 80 (Or d. 83- 12)	Boa rd of zoni ng app eals	50. 00
17. 84(Ord. 83- 12)	Floo dpla in zoni ng	50. 00

(Ord. 00-4 § 8; Ord. 98-21 § 2; Ord. 98-7 § 8; Ord. 98-2 § 1; Ord. 98-1 § 2; Ord. 97-34; Ord. 97-14 (part))

Chapter 2.50 COUNCIL OF COMMUNITIES ADVISORY COMMITTEE

Sections:

[2.50.010 Established.](#)

[2.50.020 Purpose of committee.](#)

[2.50.030 Membership.](#)

[2.50.040 Meetings.](#)

[2.50.050 Responsibilities.](#)

[2.50.060 Term.](#)

2.50.010 Established.

A council of communities advisory committee is established to serve the board of commissioners of Porter County in an advisory capacity.

(Ord. 97-25 § 1)

2.50.020 Purpose of committee.

The council of communities advisory committee will be an advisory committee created for the sole purpose of providing the Porter County board of commissioners with an advisory opinion on matters that have proven to be of utmost concern to the local communities located in and about Porter County, Indiana.

(Ord. 97-25 § 2)

2.50.030 Membership.

The council of communities advisory committee will be comprised of one member from the Porter County board of commissioners, and the mayor, and/or town board president, or their duly designated representative, of the below enumerated municipalities located within the corporate boundaries of Porter County:

- a. Town of Beverly Shores;
- b. Town of Burns Harbor;
- c. Town of Chesterton;
- d. Town of Dune Acres;
- e. Town of Hebron;
- f. Town of Kouts;

- g. Town of Ogden Dunes;
- h. Town of Pines;
- i. City of Portage;
- j. Town of Porter;
- k. City of Valparaiso.

(Ord. 97-31; Ord. 97-25 § 3)

2.50.040 Meetings.

The council of communities advisory committee will meet as often as necessary to establish an agenda of prioritized concerns which affect each of the communities, which agenda will be submitted to the Porter County board of commissioners for consideration on a quarterly basis.

(Ord. 97-25 § 4)

2.50.050 Responsibilities.

- A. The council of communities advisory committee will be responsible for formulating an agenda which contains a list of priority areas of common community concern with the intent of presenting a single issue to the Porter County board of commissioners for consideration and discussion with the Porter County board of commissioners with the goal of implementing and agreeing upon a solution to the single issue addressed, prior to moving forward to the next priority issue.
- B. The council of communities advisory committee shall be officially established for the sole function and purpose of advising the Porter County board of commissioners on those matters specifically identified by that committee as having local and common concerns to each of the communities represented on the advisory committee and for advising the Porter County board of commissioners as to those concerns so that a cooperative effort and action may be taken on behalf of the Porter County board of commissioners to assist in the areas identified which may include but not be limited to:
 - 1. Well water issues;
 - 2. Transportation issues;
 - 3. Zoning issues;
 - 4. Any other matters which are identified by the council of communities advisory committee as having an impact on the effective operation of local government in Porter County, Indiana.

(Ord. 97-25 §§ 5, 6)

2.50.060 Term.

The council of communities advisory committee will serve at the pleasure of the Porter County board of commissioners for the sole purpose of making recommendations to the Porter County board of commissioners as to the areas identified and prioritized by that committee as having local and common concern and said advisory committee may be dissolved at any time by the Porter County board of commissioners.

(Ord. 97-25 § 7)

Chapter 2.52 USE OF INFORMATION

Sections:

[2.52.010 Prohibited uses—Exception.](#)

2.52.010 Prohibited uses—Exception.

- A. A person who receives information on disk or tape or in any electronic format under IC 5-14-3-3(d) may not use the information for commercial purposes; and
- B. Specifically, a person who receives information on a disk or tape or in any electronic format under IC 5-14-3-3(d) is prohibited from: (a) selling that information; except for the specific purpose of identifying and paying of property taxes, including as needed for mortgage escrow service companies; (b) advertising that information; (c) soliciting the purchase of merchandise, goods, or services with that information; or (d) selling, loaning, giving away or otherwise delivering the information obtained by the request to any other person for these purposes; and
- C. Use of information received under IC 5-14-3-3(d) in connection with the preparation or publication of news, for non-profit activities, or for academic research is not prohibited; and
- D. A person who uses information in a manner contrary to this section may be prohibited by the Porter County Board of Commissioners from obtaining a copy of any further data under subsection (d) and may be subject to a fine of up to two thousand five hundred dollars (\$2,500.00).
- E. This section does not apply to electronic formatted map data, the release of which is governed by a specific ordinance passed by the fiscal body.

(Ord. 00-7: Ord. 96-23 §§ 1—4)

(Ord. No. 09-10, §§ 1—5, 8-18-2009)

Chapter 2.54 SOUTH HAVEN COMMUNITY ADVISORY COUNCIL

Sections:

[2.54.010 Established.](#)

[2.54.020 Purpose of committee.](#)

[2.54.030 Membership.](#)

[2.54.040 Meetings.](#)

[2.54.050 Responsibilities.](#)

[2.54.060 To serve at the pleasure of the board of commissioners.](#)

2.54.010 Established.

A South Haven community advisory council is established to serve the board of commissioners of Porter County in an advisory capacity.

(Ord. 98-25 § 1)

2.54.020 Purpose of committee.

The South Haven community advisory council will be created for the sole purpose of providing the Porter County board of commissioners with an advisory opinion on the matters that have been proven to be utmost concern to South Haven and New South Haven located in Porter County, Indiana.

(Ord. 98-25 § 2)

2.54.030 Membership.

The South Haven community advisory council will consist of seven members who will be appointed biannually by the board of commissioners as follows:

- A. One member from the South Haven School District;
- B. One representative from the Porter County Sheriff's Department;
- C. One representative from the South Haven business community;
- D. Four residents, one appointed from each district in South Haven: one resident from each quarter section, to be established by the Porter County board of commissioners.

(Ord. 98-25 § 3)

2.54.040 Meetings.

The South Haven community advisory council will meet once every two months.

(Ord. 98-25 § 4)

2.54.050 Responsibilities.

The South Haven community advisory council shall be officially established for the sole function and purpose of advising the Porter County board of commissioners on issues affecting South Haven and New South Haven, including but not limited to road right-of-way issues, paving issues, and issues of general community safety.

(Ord. 98-25 § 5)

2.54.060 To serve at the pleasure of the board of commissioners.

The South Haven community advisory council will serve at the pleasure of the Porter County board of commissioners for the sole purpose of making recommendations to the Porter County board of commissioners as to the functions and duties enumerated in this chapter, and the South Haven community advisory council may be dissolved at any time by the Porter County board of commissioners.

(Ord. 98-25 § 6)

Chapter 2.56 EMERGENCY MANAGEMENT

Sections:

[2.56.010 County emergency management](#)

[2.56.020 County emergency management program—Purpose.](#)

[2.56.030 County emergency management program—Definitions and general provisions.](#)

[2.56.040 County emergency management program—Organization and administration of department of emergency management.](#)

[2.56.050 County emergency management program—Emergency powers, regulations and procedures.](#)

2.56.010 County emergency management

program—Established.

A Porter County department of emergency management and a Porter County emergency management advisory council is established in Porter County, Indiana pursuant to I.C. 10-4-1 et seq.

(Ord. 98-28 § 1)

2.56.020 County emergency management program—Purpose.

The purpose of this chapter is to establish in Porter County a department of emergency management and to provide for the exercise of necessary powers during emergencies.

The purpose of this chapter is to establish a Porter County emergency management advisory council which shall exercise general supervision and control over the emergency management and disaster program of the county.

(Ord. 98-28 § 2)

2.56.030 County emergency management program—Definitions and general provisions.

A. Definitions. As used in this chapter hereinafter the following words and terms have the meanings indicated.

"Advisory council" means the Porter County emergency management advisory council as established under this chapter, pursuant to I.C. 10-4-1-10.

"Board" means the board of county commissioners, as elected pursuant to I.C. 36-2-2.

"Chairman" means the chairman of the Porter County emergency management advisory council as established under this chapter, pursuant to I.C. 10-4-1-10.

"Department" means the department of emergency management as established under this chapter, pursuant to I.C. 10-4-1-10.

"Director" means the county director of emergency management as established and appointed pursuant to this chapter.

"Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, other water contamination requiring emergency action to avert danger or damage, hazardous materials spill or contamination requiring emergency action to avert danger or damage, air contamination, drought, explosion, riot or hostile military or paramilitary action which cannot be handled by normal operating personnel, procedures, resources or facilities.

"Emergency management" means the preparation for and the execution of all emergency functions, to include mitigation, preparedness, response and recovery.

"Emergency management volunteer" means any person who serves without compensation in the department of emergency management, being first duly rostered, identified and appointed by the director,

including persons and private agencies or governmental units offering services to the county during emergency situations or mutual aid to other emergency services who request assistance.

"Man-made disaster" means any incidents including, but not limited to, riots, strikes, insurrections, terrorist acts, civil disturbances, threats to national security or other man-made cause.

"Natural disaster" means any incidents affecting or threatening public health, welfare, safety or security including, but not limited to, flood, tornado, earthquake, wind, storm, winter storm or other natural cause.

"Participating emergency service" means:

- a. any county department or agency designated in the emergency operations plan to participate in emergency management activities pursuant to [Section 2.56.040\(E\)](#); and
- b. Any department or agency of the state, another county, a municipal corporation, or a volunteer organization designated to participate in the county's emergency management programs and activities pursuant to a cooperative or mutual aid agreement entered into pursuant to I.C. 10-4-1-0 and Section 2.56.040 of this chapter.

"Personnel" means county officers and employees and emergency management volunteers, unless otherwise indicated.

"Plan" or "emergency plan" means the current local emergency plan whose preparation and updating are mandated by I.C. 10-4-1-10(j).

"Principal executive officer" of the county as referred to in I.C. 10-4-1-23(a) for purposes of declaring a local disaster emergency, and as referred to hereinafter, means the regularly designated president of the board of county commissioners, except if he is unavailable or incapacitated, and the board has a regularly designated president pro tem., then the president pro tem. shall be the principal executive officer. If the president is unavailable or incapacitated and there is no designated president pro tem., then the remaining two commissioners shall select among themselves one to be the principal executive officer in the same matter as when an ordinary business meeting needs to be conducted in the absence of the president. If both the president and another commissioner are absent or incapacitated, then the remaining commissioner shall be considered the principal executive officer. In the absence or incapacity of all county commissioners, the office of principal executive officer shall devolve upon first the county auditor, second, upon the county clerk, third, upon the county recorder, and fourth, the director.

The principal executive officer of the county selected by the above procedure, if not a member of the county commission, shall exercise all powers and fulfill all duties of the principal executive officer under I.C. 10-4-1-23(a) until such time as a county commissioner shall no longer be unavailable or incapacitated, at which time the county commissioner, or the regularly designated president of the board if he is no longer unavailable or incapacitated, shall assume all the powers and duties associated with the office of president of the board. The principal executive officer of the county selected by the above procedure, if a member of the county commission, shall exercise all powers and fulfill all duties of the principal executive officer under I.C. 10-4-1-23(a) until such time as the regularly designated president of the board shall no longer be unavailable or incapacitated, at which time the regularly designated president of the board shall resume all the powers and duties associated with his office.

"SEMA" means the State Emergency Management Agency established under I.C. 10-8-2-1.

"Technological disaster" means any incidents including, but not limited to, severe fire, explosions, hazardous material spills, radiological problems or other technological cause.

- B. **General Scope and Intent—Liberal Construction of Powers.** The general intent of this chapter is to provide for all necessary and indispensable powers and procedures reasonably needed to mitigate, prepare for, respond to and recover from emergency conditions. To this end all powers, both ministerial and discretionary, as conferred herein shall be liberally construed and shall be construed as intending to supplement and augment, and not to limit, any other powers or reasonable exercise of discretion which may ordinarily pertain to county officers, employees, department, and agencies.

- C. Limitation—Nonsuppression of Emergency Powers of County Sheriff. Nothing in this chapter is intended to supersede or delimit any statutory powers of the county sheriff to request assistance of the national guard under the circumstances delineated in I.C. 10-2-4-6 and 7.
- D. Limitations—Nonsuppression of Emergency Powers of Incorporated Municipalities—Conformance of Mutual Regulation with County Regulations. Nothing in this chapter is intended to supersede or delimit the powers of any incorporated municipality under I.C. 10-4-1-10 to adopt and implement emergency plans, and promulgate and enforce special emergency regulations and procedures in the advent of an actual emergency affecting such municipality. However, pursuant to I.C. 10-4-1-15, such regulations and procedures as promulgated by the municipal authorities may not be inconsistent with the Porter County emergency regulations and procedures as established in this chapter.

(Ord. 98-28 § 3)

2.56.040 County emergency management program—Organization and administration of department of emergency management.

- A. Porter County Emergency Management Advisory Council Established—Appointment and Terms of Members. In accordance with I.C. 10-4-1-10(d), there is established the Porter County emergency management advisory council which shall consist of the following persons or their designees:
 - 1. The president of the county executive.
 - 2. The president of the county fiscal body.
 - 3. The mayor of each city located in the county.
 - 4. An individual representing the legislative bodies of all towns located within the county.
 - 5. Representatives of such private and public agencies or organizations which can be of assistance to emergency management as the organizing group considers appropriate, or as may be added later by the county emergency management advisory council.
 - 6. One commander of a local civil air patrol unit in the county or the commander's designee.
- B. The advisory council shall have a chairman, a vice chairman, and a recording secretary. These officers shall be elected by the advisory council for one year terms.
- C. Duties of Emergency Management Advisory Council—As Established in I.C. 10-4-1-10(f).
 - 1. The Porter County emergency management advisory council shall exercise general supervision and control over the emergency management and disaster program of the county and shall select or cause to be selected, with the approval of the county executive, a county emergency management and disaster director who shall have direct responsibility for the organization, administration, and operation of the emergency management program in the county and shall be responsible to the chairman of the county emergency management advisory council. In addition, the Porter County emergency management advisory council shall have any specific responsibilities as set forth at I.C. 10-4-1 et seq.
 - 2. In addition, pursuant to I.C. 10-4-1-10(k) the Porter County emergency management advisory council shall prepare and distribute to all appropriate officials in written form, a clear and complete statement of the emergency responsibilities of all local agencies and officials of the disaster chain of command.
 - 3. The advisory council shall have the power to terminate, with the approval of the county executive, a county emergency management director, under the circumstances delineated in subsection (E)(2) of this section.
 - 4. The Porter County emergency management advisory council shall meet as needed to efficiently and effectively perform the designated duties of that advisory council as set forth at I.C. 10-4-1- et seq.; which meetings are to occur no less than on a quarterly basis.

5. Any and all meetings of the advisory council shall be open meetings and shall be posted in accordance with I.C. 5-14-1.5.
- D. Department of Emergency Management Established—Organization and Constituency of the Department.
1. There is established a department of emergency management within the executive branch of the county government for the purpose of utilizing to the fullest extent possible the personnel and facilities of existing county departments and agencies to prepare for and meet any disaster as defined in this chapter. The county commissioners and director of emergency management shall be responsible for its organization, administration and operation. The department shall consist of the following:
 - a. An executive head of the department of emergency management, who shall be known as the director of emergency management appointed in accordance with subsection (D)(2) of this section;
 - b. A deputy director, who shall be appointed by the director with the approval of the advisory council;
 - c. Emergency management volunteers, as deemed necessary and appointed by the director in accordance with subsection I of this section and in accordance with the plan;
 - d. The employees, equipment and facilities of all county departments and agencies suitable for, or adaptable to emergency management and designated by the plan to participate in emergency management activity;
 - e. Staff officers with responsibility for warning and communications, radiological, health, emergency care, police, fire and rescue, public works and public information in accordance with the plan; and
 - f. Such assistants, clerical help, and other employees as deemed necessary to the proper functioning of the department who may be appointed by the director in accordance with the plan.
 2. Notwithstanding any other provision of this chapter, no compensated position may be established within the department of emergency management nor any person appointed to such position without:
 - a. The authorization of the county council pursuant to I.C. 36-2-5-3(a); and
 - b. The making of sufficient appropriations to pay such compensation.
 3. The county council shall not have any power of approval over particular candidates for any position, but the county council shall have general statutory powers to determine the numbers of officers, deputies, and employees of county departments, classify positions, and adopt schedules of compensation.
 4. It is the intent of this section that emergency management and disaster assignments under the plan shall be as nearly consistent with normal duty assignments as possible.
- E. Director of Emergency Management—Appointment, Qualifications and Tenure.
1. The director of emergency management shall be appointed by the county emergency management advisory council with the approval of the county executive. The director of emergency management may be a full time or part time position, at the discretion of the Porter County board of commissioners. In addition, the director may hold another local, state or federal office if the Porter County board of commissioners determines that to be appropriate.
 2. The appointment of the director shall be permanent unless the advisory council, pursuant to subsection (C)(3) of this section, determines the director to be:
 - a. Incapable of fulfilling his duties due to physical or mental disability; or

- b. Unwilling to perform his duties as mandated below.
 3. The advisory council shall consult with the executive director of SEMA to obtain his/her opinion on the abilities and competence of the director prior to the advisory council's termination of the director under subsection (E)(2) of this section. The SEMA executive director's opinion hereunder shall be advisory only.
 4. Additional qualifications for director may be determined by the advisory council, with input from the county commissioners pursuant to I.C. 10-4-1-10(d).
- F. Director of Emergency Management—General Powers and Duties. The director, subject to the direction and control of the advisory council, shall be executive head of the department and shall have responsibility for the organization, administration and operation of the emergency management organization, including the following specific powers and duties:
1. Submitting to the advisory council and the county commissioners a yearly report on the county's comprehensive emergency management, including mitigation, preparedness, response and recovery taken in the previous year and planned and recommended for the year to come;
 2. Keeping the county commissioners fully informed on emergency management activities;
 3. Writing and implementing the plan, which shall conform to the guidelines contained in the most current state and federal guidance documents if the county wishes to receive state and/or federal matching funds;
 4. Assuring that all county employees and rostered volunteers with responsibilities as part of the plan receive training in the functions which they are to perform under the plan;
 5. Designing and conducting exercises of the plan, as required by SEMA;
 6. Assuring that the plan addresses all hazards and includes all cities, towns, and other population centers within the county;
 7. Updating the plan as needed to keep it current, as required by I.C. 10-4-1-10(j);
 8. Identifying and analyzing the effects of hazards that threaten the jurisdiction;
 9. Working closely with officers and employees of incorporated and unincorporated areas of the county to develop a hazard mitigation program to eliminate or reduce potential hazards;
 10. Inventorying manpower and material resources from governmental and private sector sources that would be available in a disaster or emergency;
 11. Identifying resource deficiencies and working with appropriate officials on measures to correct them;
 12. Developing an emergency operating center ("EOC") as a site from which key officials can direct and control operations during a disaster or emergency;
 13. Developing and maintaining emergency communications systems;
 14. Establishing a system to alert key officials in the event of a disaster or emergency;
 15. Developing continuity of government procedures and systems;
 16. Establishing and maintaining a shelter and reception and care system;
 17. Developing a training program for emergency response personnel;
 18. Developing a test and exercise program;
 19. Coordinating with industry to develop and maintain industrial emergency plans and capabilities in support of the plan;
 20. Making rapid and accurate assessment of:
 - a. Property damage,

- b. Personal injuries,
 - c. Fatalities,
 - d. Basic needs, and
 - e. Special needs;
21. Submitting to SEMA the assessment specified in subsection (F)(7) of this section in SEMA's required:
 - a. Format, and
 - b. Time frame for submission;
 22. Providing to the SEMA director annual reports and documentation as mandated by SEMA;
 23. Competently managing the department's various functions, including among others financial, personnel, and logistic;
 24. Timely responsiveness to the chairman of the advisory council, as mandated by I.C. 10-4-1-10(f);
 25. Timely obedience to the directives of superior state authorities;
 26. Assuring that the activities of the department at all times comport with I.C. 10-4-1 and other applicable statutes and county ordinances;
 27. Attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one year of first assuming the position of director;
 28. Attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years;
 29. Assuring the deputy director's attendance at, and passing grades in, the Emergency Management Professional Development Series for emergency management presented by the Public Safety Training Institute within one year of first assuming the position of deputy director;
 30. Assuring the deputy director's and all paid emergency management staff's attendance at, and passing grades in, such emergency management training as may be required by SEMA in subsequent years;
 31. Assuring ongoing attendance by the director, the deputy director and all paid emergency management staff at further emergency management courses presented by the Public Safety Training Institute to assure continued knowledge of the latest information on emergency management;
 32. responsibility for public relations, information and education regarding all phases of emergency management;
 33. Assuring coordination, within Porter County, of all activities for emergency management;
 34. Maintaining liaison and coordination with all other affected agencies, public and private;
 35. Coordination of the recruitment and training for volunteer personnel and agencies to augment the personnel and facilities of the county for emergency management purposes;
 36. Seeking, negotiating and entering into (with the approval or ratification of the commissioners and to the extent consistent with the State Emergency Operations Plan and program) mutual aid arrangements with other public and private agencies for emergency management purposes, and taking all steps in accordance with such arrangement to comply with or take advantage thereof in the event of an actual emergency affecting the parties;

37. Accepting any offer of the federal government to provide for the use of the county any services, equipment, supplies, materials, or funds for emergency management purposes by way of gift, grant or loan, when such offer has been approved by the Governor;
 38. Seeking and accepting from any person, firm or corporation, any gratuitous offers to provide services, equipment, supplies, materials, funds or licenses or privileges to use real estate or other premises, to the county for emergency management purposes;
 39. Issuing proper insignia and papers to emergency management workers and other people directly concerned with emergency management;
 40. Assuring that all volunteers meet the criteria set forth below at subsection (I)(1) of this section prior to accepting them as members of the department; and
 41. In addition to the powers and duties expressly provided above, the director shall be construed to have all powers and duties of a local emergency management director as provided under I.C. 10-4-1. In particular, but not by limitation, the director, through the department, may perform or cause to be performed with respect to the county, any function parallel or analogous to those performed on a statewide basis by SEMA under I.C. 10-4-1.
- G. Deputy Director—General Powers and Duties.
1. If a deputy director has been appointed pursuant to subsection (D)(1)(b) of this section, he shall during normal times, assist the director in the performance of his duties.
 2. During an emergency, the deputy director shall assist the director and shall fulfill the duties of the director in the absence or incapacity of the director to serve.
- H. Principal Executive Officer and Board of Commissioners—General Administrative Powers and Duties—Tests of Emergency Operations Plan.
1. In time of normal county operations, powers and duties of the principal executive officer pertaining to emergency management shall be:
 - a. Seeking the advice and input of the director as to the advisability of declaring a local disaster emergency; and
 - b. Declaring, pursuant to I.C. 10-4-1-23-(a), a local disaster emergency.
 2. In time of normal county operation, powers and duties of the county commissioners pertaining to emergency management shall be;
 - a. Maintaining general supervision over the planning and administration for the department;
 - b. Adoption of the plan;
 - c. Coordinating emergency management activities consistent with the plan;
 - d. Making assignments of county personnel to emergency management activities consistent with the plan;
 - e. Making assignments of county personnel to emergency management duties in order to meet situations not covered in the normal duties and powers of such agencies consistent with the plan;
 - f. Taking all necessary action in coordination with the department to conduct tests of the plan; and
 - g. Educating themselves as to their responsibilities under the plan.
 3. Emergency management tests may be conducted at any time with or without prior notification to persons other than the director. All emergency tests conducted within the boundaries of Porter County shall be coordinated with the department.
- I. Qualifications and Appointment of Emergency Management Volunteers.

1. The director shall assure that all volunteer personnel meet the following qualifications before being placed on the roster as a member of the department:
 - a. Be at least eighteen (18) years of age or older;
 - b. Not be convicted of a felony; and
 - c. Have completed and have on file with the department an application form.
 2. Upon satisfaction of the above requirements and formal entry upon the department's roster of volunteers, the applicant is officially a member of the Porter County department of emergency management.
- J. Departmental Budgeting and Finance.
1. The advisory council shall advise the director in the preparation of the budget.
 2. The county council shall appropriate such funds as it may deem necessary for the purpose of emergency management.
 3. All funds appropriated or otherwise available to the department of emergency management shall be administered by the director.
- K. Emergency Operations Plan—Formulation, Content and Adoption of Plan.
1. A Porter County emergency operations plan shall be adopted by resolution of the Porter County commissioners. In the preparation of this plan, as it pertains to county organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible.
 2. The plan shall have, at minimum, the following contents:
 - a. Basic Plan—To include:
 - i. Purpose;
 - ii. Situation/assumptions;
 - iii. Concept of operations;
 - iv. Assignment of responsibilities;
 - v. Direction and control;
 - vi. Continuity of government;
 - vii. Administration and logistics; and
 - viii. Execution.
 - b. Annexes—to include:
 - i. Direction and control (warning and communications);
 - ii. Radiological protection;
 - iii. Law enforcement;
 - iv. Fire and rescue;
 - v. Health and medical;
 - vi. Hazardous materials response for SARA Title III releases (to be drafted by the local emergency planning committee, pursuant to I.C. 13-7-37-12);
 - vii. Hazardous materials response for non-SARA Title III releases;
 - viii. Welfare and human services;
 - ix. Shelter;

- x. Evacuation;
 - xi. Public works; and
 - xii. Resource and Supply.
3. In addition, all emergency services within the county shall:
- a. If they develop internal plans, assure that those plans are drafted subject to the requirements of the plan;
 - b. Coordinate internal plans with the department of emergency management;
 - c. Assure inclusion of internal plans within the county plan;
 - d. Perform the functions and duties assigned by the county plan; and
 - e. Maintain their portion of the plan in a current state of readiness at all times.
- L. Countywide Jurisdiction of Department of Emergency Management, County Emergency Operations Plan and Related Official Powers.
- 1. Except as provided by [Section 2.56.030\(C\)](#) and [Section 2.56.030\(D\)](#) of this chapter, the jurisdiction of the county department of emergency management shall be:
 - a. Comprehensive and inclusive county wide; and
 - b. Effective in both the incorporated and unincorporated areas of the county.
 - 2. The jurisdiction and applicability of the county's comprehensive emergency management and disaster plan as adopted pursuant to subsection L of this section, and the exercise of any powers of the principal executive officer of the county and the county commissioners under [Section 2.56.050](#), shall be:
 - a. Comprehensive and inclusive county wide; and
 - b. Effective in both the incorporated and unincorporated areas of the county.
 - 3. All incorporated areas of the county shall:
 - a. If they develop internal plans, assure that those plans are drafted subject to the requirement of the plan;
 - b. Coordinate internal plans with the department of emergency management;
 - c. Assure inclusion of internal plans within the county plan;
 - d. Perform the functions and duties assigned by the county plan; and
 - e. Maintain their portion of the plan in a current state of readiness at all times.

(Ord. 98-28 § 4)

2.56.050 County emergency management program—Emergency powers, regulations and procedures.

- A. Applicability of Chapter. This section shall apply whenever:
- 1. A state of emergency affecting all or part of the county has been declared by the Governor pursuant to I.C. 10-4-1-7;
 - 2. A state of emergency affecting all or part of the county has been declared by the Principal Executive Officer of the County pursuant to I.C. 10-4-1-23(a) and subsection C of this section;
 - 3. A presumptive state of emergency is deemed to exist affecting all or part of the county causing the director to invoke and implement emergency plans and procedures in accordance with subsection H of this section; or

4. When the board of commissioners has implemented a test of the county's emergency plan and procedures in accordance with and to the extent necessary or dispensable to such test.
- B. Responsibilities of Department of Emergency Management Prior to Declaration of Local Disaster Emergency. The department of emergency management shall have the following responsibilities prior to declaration of a disaster:
1. The warning function as prescribed in the portion of the plan;
 2. Assuring proper functioning of emergency communications throughout the county, including all cities and towns, as prescribed in the communications portion of the plan; and
 3. Assuring that mitigation, training and exercising have been performed.
- C. Special Emergency Powers and Duties of Principal Executive Officer—Declaration of Local Disaster Emergency.
1. In the event of actual or threatened enemy attack or disaster affecting the county, the principal executive officer of the county may declare a local disaster emergency, pursuant to I.C. 10-4-2-3(a) for any period, not to exceed seven days.
 2. The declaration shall:
 - a. Be in writing;
 - b. Indicate the nature of the disaster;
 - c. Indicate the conditions which have brought the disaster about;
 - d. Indicate the area or areas threatened;
 - e. Indicate the area or areas to which the state of emergency applies (which may include the entire county or only designated parts thereof); and
 - f. Be announced or disseminated to the general public by the best means available.
 3. The declaration shall be filed in the offices of:
 - a. The county clerk;
 - b. The county auditor; and
 - c. The clerk of any incorporated municipality included in the declared disaster area.
 4. 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.
 5. Upon a declaration, the county's comprehensive emergency management and disaster control plan which has been adopted pursuant to [Section 2.56.040\(L\)](#) or such several component parts thereof as may be relevant to the emergency shall be:
 - a. Activated; and
 - b. Implemented.
 6. Such a declaration shall not be necessary if the Governor, pursuant to I.C. 10-4-1-7, has already proclaimed a statewide or area wide state of emergency including the county.
- D. Special Emergency Powers and Duties of Principal Executive Officer—Convention of Emergency Meeting of Board of Commissioners—Special Meeting Procedures.
1. As soon as possible after a disaster emergency affecting the county is declared either by the Governor or by the principal executive officer of the county, the principal executive officer of the county shall convene a meeting of the county commissioners to perform their legislative and administrative functions as the situation may demand.
 2. If the principal executive officer fails or is unable to convene a meeting as mandated above, the meeting shall be convened in accordance with I.C. 36-2-2-3(A).

3. Any such meeting of the commissioners shall:
 - a. Be deemed an emergency meeting;
 - b. Be subject only to such procedural provisions of law as govern emergency meetings of county commissioners;
 - c. Include relaxation of any applicable notice requirements pursuant to I.C. 5-14-1.5-5(d);
 - d. Be held in any convenient and available place;
 - e. Continue without adjournment for the duration of the disaster emergency; and
 - f. Be recessed for reasonable periods of time as necessary and permitted by the circumstances.
- E. Special Emergency Powers and Duties of Principal Executive Officer—Plenipotentiary Powers in Absence of Board Quorum.
 1. In the event that a quorum of the board of commissioners cannot be assembled for purposes of the meeting required under subsection D of this section, the principal executive officer of the county shall:
 - a. Be considered a plenipotentiary representative of the board;
 - b. Have all powers of the full board; and
 - c. Take all actions of the full board.
 2. When a quorum is assembled, such plenipotentiary powers shall cease.
- F. Special Emergency Powers and Duties of Board of Commissioners.
 1. At the meeting convened under subsection D of this section, the commissioners may exercise any of their normal executive and legislative powers to the extent related to the emergency and necessary to deal therewith.
 2. In addition to the powers enumerated in subsection (F)(1) of this section, the board may also exercise any of the following special and extraordinary powers:
 - a. The commissioners may extend the period of a state of emergency declared by the chief executive officer pursuant to subsection C of this section, to last more than seven days if necessary.
 - b. The commissioners may terminate the state of emergency, except for a state of emergency declared by the Governor.
 - c. The commissioners may assemble and utilize emergency management forces, including:
 - i. Personnel of the department of emergency management;
 - ii. Participating emergency services; and
 - iii. Any other forces at the disposal of the commissioners hereunder for emergency management purposes.
 - d. The commissioners may order volunteer forces which have been activated pursuant to the plan to the aid of the county, state or political subdivisions thereof as soon as practicable. These volunteer forces shall be under the direction of the department of emergency management.
 - e. In order to control the local disaster emergency and provide for public health, safety and welfare, the commissioners may, to the extent permitted by I.C. 10-41-25 and subject to its provisions, command services and/or requisition the use of:
 - i. Equipment;
 - ii. Facilities;

- iii. Supplies; or
 - iv. Other property.
- f. The commissioners may order the evacuation of all or part of the population from stricken areas of the county, and prescribe:
- i. Routes;
 - ii. Modes of transportation; and
 - iii. Evacuation destinations.
- g. The commissioners may make provision for availability and use of temporary emergency housing, which housing need not necessarily comply with any minimum housing standards, building or zoning regulations, etc., which would govern the use and location of premises for housing purposes during normal times.
- h. The commissioners may suspend, for the duration of the state of emergency (or for a lesser period as they determine), any provisions of or procedures prescribed by ordinances of the county if they:
- i. Would be impractical during the emergency;
 - ii. Would interfere with the implementation and carrying out of emergency plans; or
 - iii. Would be inimical to actions necessary to protect the public safety and welfare.
- i. Except in accordance with subsection (F)(2)(m) of this section the commissioners shall not suspend any provisions of ordinances or procedures which are mandated by statute.
- j. In the event of enemy attack, or when the state of emergency has been proclaimed by the Governor, the commissioners, in accordance with I.C. 10-4-1-10(j)(5), may waive any procedures or requirements of statute, or of county ordinances reflecting statutory requirements and mandates, and pertaining to:
- i. The appropriation and expenditure of public funds;
 - ii. The incurring of obligations;
 - iii. The performance of public works;
 - iv. The entering into contracts;
 - v. The employment of workers whose employment may be either:
 - (A) Permanent, or
 - (B) Temporary;
 - vi. The utilization of volunteer workers;
 - vii. The rental of equipment;
 - viii. The purchase and distribution of:
 - (A) Supplies,
 - (B) Materials, and
 - (C) Facilities;
- k. The commissioners may assign any special emergency duties and functions to county:
- (i) Offices;
 - (ii) Departments; and
 - (iii) Agencies.

- H. General Duties of Officers and Employees of Incorporated and Unincorporated Areas of the County During Emergency. During a declared emergency, all officers and employees of incorporated and unincorporated areas of the county shall:
1. Cooperate with and give active support to:
 - a. The county commissioners; and
 - b. The county emergency management director.
 2. Comply with all orders issued pursuant to this chapter by:
 - a. The commissioners; and
 - b. The county emergency management director.
- I. Priority of Emergency Orders, Rules and Regulations. At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing inconsistent:
1. Ordinances;
 2. Orders;
 3. Rules; and
 4. Regulations.
- J. Noncompliance with Emergency Orders, Rules and Regulations—Obstruction or Impersonation of Emergency Management Authorities—Penalties and Enforcement.
1. Whenever this chapter applies it is unlawful and a penal ordinance violation for any person to:
 - a. Wilfully obstruct, hinder or delay the commissioners, the director of emergency management, participating emergency services, authorized emergency management volunteers or other authorities from implementing, carrying out and enforcing emergency plans and procedures;
 - b. 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
 - c. Falsely wear or carry identification as a member of the county department of emergency management or to otherwise falsely identify or purport to be a county emergency management authority.
 2. Any person who commits an offense as described above shall be liable to a fine of two thousand five hundred dollars (\$2,500.00); such fine to be subject, however, to the discretion of the court of jurisdiction.
 3. Any regular or reserve police officer of the state of Indiana or any of its political subdivisions is hereby empowered to issue and serve a civil citation against any person found to be committing an offense described above.
- K. Limitation of Liability During State of Emergency or Emergency or Emergency Management Tests. During an emergency management test or declared emergency, the following shall be immune from liability, to the extent provided by I.C. 10-4-1 and any other applicable law:
1. The county;
 2. Its assigned personnel;
 3. Participating emergency services; and
 4. Rostered volunteers.

L. Reimbursement for Use of Property Commandeered During Emergency. Owners of property commandeered for the use in any emergency by any county official shall be reimbursed for its use by the county as the county council shall approve with regard to:

1. Manner of compensation; and
2. Amount of compensation.

(Ord. 98-28 § 5)

Chapter 2.58 CLAIMS PAYMENT IN ADVANCE OF BOARD ALLOWANCE

Sections:

[2.58.010 Designation of categories.](#)

2.58.010 Designation of categories.

The following categories are designated for pre-approved or pre-payment procedures pursuant to IC 36-2-6-4.5:

1. Property or services purchased or leased from the US Government, its agencies, or political subdivisions;
2. License or permit fees;
3. Insurance premiums;
4. Utility payments or utility connection charges;
5. General grant programs where advanced funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced;
6. Grants of state funds authorized by statute;
7. Maintenance or service agreements;
8. Leases or rental agreements;
9. Bond or coupon payments;
10. Payroll;
11. State or federal taxes; and
12. Expenses that must be paid because of emergency circumstances.

Pursuant to IC 36-2-6-4.5(c) each payment of expenses under this ordinance must be supported by a fully itemized invoice or bill and certification by the county auditor.

Pursuant to IC 36-2-6-4.5(d) the county executive or the county board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the pre-approval payment of the expense.

Pursuant to IC 36-2-6-4.5(e) a payment of expenses under this ordinance must be published in the manner provided pursuant to IC 36-2-6-3.

(Ord. 01-17 § 1)

Chapter 2.60 PORTER COUNTY MUSEUM ADVISORY PANEL

Sections:

[2.60.010 Established.](#)

[2.60.020 Purpose of advisory panel.](#)

[2.60.030 Membership.](#)

[2.60.040 Meetings.](#)

[2.60.050 Responsibilities.](#)

[2.60.060 Serve at the pleasure of the board of commissioners.](#)

2.60.010 Established.

A Porter County Museum Advisory Panel is established to serve the Board of Commissioners of Porter County regarding the management and operation of the Porter County Museum.

(Ord. 08-06 § 1)

(Ord. No. 10-04, § 1, 3-16-2010)

2.60.020 Purpose of advisory panel.

The Porter County Museum Advisory Panel will be created for the sole purpose of providing the Porter County Board of Commissioners with an advisory opinion on matters that have been specifically referred to them by the Porter County Board of Commissioners regarding all matters of the Porter County Museum and which are needed in order to maintain an effective and efficient operation of the Porter County Museum.

In addition, the Porter County Museum Advisory Panel will submit recommendations and reports in conjunction with the executive director to assure the preservation, restoration and presentation of the Porter County Museum and its contents.

(Ord. 08-06 § 2)

(Ord. No. 10-04, § 2, 3-16-2010)

2.60.030 Membership.

The Porter County Museum Advisory Panel will consist of eleven (11) members who will be appointed bi-annually by the Porter County Board of Commissioners as follows:

- A. The executive director of the Porter County Museum;
- B. One representative from the Porter County Museum Foundation Board of Trustees;
- C. One representative from the Historical Society of Porter County Board of Directors;
- D. One representative from the Memorial Opera House;
- E. One representative from PCCRVC;
- F. One representative from the Porter County Council;
- G. One representative from the Porter County Clerk's office;
- H. A progressive historian;

- I. Three citizen appointments; one to be appointed by the commissioner from the south district; one appointed by the commissioner from the center district; and one appointed by the commissioner from the north district.

(Ord. 08-06 § 3)

(Ord. No. 10-04, § 3, 3-16-2010)

2.60.040 Meetings.

The Porter County Museum Advisory Panel will meet once every four months. Additional meetings may be called at the discretion of the executive director of the Porter County Museum, by a majority of the panel, or at the request of the Porter County Board of Commissioners.

(Ord. 08-06 § 4)

(Ord. No. 10-04, § 4, 3-16-2010)

2.60.050 Responsibilities.

The Porter County Museum Advisory Panel shall be officially established for the sole function and purpose of advising the Porter County Board of Commissioners on issues affecting the Porter County Museum and the preservation, presentation and restoration of its contents and preservation of the interior and exterior of the building.

(Ord. 08-06 § 5)

(Ord. No. 10-04, § 5, 3-16-2010)

2.60.060 Serve at the pleasure of the board of commissioners.

The Porter County Museum Advisory Panel will serve at the pleasure of the Porter County Board of Commissioners for the sole purpose of making recommendations to the Porter County Board of Commissioners and the executive director as to the functions and duties enumerated in this chapter. The Porter County Museum Advisory Panel may be dissolved at any time by the Porter County Board of Commissioners.

(Ord. 08-06 § 6)

(Ord. No. 10-04, § 6, 3-16-2010)

Chapter 2.62 PORTER COUNTY REDEVELOPMENT COMMISSION [\[1\]](#)

Sections:

[2.62.010 Established.](#)

[2.62.020 Purpose and duties.](#)

[2.62.030 Membership.](#)

[2.62.040 Meetings.](#)

[2.62.050 Repeal of other ordinances.](#)

2.62.010 Established.

Pursuant to I.C. Code 36-7-14-3 the Porter County board of commissioners hereby establishes a Porter County department of redevelopment for the purposes and to exercise the powers in which are set forth in the state code and otherwise granted by law as it relates to redevelopment in the unincorporated areas of Porter County.

The department of redevelopment of Porter County, Indiana shall be controlled by a board of five members to be known as the Porter County redevelopment commission.

(Ord. No. 12-19, § 1, 6-19-2012)

2.62.020 Purpose and duties.

The purpose of the creation of the Porter County department of redevelopment and the Porter County redevelopment commission is to promote the public purpose set forth at I.C. 36-7-14 and I.C. 36-7-25 in the unincorporated area of Porter County.

(Ord. No. 12-19, § 2, 6-19-2012)

2.62.030 Membership.

The Porter County department of redevelopment will be controlled by a board of five members to be known as the Porter County redevelopment commission. Three members shall be appointed by the Porter County board of commissioners; one shall be the president of the board of commissioners or his/her designee and two citizen appointments. And two members from the Porter County council; one member shall be the president of the council or his/her designee and one citizen member.

If a designee is appointed in lieu of a president of the board of commissioners or council, a specific individual shall be appointed without proxy or substituted attendance and serve as the identified member of the commission for the term of the appointment unless a vacancy occurs or until a successor is appointed in accord with I.C. 37-7-14-7.

The citizen appointees must be individuals who reside in Porter County and who do not otherwise hold elected office in the county.

In addition, the Porter County board of commissioners shall appoint one advisory member from the board of school corporations whose boundaries extend into the unincorporated areas of Porter County.

(Ord. No. 12-19, § 3, 6-19-2012; Ord. No. 13-01, § 1, 3-5-2013)

2.62.040 Meetings.

The Porter County redevelopment commission shall meet once every month or as otherwise needed to fulfill the purposes of the act.

(Ord. No. 12-19, § 4, 6-19-2012)

2.62.050 Repeal of other ordinances.

Through the passage of Ordinance 13-01, Ordinance 09-02 and Ordinance 10-03 are hereby repealed in their entirety.

(Ord. No. 13-01, § 2, 3-5-2013)

Editor's note—

Ord. No. 13-01, [§ 2](#), adopted March 5, 2013, set out provisions adding [§ 2.62.040](#). To preserve the existing [§ 2.62.040](#), and at the editor's discretion, these provisions have been included as [§ 2.62.050](#)

FOOTNOTE(S):

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Editor's note— Ord. No. 12-19, §§ 1—4, adopted June 19, 2012, repealed the former Ch. 2.62, §§ 2.62.010—2.62.050, and enacted a new Ch. 2.62 as set out herein. The former Ch. 2.62 pertained to the Advisory Porter County Redevelopment Commission, and derived from Ord. No. 09-02, 2-17-2009; Ord. No. 10-03, 3-16-2010. ([Back](#))