

DECLARATION BY THE BOARD OF COMMISSIONERS OF HAMILTON
COUNTY DECLARING AN EMERGENCY CAUSED BY DROUGHT AND
PROHIBITING OPEN BURNING AND THE USE OF FIREWORKS

WHEREAS, the General Assembly of the State of Indiana has passed the Emergency Management and Disaster Law which is codified at Indiana Code 10-14-3-1 (“the Disaster Law”); and,

WHEREAS, the term “disaster” is defined to include drought under Indiana Code 10-14-3-1(b)(12); and,

WHEREAS, Hamilton County is a political subdivision whose executive is the Board of Commissioners pursuant to Indiana Code 10-14-3-7; and,

WHEREAS, Indiana Code 10-14-3-7(a), authorizes the executive of a political subdivision to take actions to protect, prevent, or mitigate where possible, and to preserve the lives and property of the people of the State; and,

WHEREAS, the prolonged lack of rain and excessive heat within Hamilton County, has produced drought conditions within Hamilton County, which have resulted in all plant life, buildings, structures, and other property within Hamilton County being extremely susceptible to igniting from sources of heat which have been traditionally acceptable by the County, such as camp fires, open flames, and fireworks; and,

WHEREAS, Indiana Code 10-14-3-8, establishes the only exceptions to the powers granted to a political subdivision during a declared disaster.

Therefore, the Board of Commissioners of Hamilton County, pursuant to the Disaster Law, proclaim as follows:

1. At the time of this Declaration, an emergency disaster exists within Hamilton County because of the drought conditions.
2. In order, to the extent possible, to protect the lives and property of the people of Hamilton County, I order that the following acts are prohibited within the Hamilton County:
 - a. No person shall cause, permit, or allow open burning on any property located within the County.
 - b. No person shall discharge or cause to be discharged any fireworks as defined in Indiana Code 22-11-14.
 - c. No person shall discharge or cause to be discharged into the air or ground at any location within the County, any device or mechanism which has an open flame attached or included as any part of the device.

3. This Declaration shall not prohibit a public fireworks display which is:
 - a. Sponsored, endorsed, and permitted by the County.
 - b. The Fire Chief of the municipality determines the municipality has adequate firemen, adequate fire trucks, and other equipment at the site of the fireworks display to immediately suppress any fire resulting from the fireworks.
 - c. Approved by the Fire Chief of the municipality.
4. Pursuant to Indiana Code 10-14-3-24, all law enforcement officers of the State of Indiana and the political subdivisions within the State may enforce the terms and conditions of this Declaration.
5. Pursuant to Indiana Code 10-14-3-34, any person who knowingly, intentionally, or recklessly violates this Declaration commits a Class B Misdemeanor and may be fined and/or imprisoned pursuant to law.
6. This Declaration shall remain in full force and effect for seven (7) calendar days from the date of this Declaration, unless extended by the Board of Commissioners at a public meeting.

ALL OF WHICH IS DECLARED by the Board of Commissioners of Hamilton County, this ____ day of June, 2012, at ____ .m.

BOARD OF COMMISSIONERS OF
HAMILTON COUNTY, INDIANA

Steven A. Holt

Christine Altman

Steven C. Dillinger