

CITY OF BEECH GROVE
STATE OF INDIANA
EXECUTIVE ORDER NO. 1, 2012

PROCLAMATION OF LOCAL DISASTER EMERGENCY

WHEREAS, the City of Beech Grove has experienced severe drought conditions that pose an imminent threat of widespread and severe damage, injury or loss of life or property and a significant shortage of precipitation has created a severe and imminent fire danger throughout the City of Beech Grove; and

WHEREAS, Executive Order No. 1, 2012, issued on June 30, 2012, prohibits open burning at any time and in any place within the City of Beech Grove; and

WHEREAS, on June 23, 2012, Robert Cheshire, Chief of the Beech Grove Fire Department, issued an order temporarily prohibiting open burning at any time by any person in any place in the fire special service district in City of Beech Grove and such other territories where the Beech Grove Fire Department provides fire protection services as provided by law; and

WHEREAS, the City Of Beech Grove is authorized to regulate conduct, or use or possession of property, that might endanger the public health, safety, or welfare pursuant to Ind. Code § 36-8-2-4;

WHEREAS, in the event of a disaster, as that term is defined by Ind. Code § 10-14-1, state law permits the principal executive officer of a political subdivision to declare a local disaster emergency to acquire authority to take extraordinary actions to protect the public; and

WHEREAS, as a result of the recent and widespread drought conditions throughout the City of Beech Grove, it is imperative that emergency management, fire and law enforcement, and other government officials be empowered with the authority to take all appropriate measures to ensure that the health, safety and welfare of the public is maintained;

NOW, THEREFORE, by virtue of the authority vested in me as the Mayor of the City of Beech Grove, it is hereby ordered as follows:

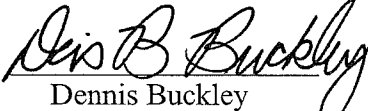
1. A state or local disaster emergency exists in the City of Beech Grove. This proclamation constitutes a declaration of a local disaster emergency under Ind. Code § 10-14-3-29.
2. To preserve and protect the public safety, public order, and property, it shall be unlawful for any person to use, ignite, or discharge any fireworks or consumer fireworks, as defined by Ind. Code § 22-11-14-1, at any place and at any time in the City of Beech Grove until 9:00 a.m. EDT on July 7, 2012.
3. To preserve and protect the public safety, public order, and property, emergency management officials and all law, fire, and code enforcement officers of the City of Beech Grove are hereby authorized and directed to use vigilance in enforcing the

provisions of this Executive Order No. 1, 2012 until such time as it shall be rescinded.

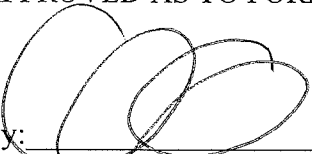
4. Any person found to violate this Executive Order No. 1, 2012 may be subject to criminal prosecution as well as civil fines and penalties not to exceed Twenty-Five Hundred Dollars (\$2,500.00).
5. Emergency management officials of the City of Beech Grove are hereby authorized to take appropriate steps necessary to apply for State and Federal assistance as prescribed in Title 10 of the Indiana Code and the Federal Robert T. Stafford Act should such assistance be necessary as the result of severe damage, injury or loss of life or property associated with severe drought conditions.
6. The use of professional fireworks, as defined by Ind. Code § 22-11-14 and with a valid permit issued by the Indiana Department of Homeland Security or the Indiana State Fire Marshal are exempted from this proclamation.
7. This proclamation shall take effect immediately and continue with full force and effect of law for seven (7) days, unless terminated earlier by proclamation. This proclamation may be continued or renewed with the consent of the City Council.
8. Pursuant to Ind. Code § 10-14-3-29(a)(2), the Beech Grove City Attorney shall ensure that this Proclamation of Local Disaster Emergency is given prompt and general publicity and is filed promptly in the office of the Marion County Circuit Court Clerk.

DATED this 30th day of June, 2012 at 5:00 p.m. EDT.

CITY OF BEECH GROVE

By: 
Dennis Buckley
Mayor, City of Beech Grove

APPROVED AS TO FORM AND LEGALIT

By: 
Craig W. Wiley
City Attorney
Beech Grove, Indiana

FILED
JUL 02 2012
1
Charolyn A. Wiley
CLERK OF THE MARION CIRCUIT COURT