

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2021-06**

**AN ORDINANCE AMENDING THE TOWN CODE TO ESTABLISH A
POLICY CONCERNING EMERGENCY EXECUTIVE ORDERS**

WHEREAS, Section 32.01, *et. seq.* of the Whiteland Town Code addresses matters related to the Whiteland Town Council (the “Council”);

WHEREAS, the Council desires to establish certain policies concerning the use of Emergency Executive Orders;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

Section 1. The Whiteland Town Code is hereby amended to add Section 32.04 to read as follows:

§ 32.04 EMERGENCY EXECUTIVE ORDERS.

It shall be the policy of the Town of Whiteland that Emergency Executive Orders shall be orders of last resort, only to be used when it is impossible for the Town Council to effectively exercise the legislative powers granted to it as the duly elected governing body of the Town. Any Emergency Executive Order issued by the Executive of the Town of Whiteland is subject to the following limitations and requirements:

- (A) At the time the Town Executive issues any Emergency Executive Order, he or she shall immediately notify all members of the Town Council of the issuance of the order and the basis for its issuance.
- (B) Issuance of any Emergency Executive Order lasting longer than 7 days shall require the Town Executive to call a special meeting of the Whiteland Town Council to be held within 7 days of the issuance of the Order.
- (C) No Emergency Executive Order may remain in effect for more than 7 days unless ratified by a majority of the Town Council at a special or regular meeting.
- (D) The provisions of subsection (B) of this section are not applicable if a special meeting is impossible due to the inability of a quorum of the Town Council to be in attendance at the special meeting. In the event of such an impossibility, the Emergency Executive Order must be considered by the Town Council at its next meeting.
- (E) No Emergency Executive Order may purport to create a new criminal offense. Violations of valid Emergency Executive Orders shall be treated solely as violations subject to the penalty provided under section 10.99 of the Whiteland Town Code.

- (F) Enforcement of violations of Emergency Executive Orders of the Town of Whiteland shall be solely through the civil enforcement mechanisms provided under Section 10.99 of the Whiteland Town Code.
- (G) No Emergency Executive Order may be renewed in any substantially similar form absent the previous ratification of the Emergency Executive Order pursuant to subsection (C) of this section, unless the impossibility provision of subsection (D) of this section applies.
- (H) Any ratification by the Town Council of an Emergency Executive Order must include a fixed expiration date for the Emergency Executive Order. Any renewal of an Emergency Executive Order beyond the date fixed in the ratification shall require the Town Executive to call a special meeting of the Whiteland Town Council pursuant to subsection (B) of this section.

Section 2. The provisions of all other ordinances or resolutions in conflict with the provisions of this ordinance are of no further force or effect.

Section 3. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

Section 4. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10.

[Remainder of Page Intentionally Left Blank]

PASSED through first reading by the Town Council on the 13 day of April, 2021, by a vote of 4 in favor and 0 against. 1 abstain

DULY PASSED AND FINALLY ADOPTED on second reading on the 11 day of May, 2021, by a vote of 4 in favor and 0 against. 1 abstain

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Joseph Sayler, President

Voting In Favor

Voting Opposed



Joseph Sayler, President

Joseph Sayler, President



Laura Fleury, Vice President

Laura Fleury, Vice President

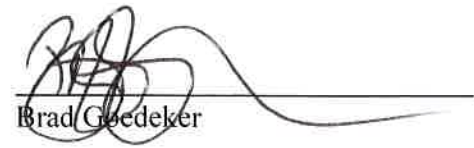
David Hawkins

David Hawkins



Scot Ford


Scot Ford



Brad Goedecker

Brad Goedecker

Attest:



Debra L. Hendrickson, Clerk-Treasurer

