



BOARD OF SUPERVISORS

COURTHOUSE

SIDNEY, IOWA 51652


TELEPHONE (712) 374-2415

March 18, 2019

MEMORANDUM FOR ALCON (All Concerned), Fremont County, Iowa

RE: Resolution 2019-17; Fines for Violations of Mandatory Evacuation and Curfew Provisions

1. On March 18, 2019, the Fremont County Board of Supervisors enacted Resolution 2019-17 authorizing the Chairman of the Board of Supervisors to issue Orders of Mandatory Evacuation and Orders of Mandatory Curfew for any part of unincorporated Fremont County as deemed advisable and necessary to protect or preserve life or property or as necessary to assist in disaster mitigation, response, or recovery.
2. Resolution 2019-17 also proclaimed that a violation an Order of Mandatory Evacuation or Order of Mandatory Curfew, may result in a county infraction, punishable by civil penalties in the amount of Seven Hundred Fifty Dollars (\$750.00) for the first offense and One Thousand Dollars (\$1,000.00) for a second or subsequent offense.
3. Any person other than authorized law enforcement, emergency management personnel, and other necessary government officials and those individuals authorized and/or directed by law enforcement, emergency management personnel, and other authorized government officials entering into a mandatory evacuation area may be found in violation and thereby susceptible to the above-mentioned civil penalties. Take due notice thereof and govern yourself accordingly.



Terry Graham, Chairman
Fremont County Board of Supervisors

RESOLUTION #2019-17
RESOLUTION PROCLAIMING A COMPREHENSIVE SCHEDULE OF CIVIL
PENALTIES FOR VIOLATIONS OF MANDATORY EVACUATION AND
MANDATORY CURFEW PROVISIONS

WHEREAS, Fremont County, Iowa, including both incorporated and unincorporated areas thereof, is currently experiencing flooding of historic proportions; and

WHEREAS, the Governor of Iowa has proclaimed a state of disaster emergency in Fremont County due to said flooding and related consequences therefrom;

WHEREAS, Fremont County may, pursuant to its home rule authority, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges and property of the county and/or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents; and

WHEREAS, the Fremont County Board of Supervisors has determined that it is necessary to order the mandatory evacuation of, and order mandatory curfews for, certain areas of unincorporated Fremont County in order to protect or preserve life and property; to assist in disaster mitigation, response, and recovery; and to generally preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

NOW, THEREFORE BE IT RESOLVED by the Fremont County Board of Supervisors that due to the current flooding in Fremont County, Iowa, where there is proclaimed to be a civil emergency, in which the Chairman of the Board of Supervisors has responded, and may further respond, by issuing Orders of Mandatory Evacuation for any part of unincorporated Fremont County the Chairman deems advisable as necessary to protect or preserve life and property; to assist in disaster mitigation, response, and recovery, this order shall be made in writing and communicated in such a manner as to reasonably apprise the affected residents and the general public of the specific location of the areas to be evacuated and shall indicate the date and time by which the said areas shall be evacuated; and

BE IT FURTHER RESOLVED that ingress and egress to and from an area subject to an Order of Mandatory Evacuation shall be limited to authorized law enforcement, emergency management personnel, and other authorized government officials; and

BE IT FURTHER RESOLVED that the Chairman of the Board of Supervisors, may issue an Order of Mandatory Curfew for any part of unincorporated Fremont County the Chairman deems advisable as necessary to protect or preserve life and property; to assist in disaster mitigation, response, and recovery; or as necessary to otherwise carry out the purposes of this ordinance; and

BE IT FURTHER RESOLVED that any such Order of Mandatory Curfew shall be in writing, communicated in such a manner as to reasonably apprise the affected residents and the general public of the specific times and locations of the curfew, and shall indicate the date and times in which said curfew shall be in effect; and

BE IT FURTHER RESOLVED that exemptions to the curfew order shall be limited to authorized law enforcement, emergency management personnel, and other necessary government officials and those individuals authorized and/or directed by law enforcement, emergency management personnel, and other authorized government officials; and

BE IT FURTHER RESOLVED that it shall be the duty of the County Sheriff to administer and enforce this resolution in accordance with its provisions; and

BE IT FURTHER RESOLVED that the penalties for violating the provisions of this resolution shall be as set forth hereinafter:

WHEREAS, the Fremont County Board of Supervisors met on March 18, 2019, to consider and approve said Schedule of Civil Penalties.

NOW, THEREFORE, BE IT RESOLVED BY THE FREMONT COUNTY BOARD OF SUPERVISORS

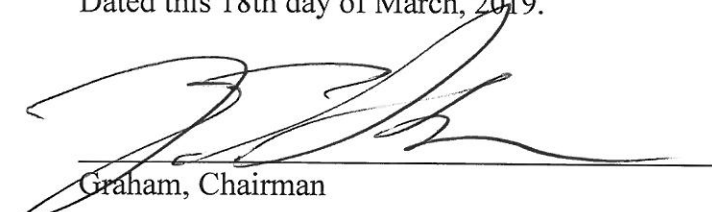



The Fremont County Board of Supervisors hereby adopt the following Schedule of Civil Penalties:

Civil Penalties Authorized for Violation of Mandatory Evacuation Order or Order for Mandatory Curfew

A violation of an Order for Mandatory Evacuation, or an Order for Mandatory Curfew, may result in a county infraction, punishable by civil penalties in the amount of Seven Hundred Fifty Dollars (\$750.00) for the first offense and One Thousand Dollars (\$1,000.00) for a second or subsequent offense.

Said Resolution becomes effective upon passage, approval and publication as provided by law.

Dated this 18th day of March, 2019.

	ROLL	CALL	VOTE	
	AYE	NAY	ABSTAIN	ABSENT
 _____ Graham, Chairman	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
 _____ Hickey	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
 _____ Sheldon	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attest:  _____ Dee Owen, Fremont County Auditor				