

**ORDINANCE NO. 7-2008**

**AN ORDINANCE PROVIDING FOR OPERATION  
AND MAINTENANCE OF A SECURITY ENTRANCE  
SYSTEM IN CLARK COUNTY GOVERNMENT BUILDING**  
**(Short title: "Building Security Ordinance")**

**WHEREAS**, the Board of Commissioners ("Board") is the County Executive under I.C. 36-2-2-2 and serves as the Legislative body under I.C. 36-1-2-9;

**WHEREAS**, the Board is authorized to enact ordinances that have the force of law pursuant to I.C. 36-1-3-6(b)(1) and pursuant to authority granted in I.C. 36-2-4 et seq.

**WHEREAS**, the Board is, additionally, authorized to transact all business of the county under I.C. 36-2-2-2;

**WHEREAS**, the Board is authorized to enact Ordinances and make orders concerning county property, generally under I.C. 36-2-2-20;

**WHEREAS**, the Board is authorized by law to establish and maintain a county courthouse, county jail and public offices for the performance of legal duties by various county officers and as a part of their service to the public and citizens of Clark County Indiana. This authority is derived from I.C. 36-2-2-24. The Clark County Government Building ("Building") is under the jurisdiction and control of the Board by this statute and related statutes;

**WHEREAS**, the Sheriff of Clark County ("Sheriff") is required by law, when requested by the Board as County Executive, to execute orders of the County Executive pursuant to I.C. 36-2-2-15(d);

**WHEREAS**, a need exists, with respect to the County Government Building in Clark County, Indiana, to establish and maintain a secured entrance system into said building during all business hours and to provide a controlled means of ingress/egress to prevent the bringing of weapons and other dangerous instrumentalities or materials or substances into said County Government Building;

**WHEREAS**, under I.C. 36-8-2-4, a county unit may regulate conduct or use or possession of property that might endanger the public health, safety or welfare;

**NOW THEREFORE BE IT ORDAINED BY THE BOARD AS FOLLOWS:**

1. That each and every recital set forth hereinabove is incorporated into this Ordinance and made a part hereof;
2. That the term "weapon" shall include all firearms as defined by I.C. 35-47-1-5, including shotguns, defined by I.C. 35-47-1-11, rifles, pistols, sawed off shotguns, defined by I.C. 35-47-1-10, handguns defined by I.C. 35-47-1-6, all electronic stun guns, tasers and electronic stun weapons defined in I.C. 35-47-8-1 through I.C. 35-47-8-3, inclusive, or any deadly weapon as defined by I.C. 35-41-1-8, knives, guns, explosive devices and other instrumentalities capable of causing physical harm to any person or groups of persons;
3. This the term "substances" shall include illegal drugs, controlled substances as defined under the Indiana Code or other materials, vapors, gases, compounds, liquids or solids that are capable of inflicting harm upon persons or groups of persons;
4. The term "law enforcement officer" is defined herein to mean the definition provided by I.C. 35-41-1-17, Clark County reserve officers and corrections officers certified by the Sheriff. This definition does not include out-of-county reserve police officers, special appointed deputies or other persons;
5. All weapons and substances defined by this Ordinance are completely banned by this Ordinance from being brought, carried or delivered into the Building, except when in the possession of law enforcement officers (as defined above), or Probation Officers when authorized, on a per-person basis by specific order of court, effective at 8:00 a.m. on September 23, 2008;
6. Effective, September 23, 2008 at 8:00 a.m., the Sheriff of Clark County is ordered to maintain, staff and operate a secured entrance system into the Building with metal detector, scanner, personal property search and other personal scanning or search capabilities ("security system") at the main entrances opening from Court Avenue and from the courtyard in the rear of the building adjacent to the Becher Adult Law Enforcement Facility (the "secure entrances") in Jeffersonville, Indiana in order to prevent the bringing of instrumentalities and substances defined in this Ordinance into the Building. All other entrances to said Building are ordered CLOSED during all operating hours, effective 8:00 a.m. on September 23, 2008;

7. Effective at 8:00 a.m. on September 23, 2008, all persons seeking entrance to the Building shall be required to use only the above-described secure entrances. The Sheriff is ordered to enforce these entrance terms, subject only to secured exceptions in emergency circumstances, as determined by the Sheriff or his staff on site;
8. The Sheriff is further ordered and authorized to utilize all law enforcement powers granted to him, and his designated officers staffing the secure entrances to said Building, to cause persons to walk through metal detectors, be subject to scanning for weapons or substances, to empty their pockets and have the contents thereof, as well as briefcases, purses, bags, wallets, packages and other containers (“containers”), subject to scanning and searching as a precondition to entrance into the Building during all business hours;
9. Any person refusing to subject himself/herself to these security entrances, the metal detector process, scanning and/or searching shall be refused entrance into the Building;
10. All searches of persons performed by the Sheriff shall be reasonable in all respects and shall utilize professional scanning devices and/or pat-down procedures that are appropriate in the circumstances;
11. The term “ordinance violation” shall mean any act or omission by any person that:
  - a. Does not comply with directions of law enforcement officers operating the security system;
  - b. Brings a weapon prohibited by this Ordinance into the Building without valid authorization or legal permit or specific authorizing order of court;
  - c. Interferes with a law enforcement officer operating the security system;
  - d. Seeks to avoid requirements of this Ordinance in subjecting one’s person or containers to search and/or scanning authorized herein;
  - e. Creates disruption to orderly operation of the security system by law enforcement officers or those called to assist law enforcement officers;

- f. Possesses a weapon or substance upon entrance to the Building or as discovered during application of the security system to any person;
12. Upon discovery by the Sheriff, or his staff, of any weapon or substance in the Building, by any person attempting to enter the Building or by any person inside the Building, such weapon or substance shall be seized immediately;
13. Any weapons discovered or identified by the Sheriff and/or his staff at the secure entrances shall be seized and confiscated by the Sheriff, to be held by his offices until (a) proof of a valid permit is presented upon exit from the Building (b) disposition is effected by his normal administrative procedures or (c) disposition is directed by order of court after all hearings are concluded;
14. Any person violating the terms hereof may be charged with an Ordinance violation, the civil prosecution of which shall be under the following terms:
  - a. A written citation shall be issued and served upon such person, directing such person to appear in the Clark Superior Court No. 3 at a designated time and date ("court date");
  - b. On the court date, the Board, through an attorney authorized and designated by it for such purposes, shall be required to prove the Ordinance violation by a preponderance of evidence for the court in a trial without a jury;
  - c. Upon proof of such ordinance violation, the court having jurisdiction of such civil hearing (i) shall enter judgment of violation against the person charged with the violation and shall administer and assess a fine of not less than \$250.00, nor more than \$500.00 per violation proven; (ii) assess court costs and attorney fees incurred by the County in the civil prosecution of violations of this Ordinance; and (iii) enter of orders of disposition of any weapons or substances seized during application of this Ordinance by the Sheriff as may be appropriate as determined by the court;
15. Officeholders approved by the Board, shall, for their benefit and for benefit of staff, be issued access key cards to be used after business hours in the Building in order to conduct public business

in their respective offices. Additionally, other staff persons approved by the Board shall be issued access key cards for such uses after business hours. The Sheriff and Building Authority Superintendent shall keep coordinated records of all such officcholders approved by the Board;

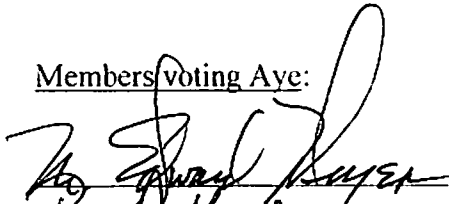
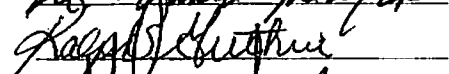
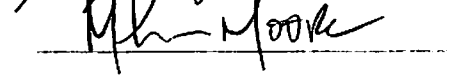
16. Nothing contained herein may be construed to limit, in any way, the powers of the Sheriff and his authorized law enforcement officer deputies to perform all other functions of law enforcement, with respect to the criminal laws of this state, during all times of operation of the "security system" at the secure entrances described above or in any location in the Building at any time;
17. The Sheriff is further directed to coordinate with the Building Authority Superintendent a record keeping system, via monitoring security cameras, to be kept as records for purposes of this Ordinance, at all times (both during business hours and after) in the Building;

This Ordinance shall be effective after issuance and publication required by law.

**THIS ORDINANCE PASSED** by a vote of 3-0 of the Board on the 18 day of September, 2008. This Ordinance made effective as of the 18 day of September, 2008.

BOARD OF COUNTY COMMISSIONERS

Members voting Aye:

  
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Members voting Nay:

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ATTEST:

  
\_\_\_\_\_  
Clark County, Indiana Auditor

IC 35-41-1-17

**C**

West's Annotated Indiana Code Currentness

Title 35. Criminal Law and Procedure

<sup>Ⓜ</sup> Article 41. Substantive Criminal Provisions (Refs & Annos)        <sup>Ⓜ</sup> Chapter 1. Jurisdiction and Definitions (Refs & Annos)**→ 35-41-1-17 "Law enforcement officer" and "Federal enforcement officer" defined**

Sec. 17. (a) "Law enforcement officer" means:

- (1) a police officer, sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, the securities commissioner, or the inspector general;
- (2) a deputy of any of those persons;
- (3) an investigator for a prosecuting attorney or for the inspector general;
- (4) a conservation officer;
- (5) an enforcement officer of the alcohol and tobacco commission; or
- (6) an enforcement officer of the securities division of the office of the secretary of state.

(b) "Federal enforcement officer" means any of the following:

- (1) A Federal Bureau of Investigation special agent.
- (2) A United States Marshals Service marshal or deputy.
- (3) A United States Secret Service special agent.
- (4) A United States Fish and Wildlife Service special agent.
- (5) A United States Drug Enforcement Agency agent.
- (6) A Bureau of Alcohol, Tobacco, Firearms and Explosives agent.
- (7) A United States Forest Service law enforcement officer.
- (8) A United States Department of Defense police officer or criminal investigator.
- (9) A United States Customs Service agent.
- (10) A United States Postal Service investigator.
- (11) A National Park Service law enforcement commissioned ranger.
- (12) United States Department of Agriculture, Office of Inspector General special agent.

**BOARD OF COMMISSIONERS  
CLARK COUNTY**

City-County Building  
Jeffersonville, Indiana 47130  
812-285-6276 812 285-6275  
FAX 812-285-6366

RALPH GUTHRIE  
M. EDWARD MEYER  
MIKE MOORE

HYUN T. LEE, Engineer  
DANIEL E. MOORE, Attorney

September 19, 2008

The Evening News  
221 Spring Street  
Jeffersonville, IN 47130

Dear Evening News:

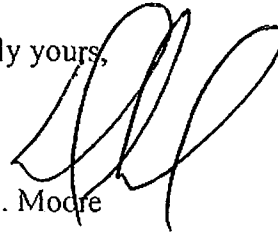
Enclosed is a copy of Clark County Commissioner Ordinance 7-2008, approved unanimously by the Clark County Board of Commissioners on September 18, 2008.

Pursuant to I. C. 5-3-1-2(h) please publish this entire Ordinance in the Evening News one (1) time, in your legal publications section upon receipt hereof.

After publication, please forward the following:

1. Proof of publication to the Clark County Auditor, attn: Shirley Bell;
2. The billing for publication to the Clark County Commissioners, Attn: Margie Jenkins.

Very truly yours,

  
Daniel E. Moore

DEM:ps  
Enclosure  
cc: Commissioners