

OPINION 3

OFFICIAL OPINION NO. 3

June 5, 1975

Mr. Milton M. Mitnick
State Director
Department of Civil Defense
90 State Office Building
Indianapolis, Indiana 46204

Dear Mr. Mitnick:

This is in response to your request for my official opinion on the following questions:

- “1. Is the Indiana Civil Defense Act of 1951 sufficient authority for a county to organize and maintain a civil defense organization?”
2. Is a county required to enact an additional ordinance to institute a civil defense organization?”

ANALYSIS

The Indiana Civil Defense Act of 1951 is found in the Indiana Code of 1971, Section 10-4-1-1 through 10-4-1-22. The answer to your first question is found in the Indiana Code of 1971, Section 10-4-1-10(a) which provides as follows:

“Each county of this state is hereby authorized and directed to establish and maintain a ‘county civil defense advisory council’ and a county civil defense organization in accordance with the state civil defense plan and program. Each political subdivision within each county is authorized and directed to organize local civil defense organizations and activities in accordance with the county and state civil defense plan and program and under the direction of the county civil defense organization.”

It is clear in reading the language in the statute cited above that the Indiana Civil Defense Act of 1951 is sufficient authority for a county to organize and maintain a civil defense organization.

1975 O. A. G.

Your second question concerning the necessity of a county to enact an additional ordinance to justify a civil defense organization is also answered by Indiana Code of 1971, Section 10-4-1-10(a) cited above. Since this statute "directs" each county of the state to establish a county civil defense organization, a county council must enact an ordinance to create a civil defense organization just as it must enact an ordinance to create any other county organization or department.

CONCLUSION

It is, therefore, my official opinion that the Indiana Civil Defense Act of 1951 is sufficient authority for a county to organize and maintain a civil defense organization. A county or other political subdivision must also enact an ordinance to create a civil defense organization.