

## **ORDINANCE NO. 87-24**

### **EMERGENCY MANAGEMENT ORDINANCE**

The County Board of Supervisors of the County of Jefferson, State of Wisconsin, do ordain as follows:

The 1979 Civil Defense Ordinance adopted January 16, 1979, is hereby repealed and recreated as the "Emergency Management Ordinance".

**SECTION 1. TITLE.** This ordinance shall be known as, referred to or cited as the "Emergency Management Ordinance".

**SECTION 2. AUTHORITY.** This ordinance is enacted pursuant to the provisions of Chapter 323 of the Wisconsin Statutes. [am. 10/11/2011, Ord. 2011-16]

**SECTION 3. PURPOSE AND DEFINITIONS. (1) PURPOSE.** It is determined and declared to be necessary to establish an organization for emergency management to prepare the County of Jefferson and towns, cities and villages within said county to cope with emergencies resulting from enemy action and natural or man-made disasters.

**(2) DEFINITIONS.** (a) The term "enemy action" means any hostile action taken by a foreign power which threatens the security of Jefferson County or a portion thereof.

(b) The term "natural or man-made disasters" includes floods, tornadoes, snowstorms, fires and other extraordinary natural or man-made disasters not included in the term "enemy action".

(c) The term "emergency management" means all those activities and measures undertaken by or on behalf of the County, designed: 1. to minimize the effect upon persons and property of enemy action or natural disasters, 2. to deal with the immediate emergency conditions created by enemy action or natural disasters, and 3. to effectuate emergency repairs to, or emergency restoration of, vital public utilities and facilities destroyed or damaged by enemy action or natural disasters.

**SECTION 4. EMERGENCY MANAGEMENT COMMITTEE. (1) How Constituted.** There is hereby created an Emergency Management Committee. The Law Enforcement Committee of the County Board, as established by the County Board Rules, is hereby designated the Emergency Management Committee. As provided in Section 323.14(1)(3), Statutes, the County Board Chair shall designate a member of the committee to act as chairperson when this committee is convened as an Emergency Management Committee. [Amended 02/14/06, Ord. No. 2005-45; am. 09/13/10, Ord. No. 2010-14]

**(2) Duties of Emergency Management Committee.** The Emergency Management Committee is hereby delegated policy-making and rule-making authority for the implementation of Chapter 323 of the Wisconsin Statutes. Said committee shall plan and execute activities in accordance with said section. Said committee shall be subject to the powers of the County Board

and shall comply with the personnel, purchasing and budgeting rules established by said Board. The committee shall utilize the services of the County Administrator and shall exercise general supervision and control over the Emergency Management Director. [am. 09/13/10, Ord. No. 2010-14]

**SECTION 5. EMERGENCY MANAGEMENT DIRECTOR. (1) Position Created.**

There is hereby created the position of Emergency Management Director. The Director shall be the principal executive officer of the Emergency Management Department and shall carry out the powers and duties set forth in Chapter 323 of the Wisconsin Statutes and also the powers and duties set forth in the job description established by the Personnel Committee and the Emergency Management Committee. [am. 09/13/10, Ord. No. 2010-14]

**(2) Tenure.** The Emergency Management Director shall be a department head and a full-time or part-time County employee, as determined by the County Board. The salary and fringe benefits of the Director and his/her staff shall be set from time to time by the County Board. [am. 10/11/2011, Ord. 2011-16]

**(3) Appointment and Term.** The Director shall be appointed by the County Administrator, subject to confirmation by the County Board, and shall serve at the pleasure of the County Administrator. [Amended 02/14/06, Ord. No. 2005-45]

**(4) Statutory Provisions.** The provisions of Chapter 323 of the Wisconsin Statutes relating to emergency management personnel shall apply to the Director and his/her staff. [am. 09/13/10, Ord. No. 2010-14; am. 10/11/11, Ord. 2011-16]

**SECTION 6. DUTIES OF EMERGENCY MANAGEMENT DIRECTOR. (1)**

**County-wide Duties.** The Director, in his capacity as County Director, subject to the general supervision and rules of the County Board and subject to the direction and control of the County Administrator and the Emergency Management Committee, shall:

(a) Develop and promulgate emergency plans for the County, including planning for joint action municipalities consistent with the state plan of emergency management.

(b) Coordinate and assist in the development of non-joint action municipal emergency management plans within the County and integrate such plans with the County plan.

(c) Direct the County and joint action municipality emergency management planning programs.

(d) Direct County-wide emergency management planning training programs and exercises.

(e) Advise the State Administrator of the Division of Emergency Management, through the State Area Director, of all emergency management planning for the County and render such reports as may be required.

(f) In a state of emergency proclamation by the Governor, coordinate the County and joint action municipalities emergency actions and coordinate the non-joint action municipal emergency actions within the County.

(g) Coordinate County emergency management plans and programs with state and federal emergency plans and programs.

(h) Perform such other duties related to emergency management as may be required by the County Board or the Emergency Management Committee.

**(2) Municipal Duties.** The Director, in his/her capacity as coordinator for a municipality participating in joint action, subject to the general supervision and rules of the County Board and subject to the direction and control of the County Administrator and the Emergency Management Committee, shall [am. 10/11/11, Ord. 2011-16]:

(a) Coordinate the municipal emergency management organization.

(b) Develop, promulgate and integrate into the County plan, emergency plans for the operating services of the municipality.

(c) Coordinate participation of the municipality in such emergency management training programs and exercises as may be required on the County level.

(d) Direct the municipal emergency management training programs and exercises.

(e) Perform all administrative duties necessary for the rendering of reports and procurements of matching federal funds for each municipality requesting federal matching funds.

(f) In a state of emergency proclamation by the Governor, coordinate the activities of the municipal emergency management organization.

(g) Perform such other duties related to emergency management as may be required by the municipal governing body.

**SECTION 7. UTILIZATION OF EXISTING SERVICES AND FACILITIES. (1) Policy.** In preparing and executing the emergency management program, the services, equipment, supplies and facilities of the existing departments and agencies of the County shall be utilized to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with the Emergency Management Director and to provide such services and facilities as are needed.

**(2) Responsibility.** To make certain the existing County government facilities are fully utilized in the event of an emergency, specific responsibilities are assigned to department heads as follows:

County Administrator - - - - - Director of Supply

Sheriff - - - - -Director of Police

Highway Commissioner - - - - - Director of Engineering

Human Services Director - - - - - Director of Emergency Welfare

Coroner - - - - -Director of Mortuary

Other department heads not specifically names shall fulfill emergency and non-emergency duties as assigned under the County emergency plan.

**(3) Joint Action.** Towns, cities and villages entering into joint action with Jefferson County shall provide for utilization of existing services by enacting an ordinance comparable to this section of the County ordinance.

**SECTION 8. DECLARATION OF EMERGENCY.** Emergency Conditions Defined. An emergency shall be defined as a natural or man-made disaster that exceeds the capacity of the county to respond to in such a way as to save lives; to preserve property; and to maintain the social ecological, economic, and political stability of the County. [am. 10/11/11, Ord. 2011-16]

The County Board may declare, by resolution, a state of emergency for the County or any portion thereof in accordance with Chapter 323 of the Wisconsin Statutes. In the event an emergency occurs within Jefferson County at a time when the County Board is unable to meet for the purpose of making such a declaration in order to access state emergency resources, fix liability for emergency response costs or authorize emergency repairs to county facilities, the following persons may declare a state of emergency: [am. 10/11/11, Ord. 2011-16]

(a) County Board Chair.

(b) In the event the County Board Chair is unavailable, the First Vice-Chair of the County Board.

(c) In the event the County Board Chair and the First Vice-Chair are unavailable, the Second Vice-Chair of the County Board.

(d) In the event the County Board Chair or Vice-Chairs are unavailable, the County Administrator.

Such declaration shall be confirmed resolution of the County Board at its next regularly scheduled or special meeting. The duration of a declared state of emergency may not exceed the length of time beyond which emergency conditions exist or 60 days unless extended by County Board resolution. [Amended 02/14/06, Ord. No. 2005-45; am. 10/11/11, Ord. 2011-16]

General Powers. The emergency powers conferred herewith include the general authority to order, by ordinance, resolution, or proclamation, whatever is necessary and expedient for the health,

safety, welfare and good order of the county during such emergency. (Ord. No. 2011-16, 10-11-2011)

**SECTION 9. SUCCESSION TO COUNTY OFFICES.** (1) All County officers and department heads shall designate persons as emergency interim successors to his/her respective offices as provided by Section 323.54 of the Wisconsin Statutes. [Amended 02/14/06, Ord. No. 2005-45; am. 09/13/10, Ord. No. 2010-14; am. 10/11/11, Ord. 2011-16]

(2) If a County officer or department head is absent or unable to exercise the powers and perform the duties of his/her office because of an emergency, such successor shall have the powers and perform all the duties of the officer or department head. [am. 10/11/11, Ord. 2011-16]

**SECTION 10. PRESERVATION OF PUBLIC RECORDS.** During a state of emergency it shall be the duty of every County officer and department head to take immediate steps to keep and preserve all records customarily in his/her possession. [Amended 02/14/06, Ord. No. 2005-45; am. 10/11/11, Ord. 2011-16]

**SECTION 11. OBSTRUCTION PROHIBITED - PENALTIES.** (1) It shall be unlawful for any person willfully to obstruct, hinder or delay the Emergency Management Director or his/her subordinates in the implementation or enforcement of any order, rule, regulation or plan made pursuant to this ordinance or the Statutes of the State of Wisconsin or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this ordinance. [Amended 02/14/06, Ord. No. 2005-45; am. 10/11/11, Ord. 2011-16]

(2) Any person violating the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00, together with the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days.

**EFFECTIVE DATE.** This ordinance shall be effective upon adoption and publication as provided by law.

**Adopted February 9, 1988**  
**Last Amended October 11, 2011**