

CHAPTER 6 – EMERGENCY GOVERNMENT¹

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Section 1. Authority and Purpose. This ordinance is enacted under authority of Chapter 323 Wis. Statutes.

Section 2. That the Code of Ordinances of the County of Pepin be amended by rescinding and replacing all of Chapter 6 to read as follows:

Footnotes:

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Editor's note— Ord. No. 179, Am. #104, § 2, adopted Apr. 15, 2014, repealed the former Ch. 6, §§ 6.01—6.10, and enacted a new Ch. 6 as set out herein. The former Ch. 6 pertained to similar subject matter.

6.01 - PURPOSE

- (1) Emergency management refers to the coordination of effective preparedness, response and recovery efforts related to natural and technological disasters and supporting the local communities and their citizens within the county to help minimize the loss of lives and property. Emergency Management shall include Homeland Security and all measures undertaken by or on behalf of Pepin County and its local units of government to be prepared for and minimize the effect of a disaster or the imminent threat of a disaster, to cope with emergencies that result from natural and man-made disasters, acts of terrorism, and make repairs to or restore infrastructure or critical systems that are destroyed or damaged by a disaster.
- (2) By reason of the increasing possibility of disaster of unprecedented size and destruction and the frequent occurrences of natural disasters, and to insure that plans and organizations shall be adequate to cope with such disasters and to provide for the common defense, to protect the public peace, health, safety, and general welfare, and economic stability, and to preserve the lives and property of residents and visitors of Pepin County, it is hereby declared necessary:
 - (a) To provide for an office of Emergency Management in Pepin County.
 - (b) To facilitate preparedness in Pepin County through actions to mitigate, prepare for, respond to, and recover from disasters through emergency management planning.
 - (c) To provide for the exercise of necessary powers during all hazards and/or disasters; hazards are identified in the Pepin County Hazard Mitigation Plan, disasters encompass the following definition: severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this state or a portion of this state, or critical systems, including computer, telecommunications, or agricultural systems.

This chapter is enacted pursuant to the provisions of Chapter 323, and changes thereto, of the Wisconsin Statutes. Furthermore, this chapter shall be subject to Chapter 66 Home Rule requirements when addressing emergency situations or disasters in local units of government.

(Ord. No. 179, Am. #104, § 2, 4-15-14)

6.02 - EMERGENCY MANAGEMENT COMMITTEE

- (1) HOW CONSTITUTED. The Emergency Management Committee shall be the policy-making and rule making committee for the establishment and development of all programs and plans necessary for an effective office of Emergency Management in and for Pepin County. The Law Enforcement Committee is hereby designated as the County Emergency Management Committee. Members of the County Board will be appointed by the County Board Chairman to serve on this committee.

- (2) DUTIES. The County Law Enforcement Committee shall be an advisory and planning group and shall advise the County Emergency Director, the County Board and all participating local units of government on all matters pertaining to emergency management.

(Ord. No. 179, Am. #104, § 2, 4-15-14)

6.03 - EMERGENCY MANAGEMENT DIRECTOR

- (1) APPOINTED. There is hereby created the office of Emergency Management Director. The Director shall hold the office of Emergency Management Director for the County in addition to other duties and responsibilities for each participating local unit of government as set forth in the Wisconsin Statutes.
- (2) COUNTY EMPLOYEE. The Law Enforcement Committee shall recommend to the County Board a qualified person to be appointed as Director. The Director so appointed shall be an employee of the County and will be considered to be an employee of the County under civil service and shall be entitled to all rights, privileges and benefits that County employees have.

(Ord. No. 179, Am. #104, § 2, 4-15-14)

6.04 - COSTS

- (1) The County Board shall provide the funds for operations of the County Emergency Management Program and shall include the costs thereof in the general County tax levy.
- (2) Costs of equipment and services shall be borne 100% by the municipal government requiring such procurement with federal matching funds procured by the County Emergency Management Director, when applicable. Federal matching fund reimbursements shall be returned to the treasurer of the municipality procuring the equipment or services.

(Ord. No. 179, Am. #104, § 2, 4-15-14)

6.05 - DUTIES OF COUNTY DIRECTOR

- (1) The Director, subject to the control and direction of the Law Enforcement Committee and under the general supervision of the County Board, shall:
 - (a) Assume all duties and responsibilities of the head of County Emergency Management as set forth in Section 323.15 of the Wisconsin Statutes.
 - (b) Develop and promulgate emergency management plans for the County consistent with state plan of emergency management, planning guidance documents, and policies.
 - (c) Coordinate and assist in the development of emergency management plans for local units of government within the County and integrate such plans with the County plan.

- (d) Direct the County emergency management plan.
 - (e) Direct County-wide emergency management training programs and exercises.
 - (f) Advise the Administrator of the Division of Emergency Management, through the regional director, of all emergency planning for the County and render such reports as may be required.
 - (g) In case of a state of emergency proclaimed by the Governor direct the County emergency management activities and coordinate emergency management activities within local units of government in Pepin County.
 - (h) Coordinate County emergency management plans and programs with state and federal emergency plans and programs
 - (i) Perform such other duties relating to emergency management as may be required by the County Board or Law Enforcement Committee.
- (2) In the absence or incapacity of the Emergency Management Director, an individual designated by the County Board shall assume full responsibilities and authority of the Director.

(Ord. No. 179, Am. #104, § 2, 4-15-14)

6.06 - OTHER EMERGENCIES

If the Governor, the County Board Chairman or County Emergency Management Director determines an emergency exists growing out of a natural or man-made disaster, designated agencies (as noted in Pepin County Emergency Plans) shall cope with the problems of emergency within the County. Expenditures for such services rendered in participating local units of government shall be considered County expenditures.

(Ord. No. 179, Am. #104, § 2, 4-15-14)

6.07 - 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 personnel of each department are to be included in the planning process of County emergency operations.
- (2) **CONTINUITY OF OPERATIONS.** In the event that the emergency prevents the utilization of existing county facilities, the County Board shall take actions to designate temporary locations for government operations.
 - (a) The County Board may meet at any place within or without the territorial limits of the county on the call of the County Board Chair or vice chair in the case of succession. The County Board shall establish and designate, by ordinance, resolution or other manner, alternate or substitute sites or places as the

emergency temporary locations for regular government operations. If practicable, they shall utilize the sites or places designated as the emergency temporary locations of government in the current emergency management plan, such as the continuity of government/continuity of operations plan.

- (b) While the public business is being conducted at an emergency temporary location, the County Board and other officers of the county shall have, possess and exercise, at such location, all of the executive, legislative, administrative and judicial powers and functions conferred upon the Board and officers under state law. All government powers and functions, except judicial, may be exercised in light of the requirements of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law and pertaining thereto. All acts of the County Board and officers shall be valid and binding as if performed within the territorial limits of their county, town or municipality.

(Ord. No. 179, Am. #104, § 2, 4-15-14)

6.08 - DECLARATION OF EMERGENCY

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, preserve property, and to maintain social, ecological, economic, and political stability of Pepin County.

The County Board may declare, by resolution, a state of emergency for the County or any portion thereof in accordance with § 323.11 of the Wisconsin Statutes. In the event an emergency occurs within Pepin 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:

- (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

Such declaration shall be confirmed by resolution of the County Board at its next regularly scheduled or special meeting. The duration of a declared state of emergency issued by a local authority may not exceed the length of time beyond which emergency conditions exist or 60 days unless extended by appropriate legislative action.

(Ord. No. 179, Am. #104, § 2, 4-15-14)

6.09 - EMERGENCY REGULATIONS

Whenever necessary to meet a duly proclaimed emergency, the County Board may designate individuals to enact orders, rules, and regulations as deemed necessary to protect the public peace, health, and safety, preservation of lives and property, preserve economic stability, and ensure public cooperation. Such rules, regulations and orders shall be posted in three public places and may be changed, rescinded, or amended at any time by legislative action of the County Board.

(Ord. No. 179, Am. #104, § 2, 4-15-14)

6.10 - PENALTIES

No person shall willfully obstruct, hinder or delay the Emergency Management Director or support staff in the implementation or enforcement of any order, rule, regulation or plan issued pursuant to this chapter or to any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this chapter. For a violation of any of the provisions of this chapter perpetrators shall forfeit not less than \$100.00 nor more than \$500.00 and, in default of payment thereof, shall be imprisoned in the County jail for a period not exceeding 90 days.

(Ord. No. 179, Am. #104, § 2, 4-15-14)