

ORDINANCE #O-21-16

**TO REPEAL AND RECREATE CHAPTER 6 OF THE GENERAL CODE OF ORDINANCES FOR
MARATHON COUNTY: EMERGENCY MANAGEMENT**

WHEREAS, Chapter 6 of the General Code of Ordinances of Marathon County, entitled Joint-Action Emergency Government was enacted in 1993, pursuant to Ordinance # O-26-93, and has not been updated since 2002; and

WHEREAS, Wisconsin law have changed substantially since that time; and

WHEREAS, the Marathon County Emergency Management Director has undertaken the task of revising Chap.6 to conform to the state law and current practice in Marathon County; and

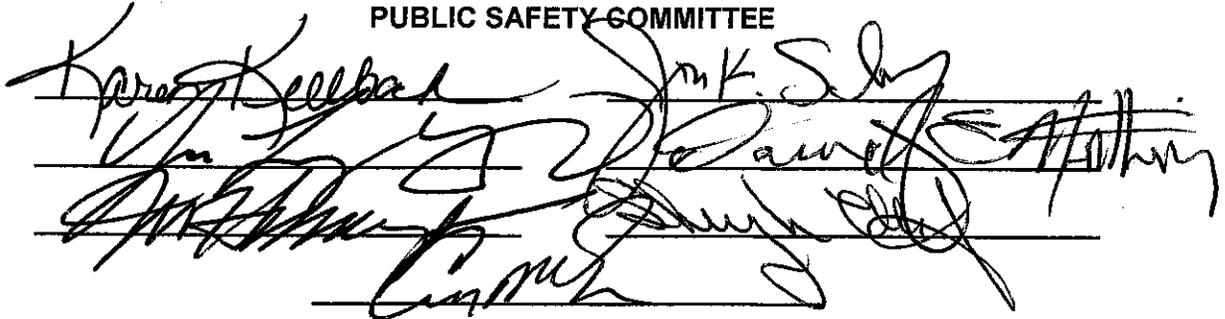
WHEREAS, on July 13, 2016, the Public Safety Committee voted to approve revisions and to forward to county board the draft as set forth in the Attachment hereto.

NOW, THEREFORE, the County Board of Supervisors of the County of Marathon does hereby ordain and resolve to: Repeal and Recreate Chap. 6 of the General Code of Ordinances to read as described in the Attachment hereto.

BE IT FURTHER ORDAINED AND RESOLVED that said ordinance shall take effect upon passage and publication as required by law.

Respectfully submitted this 23 day of August, 2016.

PUBLIC SAFETY COMMITTEE



Fiscal Impact: No anticipated budgetary impact for 2016.

Chapter 6 - EMERGENCY MANAGEMENT

EMERGENCY MANAGEMENT

Sec. 6.01. Policy and Purpose.

- (1) Office created. To ensure that the County will be prepared to cope with emergencies resulting from disasters, an office of Emergency Management is created to carry out the purposes in Chapter 323, Wisconsin Statute.
- (2) The governing body of any local unit of government may declare, by ordinance or resolution, an emergency existing within the local unit of government whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health, or police protection, or other critical systems of the local unit of government. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.
- (3) The County Board may declare, by resolution, a state of emergency for the County or any portion thereof in accordance with s.s. 323.11 of the Wisconsin Statutes. In the event an emergency occurs within Marathon 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 Vice-Chair of the County Board.
- (4) Definitions. As used in this chapter:
 - (a) "Disaster" means a severe or prolonged, natural or human-caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this county or a portion of the county, or critical systems, including computer, telecommunications, or agricultural systems.
 - (b) "Emergency" means 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, protect the environment, and to maintain social, ecological, economic, and political stability of Marathon County.
 - (c) "Emergency Management" means all measures undertaken by or on behalf of the State and its subdivisions to do any of the following:
 1. Prepare for and minimize the effect of a disaster or the imminent threat of a disaster.
 2. Make repairs to infrastructure or critical systems that are destroyed or damaged by a disaster.
 - (d) "Technical Rescue" involves, among other things, emergencies such as structural collapse, trench cave-in, confined spaces, industrial and agricultural machinery emergencies, and people trapped above or below grade level. Technical rescue incidents are often complex, requiring specially trained personnel and special equipment to complete the mission.

Sec. 6.02. County Emergency Management Committee.

- (1) How constituted. The Public Safety Committee of the County Board as created under its rules is hereby designated as the County Emergency Management Committee.

- (2) Duties of committee. The Public Safety Committee shall be an advisory and planning group that advises the County Emergency Management Director and the County Board on all matters pertaining to emergency management

Sec. 6.03. County Emergency Management Director.

- (1) There is hereby created the office of County Emergency Management Director.
- (2) Salary, term, appointment. County Emergency Management Director shall be a full-time position.
 - (a) Salary. The salaries of the Director and staff shall be as determined by the County Board.
 - (b) Term. The term of the Director shall be at the pleasure of the County Administrator.
 - (c) Appointment. The Director shall be appointed by the County Administrator subject to approval by the County Board.
- (3) Status. The Director shall be considered to be an employee of the County, entitled to all the rights, privileges and benefits County employees have. The Director shall report to the County Administrator.

Sec. 6.04. Sharing of Costs.

- (1) Office and staff.
 - (a) The County Board shall provide offices, office furniture, office assistance and such office supplies as may be necessary to carry out the functions of the Emergency Management Director.
- (2) Major equipment and services.
 - (a) Costs of equipment and services shall be borne 100 percent by Marathon County and shall be supplemented by federal matching funds when available. The Emergency Management Director shall budget for major equipment and service needs on behalf of Marathon County.
 - (b) In the event major equipment or services are to be shared with or given to other political subdivisions within Marathon County, such political subdivision shall pay for said equipment and services in proportion of their usage.
 - (c) Costs for major equipment and services which may be deemed to be necessary and expedient for the health, safety, protection, and welfare of persons and property within a local unit of government procured in an emergency as set forth below, shall be apportioned in accordance with the needs of that jurisdiction during the emergency.
 - (d) Where available, State and/or Federal disaster funds will be requested and applied to those costs.

Sec. 6.05. Heads of Emergency Management: Duties and Powers.

- (1) County Emergency Management. The Director, in his or her capacity as County Emergency Management Director, shall:
 - (a) Monitor and recommend any revisions to the county emergency management plan for county board action.
 - (b) Implement the emergency management plan adopted by the county board.

- (c) Perform other duties related to emergency management as required by the county board and emergency management committee.
 - (d) Ensure that emergency management plans require the use of the incident command system by all emergency response agencies, including local health departments, during a state of emergency declared under s. 323.10 or 323.11.
 - (e) Coordinate and assist in developing city, village, and town emergency management plans within the county, integrate the plans into the county plan, advise the department of military affairs of emergency planning in the county and submit to the adjutant general reports that he or she requires.
 - (f) Direct and coordinate emergency management activities throughout the county during a state of emergency.
 - (g) Direct countywide emergency management training programs and exercises.
 - (h) May enter into cooperative agreements under s.66.0301, stats, with cities, villages, or towns within Marathon County for emergency management services if approved by the governing body of both the county and city, village, or town.
- (2) City, Village, and Town Emergency Management. The head of emergency management in each city, village, and town shall:
- (a) Direct local emergency management training programs and exercises.
 - (b) Direct participation in emergency management programs and exercises that are ordered by the adjutant general or the county emergency management director.
 - (c) Advise the county emergency management director on local emergency management programs.
 - (d) Submit to the county emergency management director any report he or she requires.
 - (e) May enter into cooperative agreements under s.66.0301, stats, with Marathon County for emergency management services if approved by the governing body of both the county and city, village, or town.

Sec. 6.06. Utilization of existing services, personnel and facilities.

- (1) Policy. In preparing and executing the emergency government services 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 head and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.
- (2) Said departments will fulfill emergency and non-emergency duties as assigned under the Marathon County Emergency Operations Plan. Nothing in this section shall be construed so as to limit the Emergency Management Director from immediately starting organizational and planning programs as required by the State of Wisconsin Emergency Operations Plan adopted by the county board.
- (3) County succession to command. To insure continuity of government, the following shall be the succession to leadership for Marathon County.
 - (a) County Administrator.
 - (b) County Board Chairperson.
 - (c) County Board Vice-chairperson.

Sec. 6.07. Other emergencies.

- (1) Joint action municipalities. If the Governor determines that an emergency exists growing out of a disaster, the County Emergency Management Director will activate and direct emergency management services at the appropriate level of government affected by the emergency.
- (2) Non-joint action municipalities. In the event of a disaster, the County Emergency Management Director will coordinate the municipalities affected and render such assistance as is required and available from County resources.

Sec. 6.08. Violations/Penalty.

Whoever intentionally fails to comply with an order issued by an agent of the state or of a local unit of government who is engaged in emergency management activities under this chapter, including training exercises, is subject to a forfeiture of not more than \$200.

Sec. 6.09. Reserved.

Sec. 6.10. Powers of law enforcement officers.

During any state of emergency declared by the governor or during any training program or exercises authorized by the adjutant general, any law enforcement officer, when legally engaged in traffic control, escort duty, or protective service, may carry out the functions anywhere in the state but shall be subject to the direction of the adjutant general through the sheriff of the county in which an assigned function is performed.

Sec. 6.11. Administration of claim for reimbursement due to hazardous substance emergency response.

- (1) In this section:
 - (a) Discharge means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping.
 - (b) Hazardous substance means any substance or combination of substances, including any waste of a solid, semi-solid, liquid or gaseous form which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances which are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the Wisconsin Department of Natural Resources.
 - (c) Local agency means an agency of a county, city, village or town, including a municipal police or fire department, a municipal health organization, a county office of emergency management, a county sheriff, an emergency medical service or a public works department.
- (2) A person who possesses or controls a hazardous substance that is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to protect public health and safety and prevent damage to property.
- (3) If an action required under subsection (2) is not being adequately taken or the identity of a person responsible for a discharge of a hazardous substance is unknown and the discharge threatens public health or safety or damage to property, a local agency may take any emergency action that is consistent with the contingency plan for the undertaking of emergency actions in response to the discharge of hazardous substances established by the Department of Natural Resources under § 292.11(5), Wis. Stats., and that it considers appropriate under the circumstances.
- (4) A person who possessed or controlled a hazardous substance that was discharged or who caused the discharge of a hazardous substance shall, as provided under subsection (5), reimburse a local

agency for actual, reasonable and necessary expenses incurred under subsection (3).

- (5) (a) A local agency seeking reimbursement under subsection (4) shall submit a claim stating its expenses to the Marathon County Director of Emergency Management if the discharge occurred in Marathon County.
- (b) The Marathon County Director of Emergency Management shall review claims submitted under paragraph (a) and determine the amount of reasonable and necessary expenses incurred. The Director shall provide a person who is liable for reimbursement under subsection (4) with a notice of the amount of expenses he or she has determined to be reasonable and necessary that arise from one discharge and are incurred by all local agencies from which the Director of Emergency Management receives a claim.
- (c) If a person receiving a notice under paragraph (b) objects to the amount of expenses in the notice, the person may ask the Local Emergency Planning Committee to review the determination of the Director of Emergency Management. The Local Emergency Planning Committee may modify the determination and shall notify the person of the result of its review.
- (d) A person liable for reimbursement under subsection (4) shall pay the reimbursement directly to each local agency.

Sec. 6.12 Technical Rescue Services

- (1) To the extent that technical rescue services continue to be defined, the Marathon County Emergency Management Director shall have the authority to incorporate such services into the Emergency Management Plan and determine whether they should be provided.
- (2) Pursuant to Wisconsin Statute 323.72, the Marathon County Department of Emergency Management may contract with the State of Wisconsin Department of Military Affairs to provide a regional structure collapse team.

(July 13, 2016)