

CHAPTER 15  
EMERGENCY PLANNING, MANAGEMENT, AND GOVERNMENT

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15.01 PURPOSES AND AUTHORITY. The purposes of this Chapter are to:

- (1) carry out the provisions of emergency planning and notification as established and required by 42 USC §§ 11000 through 11050 and the hazardous substances information and emergency planning provisions of Wis. Stat. §§ 323.60 through 323.71 and any acts amendatory or supplementary;
- (2) prepare Sheboygan County to cope with emergencies resulting from enemy action and natural or man-made disaster by establishing an organization for emergency management pursuant to duties and responsibilities imposed upon counties under Wis. Stat. ch. 323;
- (3) allow for the continued operation of governmental functions during a state of emergency pursuant to the authority granted under Wis. Stat. §§ 323.52, 323.54, and 323.55.

**SECTION A—EMERGENCY PLANNING**

15.02 CREATING COMMITTEE. Pursuant to the provisions of Wis. Stat. § 59.54(8) there is hereby established a Local Emergency Planning Committee (LEPC).

15.03 MEMBERSHIP OF LEPC. The LEPC shall include representatives from each of the following groups or organizations, but not to exceed fifteen (15) members:

- (1) elected state and local officials
- (2) law enforcement
- (3) emergency management
- (4) fire fighting
- (5) first aid
- (6) health
- (7) local environmental
- (8) hospital
- (9) transportation personnel
- (10) broadcast and print media
- (11) community groups
- (12) owners and operators of facilities that generate, utilize, or transport hazardous substances (two representatives).

Membership to the Committee shall be by appointment by the County Board Administrator after consultation with the Law Committee subject to ratification by the County Board, except that if the County Board Chairperson wishes to appoint a County Supervisor as a representative of elected state and local officials, such appointment shall be made by the County Board Chairperson subject to ratification by the County Board. Appointments shall be made for a two- (2-) year term and shall be submitted for ratification at the County Board's May meeting in even numbered years unless the

appointment is made to fill a vacancy, and the members shall serve without pay unless otherwise specifically provided.

15.04 ORGANIZATION AND OPERATIONS PROCEDURES. The Committee shall convene an organizational meeting in June of even-numbered years and shall elect such officers as it deems appropriate and may from time to time meet and establish such rules as it deems necessary for the proper function of the Committee. Such rules shall include provisions for public notification of Committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the Committee, and distribution of the emergency plan.

15.05 DUTIES OF COMMITTEE. The Committee shall have the following duties and responsibilities:

- (1) Develop an emergency response plan which shall include the following:
  - (a) identification of facilities and extremely hazardous substances transportation routes;
  - (b) emergency response procedures;
  - (c) the designation of the Director of Emergency Management as the Community Emergency Coordinator;
  - (d) emergency notification procedures;
  - (e) methods for determining the occurrence of a release and the probable affected area and population;
  - (f) description of community and industry emergency equipment and facilities, and the identity of persons responsible for them;
  - (g) evacuation plans;
  - (h) description and schedules of a training program for emergency response to chemical emergencies;
  - (i) methods and schedules for exercising emergency response plans;
- (2) Establish procedures for receiving and processing requests from the public for information;
- (3) Evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and make recommendations with respect to additional resources and how to get them;
- (4) Receive notice of chemical release from facility to community emergency coordinator;
- (5) Make the Material Safety Data Sheet (MSDS) available upon request. If the requested MSDS is not in the possession of the LEPC, it must be requested from the facility;
- (6) Carry out all requirements of a committee under the federal act;
- (7) Upon receipt by the Committee or the Committee's designated community emergency coordinator of a notification under Wis. Stat. § 323.60(5) of the release of a hazardous substance, take all actions necessary to ensure the implementation of the local emergency response plan;
- (8) Consult and coordinate with the County Board, the County and local heads of emergency management services designated under Wis. Stat. § 323.14(1) or (2) and the County emergency management committee designated under Wis. Stat. § 323.14(3) in the execution of the local emergency planning committee's duties under this Section;
- (9) To carry out the powers and duties established for LEPCs under federal law 42 USC 11000 through 11050 and under Wisconsin law;

- (10) To apply annually to the state and federal agencies or commissions for any available emergency planning grant funds;
  - (11) Such other duties as may be delegated to it by the Emergency Management Committee of the County Board or by the County Board;
  - (12) Pursuant to the provisions of Wis. Stat. § 323.71(5) act as the reviewing entity to determine the amount of reasonable and necessary expense incurred by local agencies which submit claims seeking reimbursement for expenses incurred in connection with responses to and clean-up of discharges of hazardous substances. In carrying out its review, it shall make a determination as to the amount and submit such determination to the Emergency Management Committee which may accept, reject, or modify, as it deems appropriate, the determination of the LEPC, and the action of the Emergency Management Committee shall be deemed to be the final action of the reviewing entity. In carrying out its duties, the LEPC may direct the Director of Emergency Management to establish a procedure for submittal of claims for review and authorize the Director to audit and make recommendations prior to their presentation to the LEPC.
- 15.06 EXPENDITURES. Expenditures of the Committee shall be first authorized by the Emergency Management Committee of the County Board, subject to the budgetary control of the County Board.

### **SECTION B—ADMINISTRATION AND APPLICATION**

- 15.07 ADMINISTRATION AND ENFORCEMENT. This Ordinance shall be administered and enforced by the Emergency Management Committee, the Emergency Management Director, or any other duly authorized emergency management personnel.
- 15.08 DEFINITIONS.
- (1) The term "director" shall mean the Sheboygan County Director of Emergency Management.
  - (2) The term "committee" shall mean the Sheboygan County Emergency Management Committee. The Law Committee serves as the Emergency Management Committee for Sheboygan County.
  - (3) The term "board" shall mean the Sheboygan County Board of Supervisors.
  - (4) The term "emergency management" shall include "civil defense" and means all measures undertaken by or on behalf of Sheboygan County to prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population and to effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
- 15.09 EMERGENCY MANAGEMENT COMMITTEE - DUTIES. It shall be the duty of the Emergency Management Committee to:
- (1) adopt an effective program of emergency management within the County consistent with the state plan for emergency management;
  - (2) prepare budget requests for funds for the program and audit the expenditures thereof;
  - (3) suggest to the County Board nominations for Emergency Management Director;
  - (4) control and direct the activities of the Emergency Management Director and otherwise carry out the provisions of Wis. Stat. § 323.14.
- 15.10 EMERGENCY MANAGEMENT DIRECTOR - STATUS, DUTIES, AND POWERS. The Sheboygan County Emergency Management Director shall hold office and receive such compensation therefor as is determined by the County Board. Any person holding such office shall be qualified in accordance with standards established by the state or federal governments. The Director shall have the following duties, responsibilities, and powers under the overall direction and supervision of the Emergency Management Committee:

- (1) Develop, promulgate, and implement an emergency management plan for the County in accordance with requirements of the state and federal plans of emergency management.
- (2) Under the general supervision of the Emergency Management Committee coordinate and assist in the development of municipal emergency management plans within the County and the integration of such plans with the County plan and the state plan.
- (3) Direct the County emergency management program and all phases of emergency management related thereto, including the Sheboygan County Hazardous Materials Team, pursuant to state directive and subject to the overall supervision of the County Emergency Management Committee.
- (4) Direct county-wide emergency management training programs and exercises in accordance with directives from higher emergency management authority or as required by the County Emergency Management Committee.
- (5) Consult with the state director, area director, and municipal directors concerning all emergency management plans for the County and render such reports as may be required by the state or area director.
- (6) In case of a state of emergency proclaimed by the Governor or by the Board, direct all County emergency management activities carried on by County agencies or personnel and coordinate municipal emergency management activities within the County pursuant to directive of higher emergency management authority and in accord with integrated plans previously adopted.
- (7) Advise and consult with the County Emergency Management Committee concerning all phases of emergency management planning and activity and report to the County Board where necessary or required concerning emergency management within Sheboygan County.
- (8) Perform such other duties relating to emergency management as may be required by the County Board, the Emergency Management Committee, or higher emergency management authority or in pursuance of any mutual aid agreements made hereunder or as authorized by Wis. Stat. § 166.03(5).

### **SECTION C – EMERGENCY GOVERNMENT**

- 15.11 COUNTY BOARD CHAIRPERSON AUTHORITY. The County Board Chairperson or in his or her absence, the Vice Chairperson, or in his or her absence, the County Administrator, may declare an emergency pursuant to Wis. Stat. §§ 59.12(2)(a) and 323.52 and order the County Board to convene a special meeting for the limited purpose of considering a resolution to declare a state of emergency. The special meeting may be called at an emergency temporary location and without regard for the notices and time requirements otherwise mandated by statute. The conditions which would serve as a basis for a declaration of emergency or for a resolution declaring a state of emergency include, without limitation because of enumeration: conditions arising by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot, civil commotion, acts of God and conditions which impair transportation, food or fuel supplies, medical care, fire, health, or police protection or other vital facilities of the County.
- 15.12 COUNTY BOARD DECLARATION OF STATE OF EMERGENCY. The County Board may declare, by resolution, a state of emergency for Sheboygan County or any portion thereof if the County Board determines that an emergency exists. The duration of such state of emergency shall not exceed 60 days as to an emergency resulting from enemy action or 30 days as to emergencies resulting from natural or man-made disasters, unless either is extended by resolution of the County Board of Supervisors. The duration of a declared state of emergency may not exceed the length of time beyond when emergency conditions exist. A copy of the resolution shall be filed with the Governor. The resolution may be revoked at the discretion of the County Board Chairperson, or in his or her absence, the Vice Chairperson, or in his or her absence, the County Administrator by written order or the County Board of Supervisors by resolution.
- 15.13 POWERS IMPOSED UPON DECLARATION OF EMERGENCY.

- (1) Unless expressly limited in the resolution declaring the state of emergency, the resolution declaring the state of emergency shall confer upon the County Board Chairperson, or in his or her absence, the County Board Vice-Chairperson the power to appoint emergency interim successors to all vacant County offices to serve only during the term of the state of emergency.
- (2) Unless expressly limited in the resolution declaring the state of emergency, the resolution declaring the state of emergency shall confer upon the County Administrator all powers to undertake whatever is necessary and expedient for the health, safety, welfare and good order of the County during such emergency, including: requesting resources from the State of Wisconsin; suspending required permits, price controls or other restrictions, suspending requirements that any public work (repair and reconstruction) estimated to cost over Twenty-five Thousand Dollars (\$25,000.00) be let by contract to the lowest bidder; declaring priority of emergency management contracts over other contracts, allocating materials and facilities in his or her discretion; taking, using and destroying private property for emergency management purposes; contracting on behalf of the County with any person to provide equipment and services on a cost basis to be used in disaster relief. The County Administrator shall also oversee the County Emergency Management Director in the coordination of response and recovery activities.

- 15.14 TAKING LIMITATIONS. Any taking, use or destruction of property as a result of a disaster shall be in the name of Sheboygan County, unless the emergency is declared by the Governor, in which case the taking, use or destruction shall be in the name of the State. Records shall be kept of such action and such records shall be evidence of a claim against the County or State as provided above. Any such claim shall be referred to the County Board or to the State of Wisconsin as provided in state statutes.
- 15.15 PENALTIES. It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency management organization in the enforcement of any order, rule, regulation or plan issued pursuant to the authority contained in this ordinance. Whoever intentionally fails to comply with the directives of emergency management authorities promulgated under this section or Chapter 166, of the Wisconsin Statutes, during a state of emergency or during any training program or exercise shall, upon conviction, be subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), together with the costs of prosecution.

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History: Ord. 5 (2010/11)