

SHEBOYGAN COUNTY ORDINANCE NO. 5 (2010/11)

Re: **Updating Statutory References in Chapter 15, Emergency Planning, Management, and Government**

WHEREAS, through the enactment of 2009 WI Act 42, the Wisconsin legislature made a variety of changes to the statutes governing emergency management procedures, and

WHEREAS, part of 2009 WI Act 42, consolidated a variety of emergency management statutes under a new Wis. Stat. ch. 323, and

WHEREAS, it is appropriate that the County Board change the statutory references in the Sheboygan County Code to correspond to the new statutory references;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Updating Statutory References – Chapter 15.** Chapter 15, Emergency Planning, Management, and Government, of the Sheboygan County Code of Ordinances is hereby amended to update statutory references as follows (only those sections or portions of sections affected appear):

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. §§ ~~466.20~~ 323.60 through ~~466.22~~ 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. ~~466~~ 323;
- (3) allow for the continued operation of governmental functions during a state of emergency pursuant to the authority granted under Wis. Stat. §§ 59.12(2)(a), 59.52(29)(b), ~~466.06, 466.07, and 466.08~~ 323.52, 323.54, and 323.55.

15.05 (7) Upon receipt by the Committee or the Committee's designated community emergency coordinator of a notification under Wis. Stat. § ~~466.20(5)(a)2~~ 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. § ~~466.03(4)(a) or (b)~~ 323.14(1) or (2) and the County emergency management committee designated under

Wis. Stat. § ~~466.03(4)(e)~~ 323.14(3) in the execution of the local emergency planning committee's duties under this Section;

- (12) Pursuant to the provisions of Wis. Stat. § ~~466.22(5)~~ 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.

- 15.09 (4) control and direct the activities of the Emergency Management Director and otherwise carry out the provisions of Wis. Stat. § ~~466.03(4)~~ 323.14.

- 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 ~~466.06~~ 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.

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Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 21st day of September, 2010.

LAW COMMITTEE

Brian C. Hoffmann

Brian C. Hoffmann, Chairperson

Thomas V. Epping

Thomas V. Epping, Vice-Chairperson

Thomas Wegner

Thomas Wegner, Secretary

George Marthenze

George Marthenze

Mark Winkel

Mark Winkel

ENACTED 10.19.2010

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