

SHEBOYGAN COUNTY ORDINANCE NO. 14 (2007/08)

Re: **Amending Chapter 15, Emergency Planning, Management, and Government**

WHEREAS, current events demonstrate the need to remain vigilant to the potential of manmade or natural disasters and emergencies, and

WHEREAS, Sheboygan County can learn lessons from the disasters and emergency experiences of other jurisdictions, and

WHEREAS, the Sheboygan County Code Chapter 15 dealing with emergencies should be amended to better address potential emergency situations;

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

Section 1. **Amending Code.** Chapter 15 of the Sheboygan County Code of Ordinances is hereby amended as follows (only those sections or portions of sections affected appear; redlining indicates additions, strikeouts indicate deletions):

Chapter 15
EMERGENCY PLANNING, ~~AND EMERGENCY~~ MANAGEMENT, AND
GOVERNMENT

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

(a) carry out the provisions of emergency planning and notification as established and required by ~~federal law 42 USC §§ 11000 through 11050~~ and the hazardous substances information and emergency planning provisions of Wis. Stat. §§ 166.20 ~~and 166.21 through 166.22~~ and any acts amendatory or supplementary.

(c) 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), 166.06, 166.07, and 166.08.

15.03 MEMBERSHIP OF LEPC.

Membership to the Committee shall be by appointment by the County ~~Board Chairperson~~ 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 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 ~~at its April session in odd-numbered years appoint~~ 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.

(3) the designation of the Director of Emergency Management as the ~~coordinator~~ Community Emergency Coordinator;

15.08 DEFINITIONS.

(b) The term "committee" shall mean the Sheboygan County Emergency Management Committee. ~~The Law Committee served as the Emergency Management Committee for Sheboygan County.~~

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 166.06 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.

(a) 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.

(b) 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 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.

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

Respectfully submitted this 18th day of December, 2007.

LAW COMMITTEE

Glen Markus
Glen Markus, Chairperson

Brian C. Hoffmann
Brian C. Hoffmann, Vice-Chairperson

George Marthenze
George Marthenze, Secretary

Jacob Van Dixhorn
Jacob Van Dixhorn

Mark S. Winkel
Mark S. Winkel

ENACTED 1.15.2008

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