

CHAPTER 3

EMERGENCY MANAGEMENT

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3.01 Purpose.

The purpose of this ordinance is to provide for the public health, safety, and welfare in times of disasters, man-made or natural. In order to assure the public safety is assured during emergencies, a comprehensive system of emergency response planning and services is hereby authorized. This ordinance is enacted under the authority of and shall be construed in harmony with the provisions of Wis. Stat. Ch. 166.

3.02 Definitions. As used in this Chapter:

- (1) The term “declared emergency” means an emergency declared by this county pursuant to MCC § 1.04(h) or this subsection of the Manitowoc County Code. Notwithstanding any other provision of law to the contrary, the Manitowoc County Board of Supervisors is empowered to declare, by ordinance or resolution, an emergency existing within the county whenever conditions arise by reason of war, conflagration, flood, heavy snow storm, blizzard, catastrophe, disaster, riot, or civil commotion, acts of God, and including conditions, without limitation because of enumeration, which impair transportation, food or fuel supplies, medical care, fire, health or police protection, or other vital facilities in all or part of the county. 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.
- (2) The term “emergency management” includes natural or man-made disaster response and civil defense and includes all activities and measures designed or undertaken to minimize the effects of natural or man-made disasters or enemy action on the civilian population; to deal with any immediate emergency conditions created by any disaster or enemy action; to effectuate emergency repairs to, or restoration of, vital public utilities or facilities destroyed or damaged by any disaster or enemy action.

- (3) The term “enemy action” means any hostile action taken by a foreign power which threatens the security of the State of Wisconsin or any portion thereof.
- (4) The term “natural or man-made disaster” includes all extraordinary misfortunes, other than enemy action, affecting the county, whether natural in origin or produced by human action.
- (5) The term “Office” means the Manitowoc County Office of Emergency Management, unless the context indicates otherwise.

3.03 Emergency Management.

- (1) The Public Safety Committee of the Manitowoc County Board of Supervisors, oversees and is responsible for Emergency Management.
- (2) The Committee shall supervise the policy formulation of the Office and the Director, shall exercise financial oversight over the Office and generally assure that the responsibilities of the County under Wis. Stat. Ch. 166 are met. The Committee shall meet at the call of the County Board Chairperson.

3.04 Emergency Management Office; Creation.

There is created the Manitowoc County Office of Emergency Management. The Office shall consist of the Emergency Management Director, other appointed staff, and related personnel, as well as duly appointed agents of the Office.

3.05 Director.

- (1) The Office shall be supervised by an Emergency Management Director who shall be employed as an employee of Manitowoc County.
- (2) The Director shall serve at the pleasure of the Chairperson, and shall be subject to the supervision of the Chairperson and the Public Safety Committee.
- (3) The Director shall be a county employee. The salary and compensation of the Director shall be determined in accordance with the procedures detailed in MCC Ch. 5.
- (4) The Director shall be vested with all of the following duties and responsibilities:
 - (a) Coordinate and develop emergency management plans and activities throughout Manitowoc County; coordinate county-wide drills and exercises to improve the effectiveness of these plans and the responses made under the plans.

- (b) Assist municipal emergency management directors in the county with planning and organizing local emergency management responses, assist in the integration of local planning into county-wide planning, and encourage joint action agreements in furtherance of this Chapter of the Manitowoc County Code.
- (c) Recruit volunteers and conduct training programs for volunteers and agencies on a regular basis during peace time so as to develop a sufficient supply of trained volunteers and service providers to respond to natural or man-made disasters or enemy action.
- (d) Work with the Administrator of Wisconsin Emergency Management, State of Wisconsin Department of Military Affairs, and with the Regional Director of WEM regarding County Emergency Management and serve as the county's liaison to the State.
- (e) In the event of an emergency proclaimed by the President of the United States, the Governor of Wisconsin, Manitowoc County, or the governing body or the chief executive officer of any political subdivision entering into a joint action emergency response agreement with Manitowoc County, coordinate the County's emergency response and recovery efforts.
- (f) Prepare and submit project and grant applications on behalf of the County and monitor the expenditure of matching or grant funds for the County to assure that the conditions of grants or aid are met.
- (g) Attend meetings, seminars, training sessions, and other educational programming related to emergency management, including those required by the state.
- (h) Develop a public information program related to emergency management in order to advise the public of how they should properly respond to various emergencies which may arise.
- (I) Monitor the condition of equipment, supplies and materials use in emergency management response in Manitowoc County; advise on compatibility of emergency response equipment acquired by the various county departments and jurisdictions within Manitowoc County; recommend the replacement, repair or destruction of these materials, supplies and equipment.
- (j) Teach emergency management courses and provide other training to the public and emergency response personnel as is required.
- (k) Develop, revise, and maintain in compliant condition a Manitowoc County Emergency Operations Plan (EOP) that is consistent with the State of Wisconsin's EOP, Radiological Emergency Response Plan (REP), and the

Manitowoc County HazMat Plan, and submit those Plans and revisions thereof to Wisconsin Emergency Management.

- (1) Maintain and coordinate an Emergency Operations Center (EOC) at which staff and volunteers may quickly mobilize and implement emergency management plans.

3.06 Utilization of Existing Services, Facilities.

- (1) **Policy.** In order to economically discharge the responsibilities of Manitowoc County under Wis. Stat. Ch. 166 and this Chapter, it is declared to be the policy of Manitowoc County to utilize existing staff and services of the County to provide emergency management services to the maximum extent practicable. County officers and departments are directed to cooperate with the Emergency Management Director in the provision of emergency services as is required of them.
- (2) To assure that the fullest and most effective use of all County resources is made in response to emergencies, all department directors of Manitowoc County are directed and required to fulfill such responsibilities as are assigned to them under the Manitowoc County EOP. The Emergency Management Director shall assist the respective department directors in organizing and planning for the response of their respective departments, including assisting in recruitment of volunteers to supplement regular county employees in the event of an emergency. This section does not preclude the Emergency Management Director from immediately commencing organizational and planning programs required by the Manitowoc County EOP.
- (3) **Joint Action.** Municipalities desiring to enter into joint action response to emergencies with Manitowoc County may do so by executing a joint action agreement with the County and adopting a local emergency management ordinance which meets the requirements of Wis. Stat. Ch. 166. The County Board Chairperson and Clerk are hereby authorized to execute such agreements in the name of the county. All agreements and ordinances adopted prior to the effective date of this ordinance are hereby validated.
- (4) **Sponsorship of Hazardous Waste & Materials Response.** Pursuant to Wis. Stat. § 166.03 (8), Manitowoc County hereby elects to sponsor the Hazardous Materials Response Team of Manitowoc County, which shall consist of firefighting and other emergency response personnel from or designated by the various municipalities in Manitowoc County. The County shall sponsor all team members whose names have been approved by the hazardous materials team leader and filed in writing with the emergency management director. The team leader may designate persons to be members for specific types of incidents.

- (5) Volunteers to Register. Emergency Management volunteers of Manitowoc County shall execute a written registration attesting to their status as an emergency management volunteer to satisfy the requirement of Wis. Stat. § 166.03 (8)(d).

3.07 Financial Responsibility.

- (1) Office. Manitowoc County shall pay the cost of salaries, benefits, and other incidental expenses of the Director. Additionally, the County shall provide suitable office space and equipment, supplies, and materials for the Office.
- (2) The County shall endeavor to earn the maximum allowable amount of federal and state matching funds and other revenues to defray the cost of emergency management services.
- (3) The cost of acquisition and maintenance of emergency management equipment for a County political subdivision shall be borne by the municipality which has required the procurement of the equipment; and the Director shall assist in securing available state or federal aid to defray the cost of the purchase. Any state or federal reimbursement earned shall be paid to the local treasurer of the municipality which has acquired the equipment.
- (4) The County may not assess the cost of an emergency response by the County, the Sheriff's Department or the Hazardous Materials Team against any town, village, or city within Manitowoc County unless the emergency was caused by the act or negligence of the town, village, or city or the employees or officials of a town, village, or city. However, the County may subrogate against any insurer of a town, village, or city to recover compensation for county expenses which are reimbursable by insurance.
- (5) The cost of hazardous material responses shall be the responsibility of the party, agency, entity, or person which created the condition requiring the hazardous materials response. The cost of the response shall be charged to the party, agency, entity, or person according to the following schedule.
 - (a) Level One response. A Level One response is action by the Manitowoc County Emergency Management Department and/or the HazMat Team which involves advice, counseling, and consulting, typically over the telephone. The fee for a Level One response shall be established annually by the Public Safety Committee, but not less than \$25.00.
 - (b) Level Two response. A Level Two response is a response in which part of the HazMat team is called to a scene to assist in containing an incident involving hazardous materials. The cost of a Level Two response shall be the actual cost of:

1. Staff time, including the hourly rate for fringe benefits, of the staff involved in the response.
 2. A charge for response by the HazMat vehicle and or the Manitowoc County Mobile Command Post, in an amount to be determined annually by the Public Safety Committee based on the cost to operate the vehicle, depreciation and other factors bearing on the cost of activating the equipment.
 3. The replacement cost of all consumable supplies used in the response and the actual cost of any charges incurred by the Team.
 4. A use charge for reusable equipment, in an amount determined annually by the Public Safety Committee based on the operating cost of the equipment, its depreciation and other factors bearing on its cost.
- (c) Level Three response. A Level Three response is a response in which the entire HazMat team is called out to respond to a hazardous materials incident. The cost of a Level Three response shall be calculated in the same manner as a Level Two response, except that there shall be a minimum charge of \$500.00.
- (d) Household response. The Public Safety Committee may adopt a maximum charge for responses to hazardous materials incidents which occur in a residential household. A “residential household” shall be defined as an owner- occupied building of one or two dwelling units.
- (6) The Manitowoc County Executive Committee, together with the Chairperson of the Local Emergency Planning Committee and a public member appointed by the County Board Chairperson, shall constitute the “reviewing entity” as provided in Wis. Stat. § 166.22 (5)(a).

3.08 Emergency Response.

- (1) Joint action municipalities. In the event of an emergency caused by natural or man-made action, as declared by the President of the United States, the Governor of Wisconsin or the chief executive officer of Manitowoc County or any political subdivision which has entered into a joint action agreement, the Emergency Management Director shall activate the appropriate response procedures provided for in the County's EOP; the Director shall coordinate the responses of participating municipalities at the appropriate level of the affected unit or units of government.
- (2) Non-joint action municipalities. In the event of a natural or man-made disaster or emergency affecting a municipality which has not entered into a joint action

agreement under this Chapter, the Director shall offer and coordinate any assistance the County may provide to the affected municipality.

3.09 Nuclear Power Plant Emergency Preparedness.

The Director shall participate in emergency planning to prepare for contingencies which may arise from an emergency at the Point Beach and/or Kewaunee Nuclear Plants. In preparing such plans, the Director shall comply with applicable federal and state laws and regulations. The Director may perform services directly for the utilities operating the nuclear power generating plants if the County is reimbursed for the cost of the Director's time and expenses in providing such services.

3.10 Obstruction of Emergency Services.

- (1) It shall be unlawful for any person, association, corporation, or entity to hinder, obstruct, delay, or sabotage the response or attempted response of the Director or any member of the emergency management organization engaged in emergency management activities authorized under this chapter.
- (2) It shall be unlawful for any person to violate any rule, order, regulation, or plan issued in an emergency under the lawful authority of this Chapter or Wis. Stat. Ch. 166.
- (3) The penalty for violation of subsections (1) or (2) above shall be a forfeiture of not less than \$100.00 nor more than \$500.00. In default of the payment of such forfeiture, the violator may be imprisoned in the Manitowoc County jail for a period not exceeding 90 days.
- (4) The alleged violator may also be issued a citation for violation of subsections (a) or (b). Such citation shall conform to the requirements of this Code. The Emergency Management Director is hereby authorized to issue citations for violations of these subsections.

3.11 Prohibited Discharges.

- (1) No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public street, alley, or public property, or onto the ground, surface waters, sub-surface waters, or aquifers, or on any private property within Manitowoc County, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable, toxic, or combustible solid, liquid, or gas, any radioactive material at or above Nuclear Regulatory Commission Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.

- (2) Containment, Clean-Up, and Restoration. Any person, firm, or corporation in violation of the above section shall, upon direction of the appropriate federal or state agency and the Emergency Management Director and/or the Manitowoc County Hazardous Materials Response Team, begin immediate actions to contain, clean up, and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary staff and equipment to comply or to complete the requirements of this section, the Emergency Management Director may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by Manitowoc County.
- (3) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Management officers and staff and to County Sheriff's Department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up, and restoration activities.
- (4) Public Protection. Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life or property, the Director of Emergency Management, his/her designee, or the senior Sheriff's Department officer on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the County Board, Wisconsin Department of Natural Resources, or other appropriate federal or state agency can take appropriate action.
- (5) Enforcement. The Director of Emergency Management and his or her designees, as well as the Sheriff's Department officers, shall have authority to issue citations or complaints under this section.
- (6) Civil Liability. Any person, firm, or corporation in violation of this section shall be liable to Manitowoc County for any expenses incurred by the County or loss or damage sustained by the County by reason of such violations.
- (7) Penalties. Any person, firm, or corporation in violation of this section shall forfeit to Manitowoc County, upon conviction thereof, not less than two hundred dollars (\$200.00) or more than two thousand dollars (\$2,000.00), plus the costs of prosecution, and in default of payment thereof, imprisonment in the County Jail for ten (10) days. Each day of violation shall constitute a separate offense. If a spill is voluntarily reported to the Manitowoc County Emergency Management Director, the forfeiture shall be not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

HISTORY

08/18/1987: Chapter 3 codified by Ord. No. 87/88-81 effective August 25, 1987.

10/18/1988: Sec. 3.06(4) amended by Ord. No. 88/89-94 effective October 23, 1988.

01/17/1989: Sec. 3.11 created by Ord. No. 88/89-142 effective January 26, 1989.

10/17/1989: Sec. 3.07(4) created by Ord. No. 89/90-90 effective October 23, 1989.

12/19/1989: Sec. 3.07(5) created by Ord. No. 89/90-129 effective December 28, 1989.

03/19/1991: Sec. 3.07(6) created by Ord. No. 90/91-133 effective March 26, 1991.

06/16/1992: Chapter 3 amended by replacing all references to Emergency Government Committee with Executive Committee by Ord. No. 92/93-44 effective July 26, 1992.

01/25/1994: Secs. 3.04, 3.05(2), 3.05(4)(a)-(b), 3.05(4)(d)-(e), 3.05(4)(m)-(n), 3.06(2)-(5), 3.07(2)-(3), 3.07(6)(b)1, 3.08(1), 3.09, and 3.11(1) amended and secs. 3.05(4)(f), 3.05(4)(l), and 3.07(7) repealed by Ord No. 93/94-159 effective February 1, 1994.

06/20/1995: Sec. 3.02(1) repealed and recreated and sec. 3.05(4)(e) amended by Ord. No. 95/96-46 effective June 29, 1995.

03/21/1995: Secs. 3.03(1) and 3.05(2) amended by Ord. No. 94/95-155 effective March 29, 1995.